

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 CONSTRUCT )  
THE DAKOTA ACCESS PIPELINE )  
PROJECT )

**REBUTTAL TESTIMONY OF**

**MICAH RORIE**

**ON BEHALF OF**

**DAKOTA ACCESS, LLC**

**DAKOTA ACCESS EXHIBIT #**

August 14, 2015

1 **Q. Please state your name and business address for the record.**

2 A. My name is Micah Rorie. I am employed by Energy Transfer Partners and my business  
3 address is 1300 Main St, Houston, TX. 77002.

4 **Q. What is your position with Dakota Access, LLC (“Dakota Access”)?**

5 A. I am the Senior Manager of Land and Right-of-Way.

6 **Q. Please briefly describe your educational experience.**

7 A. I have a Bachelor’s degree in Economics from Texas A&M University and have 8 years  
8 of experience in various facets of right of way acquisitions and management.

9 **Q. Please describe your duties with Dakota Access.**

10 A. I am responsible for the right-of-way acquisition and related work activities for Dakota  
11 Access.

12 **Q. Have you previously submitted direct testimony and exhibits in this proceeding?**

13 A. No, I have not.

14 **Q. What is the basis for your rebuttal testimony?**

15 A. Several affected landowners filed direct testimony in the proceeding making statements  
16 that need to be addressed and/or corrected by means of my rebuttal testimony.

17 **Q. Exactly what statements are you referring to?**

18 A. A common theme throughout their direct testimony was the concern about the impacts of  
19 the project to clay and/or cement drain tiles. Also, another concern brought forth with  
20 their testimony was the concern about crop production post pipeline construction.

21 **Q. How does Dakota Access look to address the landowners concerns?**

22 A. The Agricultural Impact Mitigation Plan (“AIMP”), attached as Exhibit D to the Direct  
23 Testimony of John H. Edwards “Jack” was developed by Dakota Access for the project

24 and addresses the concerns brought for the by the landowners related to drain tiles and for  
25 crop loss.

26 **Q. Where in the AIMP does it address these items?**

27 A. Section 6 f. – Temporary and Permanent Repair of Drain Tiles, Section 6 k. – Future  
28 Drain Tiles and Soil Conservation Structure Installation and Section 7 – Compensation  
29 for Damages specifically address the concerns of the landowners.

30 **Q. And how so?**

31 A. Section 6 f specifically states that Dakota Access will install, or compensate the  
32 landowner to install, with landowner consent, parallel tile drains along the proposed  
33 right-of-way in advance of pipeline construction in order to maintain the drainage of the  
34 field tile drain system. In addition, Section 6 also addresses the temporary repair of drain  
35 tile lines encountered during construction as well as the permanent repairs to any tile  
36 disturbed or damaged during construction. Any tile disturbed or damaged by pipeline  
37 construction will be repaired to its original or better condition. Dakota Access will utilize  
38 a Tile Inspector that will inspect each permanent tile repair for compliance prior to  
39 backfilling the trench area.

40 **Q. What about if it is later determined the drain tile system is not functioning**  
41 **correctly?**

42 A. If it is determined that the tile line in the area disturbed by construction is not functioning  
43 correctly or that land adjacent to the pipeline is not draining properly and can be  
44 reasonably be attributed to the pipeline construction, Dakota Access will make further  
45 repairs or install additional tile as necessary to restore subsurface drainage.

46 **Q. That addresses concerns about drain tile, now what about crop production?**

47 A. As I stated earlier, Section 7 – Compensation for Damages addresses the landowner  
48 concerns related to crop production in that it specifically states that Dakota Access will  
49 be responsible for compensation landowners for the value of crop loss during  
50 construction and will also compensate for the loss of use of agricultural land, if  
51 attributable to construction.

52 **Q. That response only addresses crop loss during construction. What about future**  
53 **crop production?**

54 A. As part of the calculation of payments to landowners, Dakota Access has committed to  
55 paying for crop damages for a three year period at 100% for the first year, 80% for the  
56 second year, and 60% for the third year.

57 **Q. One landowner expressed concern about rocks brought to the surface during**  
58 **construction. How does Dakota Access address that concern?**

59 A. Section 6 g. – Removal of Rocks and Debris from the Right-of-Way specifically  
60 addresses the manner in which rocks will be removed from the right-of-way and/or  
61 utilized during the backfilling process of construction. In addition, Dakota Access will  
62 examine areas adjacent to the pipeline easement and along access roads and will remove  
63 any large rocks or debris that may have rolled or blown from the right-of-way or fallen  
64 from vehicles.

65 **Q. What other areas related to Agricultural Mitigation Measures are addressed within**  
66 **the AIMP?**

67 A. Other Agricultural Mitigation Measures addressed within the AIMP are as follows:  
68 Clearing Brush and Trees along the Easement; Topsoil Separation and Replacement;  
69 Prevention of Erosion; Aboveground Facilities; Pumping Water from Open Trenches;

70 Restoration after Soil Compaction and Rutting; Restoration of Terraces, Waterways and  
71 other Erosion Control Structures; Revegetation of Untilled Land; Restoration of Land  
72 Slope and Contour; Siting and Restoration of Areas Used for Field Entrances and  
73 Temporary Roads; and Construction in Wet Conditions.

74 **Q. How will landowners be able to contact Dakota Access during construction if there**  
75 **is an issue?**

76 A. Section 4 – Points of Contact in the AIMP states that Dakota Access will provide each  
77 landowner a name, telephone number, email address, and mailing address of the Dakota  
78 Access landowner representative two weeks prior to construction. The Dakota Access  
79 representative will be the primary contact for landowners throughout construction. In  
80 addition, a team of experienced Environmental and/or Agricultural Inspectors (EI's/AI's)  
81 will be involved in project construction, initial restoration, and the post-construction  
82 monitoring and follow-up restoration. For agricultural related issues, the name and  
83 telephone number of the EI/AI assigned to the area will also be provided as a secondary  
84 contact during construction.

85 **Q. Does this conclude your testimony?**

86 A. Yes.

87

88 Dated this \_\_\_\_ day of August 2015

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91 Micah Rorie