

EXHIBIT A

PREFILED TESTIMONY
OF
FAITH SPOTTED EAGLE

Docket No. HP14-001

**IN THE MATTER OF THE APPLICATION OF TRANSCANADA KEYSTONE
PIPELINE, LP FOR ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED
IN DOCKET HP09-001 TO CONSTRUCT THE KEYSTONE XL PIPELINE**

1. Please state your name and you home address.

A. My name is Faith Spotted Eagle. My home address is Box 667, Lake Andes, SD, 57356.

2. Are you a member of the Yankton Sioux Tribe or any other tribe?

A. I am an enrolled member of the Yankton Sioux Tribe.

3. What is your occupation or what kinds of work do you do?

A. Private consultant in PTSD Counseling for veterans and veteran's organization; Trainer/facilitator in Historical Trauma for all populations; school certified counselor work in schools, Dakota Language teacher, Manager of Brave Heart Lodge in Lake Andes.

4. Please describe your educational background and professional experience.

A. I have an MA in Educational Psychology and Counseling from USD, Vermillion, SD. I have held professional positions as a teacher, counselor, principal, manager of Human Service Programs, Family and Individual therapist, Grantwriter and currently am Chair of the Ihanktonwan Treaty Committee.

5. Did you provide a copy of your resume?

A. I have attached a biography, it is Attachment A.

6. On whose behalf was this testimony prepared?

A. This testimony was prepared on behalf of the Yankton Sioux Tribe.

7. Do you currently hold any positions with the Yankton Sioux Tribe?

A. I am an elected official by the General Council to be on the Ihanktonwan Treaty Committee and serve as the Chair for that body.

8. Please state the purpose of your testimony in this proceeding.

A. The main objective of the Yankton Sioux Tribe through this testimony is to provide information to the South Dakota Public Utilities Commission that the Applicant does not continue to meet all conditions upon which the permit was issued including violations of treaties, socio-cultural threats, and threats to safe drinking water, in particular reference to the potential coming of man camps which presents a safety conference of an at risk population already threatened by violence.

9. Please describe the professional work you conduct in the areas of historic trauma, cultural violence, socio-cultural violence.

A. I am a facilitator/trainer for the Tucson, VA for the purpose of assisting staff and veterans recover from Post-Traumatic Stress Disorder; along with serving as a consultant recovering from historical trauma and oppression all across the US and Canada. Some of these communities are Ponca Nation in NE; Spirit Lake Community in ND; Crow Creek Community in SD; Eepay Band/Rancheria in California; Tsu tina Nation near Calgary, Canada, among many others. I work with communities in developing strategies to stop "girl on girl" aggression, relationship violence and sexual and physical violence. As a grandmother of Brave Heart

Society we are responsible for the safekeeping of the environment, the water, safe communities and sacred sites.

10. Through your work in these areas, have you specifically organized gatherings to discuss concerns related of “man camps” or “construction camps” and their effect on the well-being of the communities surrounding these camps?

A. Yes. In August of 2013, the Brave Heart Society and the Treaty Committee organized and hosted the only conference that I know of to mobilize allies against the coming of man camps via KXL PIPELINE. Out of this gathering, strategic directions were developed to stop this threat in order to keep our communities safe.

11. Would you describe who attending those gatherings?

A. Our conference was attended by the US Attorney's Office out of Sioux Falls, SD. In fact Brendan Johnson was one of our speakers. Other attendees were women's shelters combatting sexual and physical violence from SD and ND. Also attending were recovering persons from sex trafficking situations. Treaty Councils, Tribal Council Members, Nebraska Bold and NEAT also attended, which are comprised of landowners and farmers. Many grassroots organizations like Dakota Rural Action and many others attended.

12. What information would you like to convey to the South Dakota PUC as a result of those gatherings?

A. It is frightening to think that no fore planning has been done to even recognize what happens when man camps are plopped into rural communities where wide gaps exist in law enforcement further impinged upon by cross-jurisdictional problems between reservation and state areas which are long standing issues. The Bakken experience proves that even non Natives are at risk. Many tribes do not have tribal/state agreements in order to handle cross jurisdictional major crimes. Mr. Johnson stated he could do nothing in the way of prevention until a crime occurred. We will not sit and wait for crimes to occur with close to 1800 men coming to treaty and unceded territory.

13. What specific information did you learn about the increase in police resources needed to address the increased crime that results from the placement of man camps near communities?

A. At our conference we had speakers and specialists who spoke of the impact of man camps near rural communities, in addition to the Bakken Range. Some of the speakers were from the Williston area. We also work with recovering sex workers who have first-hand knowledge.

14. What would you like the South Dakota Public Utilities Commission to know regarding anticipated increase in crime?

A. The Commission should anticipate a surge in crime, especially violent crime, in the communities near the man camps and not deny the fact that the current national statistics regarding Native people indicate that 3 out of 5 Native women will be raped in their lifetimes. I myself am a sexual abuse survivor and know that story well. As members of border towns, we are no strangers to violence. I can give details of an attack.

15. Have you reviewed Figure 2.1.5-1 entitled “Proposed Temporary Construction Camps”, attached hereto as Attachment B?

A. Yes.

16. What does this document depict?

A. From my understanding, it depicts the proposed locations of the Applicant’s man camps in South Dakota and Montana.

17. Are there any proposed man camp location(s) near the Yankton Sioux Reservation?

A. Yes, according to Attachment B, there is one proposed man camp to be located in Southeastern Tripp County. This location is equi-distant between the Rosebud Sioux Reservation and the Yankton Sioux Reservation, however, it is closer to the Yankton Sioux Reservation when traveling by vehicle.

18. What is your specific experience with the inhabitants of these man camps?

A. Man camps are inhabited by young and single men who are suddenly away from their families, spouses, and have the financial means to use and abuse illicit drugs. The result is easy to predict and does not require any scientific analysis – these young men, unfortunately, increase the crime rates including violent crimes, sexual crimes, and drug-related crimes. It is common sense that these men will need recreational outlets and will seek these at nearby casinos, including ours.

19. Why does this scenario especially troublesome for you and the Yankton Sioux Reservation?

A. Because the Yankton Sioux Tribe’s Fort Randall Casino and Hotel will be the closest large-scale entertainment center that offers a large selection of gaming, evening entertainment, bar and restaurant, and hotel in one place. I strongly believe that there will be undesired consequences that negatively and directly impact the Tribe’s socio-cultural as well as surge violent crime rates on an already overburdened police force.

20. Do you have jurisdictional concerns related to this point?

A. Yes, the nature of a tribe’s criminal jurisdiction is that it does not have criminal jurisdiction over crimes committed by non-Indians against Indians on the reservation. Even with the Congress’ passage of the Violence Against Women Reauthorization that allowed for expanded jurisdiction in certain circumstances, the reality is that the Yankton Sioux Tribe has not implemented VAWA. Even assuming it had, VAWA still requires the non-Indian perpetrator to be in a domestic relationship and have a tie to the reservation for the tribe to exert jurisdiction over the non-Indian.

21. What is the source or sources of your drinking water?

A. Lake Andes is a community that gets our water from the Missouri River.

22. Do you participate in ceremonies that involve the use of water?

A. All of our ceremonies are partaken with the existence of water presence. Our community sundances and other ceremonies are adjacent to the Missouri River.

23. What is the source or sources of water for those ceremonies?

A. The Missouri River.

24. In addition to the work you have already described, what other work do you do?

A. I am a member of the Tribe's governing body, its General Council, which consists of all adult members of voting age. I am also the Chairperson of the Ihanktonwan Treaty Steering Committee, which is appointed by the General Council. I am also a member of the Elder group and the Head of a revived Traditional Society, the Brave Heart Society which watches over sacred sites and burial sites.

25. Can you please explain the nature and purpose of the Ihanktonwan Treaty Steering Committee?

A. To oversee the protection of all treaty lands from depredation, exploitation and enforce the reason for the treaty.

26. Please describe the treaty you are referencing.

A. The 1851 Treaty of Fort Laramie is a binding peace treaty signed among the Dakota, Nakota, and Lakota and the United States to establish peace and identify boundaries for land to be used exclusively by the tribes who are signatories to that treaty

27. Please take a look at this document (Attachment C). Can you identify this document?

A. Yes, that is a copy of the 1851 Fort Laramie Treaty.

28. I'd like to show you A MAP that was provided by Keystone (Figure 2.1.1-2, FSEIS) (Attachment D). This is a map from Keystone that shows the planned route of the proposed pipeline project. What can you tell me about this map (Attachment D), of the pipeline route, compared with the Ihanktonwan Treaty Territory as defined by the 1851 Fort Laramie Treaty?

A. The proposed pipeline route clearly cuts corner-to-corner through our Treaty Territory.

29. Has the Ihanktonwan Treaty Steering Committee ever addressed the possibility of this proposed project being constructed?

A. Yes, this project has been of great concern to us as a Treaty Committee.

30. Why was this a concern to the Treaty Committee?

A. Because as that map demonstrates, the pipeline would trespass right through Treaty Territory guaranteed by the Fort Laramie Treaty as well as additional lands beyond that area that are unceded lands, and we still retain a multitude of rights on those lands based on the treaty that are protected by federal law and that are vital to our cultural, spiritual, and physical survival.

31. Can you describe some of these rights for us?

A. Hunting, fishing, gather medicinal plants, use of the water, burial responsibilities, oversight of sacred sites based on five historical preservation laws of the US that recognize our aboriginal right to protect these pre historical properties.

32. To your knowledge, has the Ihanktonwan Treaty Steering Committee ever given its approval for the construction of the proposed project?

A. No, never.

33. To your knowledge, has the governing body of the Yankton Sioux Tribe ever consented to construction of the proposed project through Ihanktonwan Treaty Territory?

A. No, never.

34. Does this conclude your prefiled testimony?

A. I reserve the right to supplement my prefiled testimony as well as offer additional testimony during the hearing in this case.