

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE)	
APPLICATION OF DAKOTA)	HP14-002
ACCESS, LLC FOR AN ENERGY)	
FACILITY PERMIT TO)	INTERROGATORIES OF
CONSTRUCT THE DAKOTA)	DAKOTA ACCESS LLC TO
ACCESS PIPELINE PROJECT)	ROSEBUD SIOUX TRIBE
)	(THIRD SET)

TO: ROSEBUD SIOUX TRIBE AND ITS ATTORNEY, MATTHEW L. RAPPOLD

YOU ARE HEREBY REQUESTED to answer the following written interrogatories which are to be answered by you within the time and in the manner required by SDCL § 15-6-33.

These interrogatories are directed to you, but are intended to likewise obtain any information with respect thereto now known by any other agents or representatives you may have in this matter. These interrogatories are to be deemed continuing and if you or said agents or representatives obtain any information with respect to them after making original answers, it is required that supplemental answers be made.

INTERROGATORY NO. 1: List the name, address, phone number and e-mail address of all those who provided information or contributed to your responses to these Discovery Requests.

ANSWER: Matthew L. Rappold; PO Box 873 Rapid City, SD 57709 (605) 828-1680.

INTERROGATORY NO. 2: Does the Tribe or any witness or potential witness have knowledge of cultural resources along the proposed route which are unknown to the State Historical Preservation Office or other authorities? If so, state locations or likely location.

ANSWER AND OBJECTION: The Tribe objects to the sought information on the grounds that there is insufficient foundational knowledge provided by Dakota Access to establish the extent of the State Historical Preservation Officer's knowledge of cultural resources located along the proposed route so as to answer the question as presented. Without this information it is impossible to answer the question. Additionally, the Tribe does not know what Dakota Access means by "other authorities" as that term is not defined by the question. It is equally impossible to respond to this question without the term "other authorities" being defined by Dakota Access and also providing the base level of subject matter knowledge for any possible "other authorities."

INTERROGATORY NO. 3: Where along the proposed pipeline route does the Tribe claim aboriginal land rights? Please provide the locations with legal descriptions, a map and provide documentation or a basis for the claim.

ANSWER: Answer is still being prepared for this interrogatory and will be prepared upon completion.

The sought information is being prepared and may be provided when completed.

INTERROGATORY NO. 4: Does the Tribe hold land which have been adjudicated at any point along the proposed pipeline route? If so, identify the result of such adjudication and describe the location of the land along the proposed route affected by the adjudication.

ANSWER AND OBJECTION: The Tribe objects to the sought information on the grounds that Dakota Access has not defined what it means by the term "adjudication" in the context of the question? Without such a definition it is not possible to answer the question.

INTERROGATORY NO. 5: If the proposed pipeline is constructed as described in the application and attached exhibits, do you contend it will violate current state or federal rules or regulations? If so, provide those rules or regulations and a factual basis for your contentions.

ANSWER AND OBJECTION: The Tribe objects to the question on the grounds that the question asserts a misinterpretation and misapplication of the statutory burden of proof placed on Dakota Access. In order for the PUC to issue the permit, Dakota Access is required to meet the statutory burden under SDCL 49-41B. The interveners do not have to establish that the applicant will violate current state or federal rules or regulations if the project is constructed.

INTERROGATORY NO. 6: Do you believe or contend the proposed facility, if constructed as described in the application and attached exhibits, will pose a threat of serious injury to the environment within or on the Rosebud Sioux Reservation? If so, please describe how you believe the environment within or on the Rosebud Sioux Reservation will be seriously injured.

OBJECTION: The Tribe objects to the question on the grounds that the question asserts a misinterpretation and misapplication of the statutory burden of proof placed on Dakota Access and requires hypotheticals, calls for speculation and requires assumptions that cannot be made.

INTERROGATORY NO. 7: Do you believe or contend the proposed facility, if constructed as described in the application and attached exhibits, will pose a threat of serious injury to the environment outside the Rosebud Sioux Reservation, within the state of South Dakota? If so, please describe how you believe the environment outside the Rosebud Sioux Reservation, within the state of South Dakota will be seriously injured.

ANSWER: The proposed facility, if constructed as described in the application and exhibits will pose a threat of serious injury to the environment in South Dakota for reasons that require speculation and calls for legal conclusions and cannot be answered.

INTERROGATORY NO 8: In the event of a pipeline leak or spill along the current proposed route, how would or might the Rosebud Sioux Tribe Reservation be directly impacted?

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the grounds that the Interrogatory call for an answer that is based on hypothetical's and calls for a speculative answer. Without waiving the objection, and not limited to the foregoing, a pipeline spill or leak may contaminate the waters in which the tribe has rights to under the Winter's Doctrine as it relates to reserved water rights and such a leak or break may also damage the land and natural environment along the proposed route. As a sovereign government recognized as such under federal, international and local law, the Rosebud Sioux Tribe has an interest in seeing that all laws relevant to the proceeding are examined, applied and enforced. A leak or spill in this regard directly impacts the Rosebud Sioux Tribe, its Reservation and its interests wherever located.

INTERROGATORY NO. 9: List all plant species which you claim have spiritual or religious significance which occur along the proposed pipeline route. Identify any locations where you claim each plant species currently exists.

OBJECTION: The Rosebud Sioux Tribe objects to the question on the grounds of confidentiality and the necessity to protect and defend cultural identity and property interests. Over the course of living throughout the region known as the Great Plains for numerous years, the people of the Rosebud Sioux Tribes as well as all tribal people and other tribes located in the region have gained unique knowledge and understanding of the plant species within this

geographic area, many of which possess unique spiritual or religious significance and are used for a variety of purposes. As such the Rosebud Sioux Tribe will not divulge this type of information to the applicant in these proceedings.

INTERROGATORY NO. 10: List all animal species which you claim have spiritual or religious significance which occur along the proposed pipeline route.

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the question on the grounds of confidentiality and the necessity to protect and defend cultural identity. Over the course of living throughout the region known as the Great Plains for numerous years the people of the Rosebud Sioux Tribes as well as all tribal people and other tribes located in the region have gained unique knowledge and understanding of the many animal species located within this geographic area, many of which possess unique spiritual or religious significance to many people. As such the Rosebud Sioux Tribe will not divulge this type of information to the applicant in these proceedings.

However, a commonly known bird species that is held in high regard by many people around the world is the eagle. Specifically identified along the route in South Dakota is the bald eagle. It is commonly known that the bald eagle is a bird that has spiritual significance to the people of the Rosebud Sioux Tribe and all other tribes in South Dakota.

INTERROGATORY NO. 11: What if any social and economic conditions within the Rosebud Sioux Reservation will be injured if the proposed project as described in the application and attached exhibits is constructed?

OBJECTION: The Tribe objects to the question on the grounds that the question asserts a misinterpretation and misapplication of the statutory burden of proof placed on Dakota Access.

In order for the PUC to issue the permit, Dakota Access is required to meet the statutory burden under SDCL 49-41B.

INTERROGATORY NO. 12: How will the health, safety or welfare of those residing within the Rosebud Sioux Reservation be impaired if the proposed project as described in the application and attached exhibits is constructed?

OBJECTION: The Tribe objects to the question on the grounds that the question asserts a misinterpretation and misapplication of the statutory burden of proof under SDCL 49-41B which is placed on Dakota Access.

INTERROGATORY NO. 13: Has the Rosebud Sioux Tribe adopted an economic or residential development plan? If so, provide it.

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the grounds that the Interrogatory call for an answer that is not relevant to the scope of the proceedings and the applicants burden of proof under SDCL 49-41B. The sought information is not likely to lead to the discovery of admissible evidence. These proceedings are governed by SDCL 49-41B. The sought information is not relevant to a determination as to the applicants burden of proof under SDCL 49-41B.

INTERROGATORY NO. 14: How will the proposed project as described in the application and attached exhibits violate the Tribe's claimed Winters Doctrine water rights?

ANSWER: Unable to respond as the question calls for answers based on facts not yet in evidence and calls for information that cannot be known at this time.

INTERROGATORY NO. 15: Has the Tribe adopted a plan for the "safe development of energy resources?" If so, provide it.

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the grounds that the Interrogatory call for an answer that is not relevant to the scope of the proceedings and the applicants burden of proof under SDCL 49-41B. These proceedings are governed by SDCL 49-41B. The sought information is not relevant to a determination as to the applicants burden of proof under SDCL 49-41B.

INTERROGATORY NO. 16: How will Rosebud Sioux Tribal member human rights be violated if the proposed pipeline as described in the application and attached exhibits is built and operated in South Dakota?

ANSWER: Unable to respond as the question calls for answers based on facts not yet in evidence and calls for information that cannot be known at this time.

REQUEST FOR PRODUCTION OF DOCUMENTS 1: Provide a copy of all documents in your possession which are referenced in any answer above or which supports any answer above.

REQUEST FOR PRODUCTION OF DOCUMENTS 2: Provide a map which depicts Rosebud Sioux Tribal land in relationship to the proposed pipeline route.

Responsive documentation to request for production one and two is being prepared and will be produced accordingly.

Dated this 1st day of September, 2015.

/s/ Matthew L. Rappold
Rappold Law Office
PO Box 873
Rapid City, SD 57709
(605) 828-1680
Matt.rappold01@gmail.com

CERTIFICATE OF SERVICE

I certify that on this 1st day of September, 2015, the original Answers and Objections to Dakota Access Third Set of Interrogatories and Request for Production of Documents on behalf of the Rosebud Sioux Tribe was sent to the following persons herein designated via email; to wit:

Brett Koenecke
Kara Semmler
Attorneys for Dakota Access, LLC.
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
brett@mayadam.net
Kcs@mayadam.net

Dated this 1st day of September, 2015.

/s/ Matthew L. Rappold
Matthew L. Rappold