

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

IN THE MATTER OF THE APPLICATION
OF DAKOTA ACCESS, LLC FOR AN
ENERGY FACILITY PERMIT TO
CONSTRUCT THE DAKOTA ACCESS
PIPELINE

HP14-002

**PRE-FILED TESTIMONY OF
Matthew L Anderson**

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

1 Matthew L Anderson, being first duly sworn on his/her oath, deposes and states as follows:

2 **Please state your name and address.**

3 Matthew L Anderson

4 25985 461 Ave

5 Hartford, SD 57033

6 **How are you involved with the Dakota Access Pipeline project?**

7 I am a landowner in Minnehaha County, South Dakota. The proposed Dakota Access
8 Pipeline will cross my land.

9 **Please describe the history of your family's land ownership, and whether farming
10 will be continued by younger generations.**

11 January 1992 Elwayne and Marjorie Berens, my grandparents, bought the south 40 acres
12 of my property from Robert and Lois O'Kane. In September, 1995, my grandparents
13 bought the north 40 acres from Robert and Lois O'Kane.

14 I lived on the south 40 acres with my mom and sister from 1992-1995.

15 My grandparents rented out the property with the intentions to eventually sell the home
16 farm located a mile west of my property. They had plans to retire on these 80 acres. Due
17 to their premature deaths due to cancer, my mother inherited the 80 acres in 2003.
18 As of January 2014, I and my wife own the 80 acres and live there with my daughter.
19 We built a new home on the property in 2011.

20 **Please describe your current farming operations.**

21 Currently our farm is primarily row crop production. Some of the land including the
22 proposed pipeline route is classified by the USDA as Highly Erodible Land. This land is
23 very sensitive and has been in No-till or Conservation Minimum Till since converted to
24 cropland.

25 **To the best your knowledge, what area(s) of your property will the Dakota Access
26 Pipeline cross?**

27 The proposed route is just to the west of our farm buildings and home. It would cross
28 some highly productive farm ground.

29 **How close is the pipeline to any building, bin or pen, water source, or farming
30 facilities (i.e., storage area, feedlot, grazing area, etc.)?**

31 The proposed route is within 1000 feet of our farm buildings and pond.

32 Also, the route is even closer to a neighboring home and a neighboring shelter belt that is
33 being developed for potential future building.

34

35 **Please describe any special characteristics of your property and farmland, and/or
36 whether you plan to build any houses, outbuildings, shelter belts, or other structures
37 on your property.**

38 Our property consists of a larger pond (1acre) in the front yard that was once used to
39 water the cattle that my grandfather owned. The pond drains into a creek that runs
40 around our entire farm site and through the middle of our crop ground. This creek then
41 flows into our neighbors property and eventually leads to Skunk Creek. Our house is only
42 5 years old. We have a healthy shelter belt to protect our farm. We have a large barn, a
43 small building that house our dogs, two large machine sheds and a grain bin. We have
44 plans to add another grain bin in the future. Any spill from the pipeline will harm all of
45 this because the route for the pipeline is scheduled on the northwest hill of our property.
46 Our home, buildings and trees are all down the hill. We have recently put drain tile
47 around our farm land and any spill will go directly into the creek, pond, tile lines along
48 with flow down toward our home and buildings.

49 **Please describe which of your farming operations or other land uses will be**
50 **impaired by the Dakota Access Pipeline and how they will be impaired.**

51 Our no-till, conservation minimum till farming operation will be greatly impaired. The
52 organic matter and soil structure that we have worked towards for many years will be
53 destroyed and then the heat from the pipeline will never allow us to bring back the soil to
54 its current state. Also because of the pipeline construction, rock will be brought up to
55 the surface along with weed seeds. From talking with landowners that have had oil
56 pipelines installed on their property, I believe contractors will not remove the rocks or
57 return the land to its original state.

58 **Has your farmland been improved with drain tile? If so, please describe whether**
59 **you are concerned that pipeline construction may damage and impair the drain tile**
60 **performance and investment.**

61 We have improved the farmland with drain tile. The tile will be affected by construction.
62 The proper slope of the pipe is critical. A change in slope of a fraction of an inch will
63 have an effect on tile performance. Also I am concerned that the tile may be relocated or
64 rerouted (Agricultural Impact Mitigation Plan 6,f,e,4). Tile systems are specifically
65 designed and any change to tile routing will affect tile line performance and what it was
66 installed to do.

67

68 **Do you believe that the Dakota Access Pipeline will pose a threat of serious injury to**
69 **the environment or the inhabitants within the siting area? If so, why?**

70 Yes. There will be a serious economic and environmental condition that will negatively
71 affect South Dakota. The proposed route will stop growth in some of the fastest growing
72 areas of South Dakota. Land values will be negatively affected for those with the
73 pipeline on their property, and for landowners near the pipeline. With less development
74 and lower property values, this will reduce state and local tax revenues permanently.
75 Dakota Access has stated that the pipeline will be depreciated over time and South
76 Dakota will end up with no tax revenue after a few years. Dakota Access won't be
77 paying tax on what goes through the pipe and landowners won't be fairly compensated
78 from a company running a business on their land.

79

80 **Do you believe that the Dakota Access Pipeline will substantially impair the health,**
81 **safety and welfare of the inhabitants of the siting area? If so, why?**

82 Yes, pipelines do leak. DAPL is putting a large burden on property owners and causing a
83 great deal of expense because of it. Property owners that want to protect their land are
84 forced to hire expensive lawyers and spend considerable time trying to protect their

85 homes. Since our pond and water ways are downhill from the proposed pipeline the oil
86 can and will leak into our water and affect our health. We also have a well on our farm
87 that the oil can get into. Several of our farm buildings and farm land are located in a
88 valley and that will be at great risk of any leaks and spills.

89 **Have you been sued by Dakota Access Pipeline to compel court ordered access to**
90 **your land? If so, (1) Has Dakota Access Pipeline provided you any legal authority**
91 **(i.e., state statute) supporting its claim that you have no right to exclude Dakota**
92 **Access from your land at the time of said lawsuit? and (2) Have you incurred legal**
93 **fees in defending against said lawsuit?**

94 Yes, my wife and I have been sued. DAPL has not proven any legal authority supporting
95 its claim. Also we have incurred legal fees in defending our self against this lawsuit.

96 This is a great example of Dakota Access Pipeline substantially impair the welfare of the
97 inhabitants of the siting area.

98
99 **Has any representative of Dakota Access Pipeline made any statements to you or**
100 **others that you believe are not true? If so, please explain.**

101 Yes, they have made many statements that I feel are untrue. For example, Mr. Mahmoud
102 stated at the January 22 meeting in Sioux Falls that "Once the pipe's in the ground, you
103 typically don't know it's there." This is not true for grain farmers and ranchers. You will
104 be able to see crop damage for many years. A lot longer than what Energy Transfer is
105 paying farmers for damage. In some cases the land will never be back to its most
106 productive state.

107 **Please state any other concerns you have regarding the Dakota Access Pipeline.**

108 According to Energy Transfer the oil would be destined for Texas refineries. This does
109 not make sense to transport the oil all the way to the south coast. There it will be refined
110 and put on the world market. Some of the refined oil may be sent back to the Midwest,
111 but this would just keep adding cost and increasing the risk of spills.

112
113 **Would you be available to present testimony and respond to questions during the**
114 **formal hearing scheduled for September 29 through October 8, 2015?**

115 Yes, if need be.

116
117 **Does that conclude your testimony?**

118 Yes.

119
120
121 Matthew L Anderson

122
123
124 Subscribed and sworn before me this 26th day of June, 2015.

125
126
127 Megan Martyna
128 Notary Public – South Dakota
129 My Commission Expires: 1-24-2020

