

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

**PRE-FILED TESTIMONY OF
Laurie Kunzelman**

COUNTY OF Lincoln) :SS

My great-grandfather, Henry Andreessen, homesteaded this land in 1883. He filed on the land (a half section – 320 acres) in 1882 and then moved onto it in 1883. Henry farmed it for 44 years. My grandparents, Martin and Elsie Andreessen, inherited the farm in 1927, when my mother was one year old. They retired from farming in 1948, but continued to own the land. My grandparents rented the land to a farmer, Richard Gores. My mother,

16 Delores, and her two sisters, Devona Smith and Margaret Hilt, inherited the farm in 1988,
17 when my grandmother passed away. My mother and aunts continue to rent the farmland
18 to a farmer, Doug Vanderwerff, who grows corn and soybeans on it. My sister, my two
19 cousins, and I will someday inherit the farm from my mother and aunts. We plan on
20 continuing to own the land and rent it out. My husband and I have been thinking about
21 building a home on the farm.

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

23 The farm is rented out for cash rent. The tenant farmer, Doug Vanderwerff, grows corn
24 and soybeans, and has a little hay land on the half section. This man has been farming
25 this land for about 30 years and plans to continue to do so, unless the pipeline would
26 change that.

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

29 The pipeline would cross the east quarter section (160 acres) of the farm from the
30 northwest corner to the southeast corner, effectively cutting that quarter section in half.

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

33 The pipeline would run approximately 50 feet from the land surrounding the farm
34 buildings and the windmill, which provides water for the house.

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 The farm has old cement tile going from a pond north of the house to the road ditch south
39 of the house. This old tile is fragile. The proposed pipeline **would** cross this tile. There

40 is also tile a short distance west of this tile. I'm not sure if the pipeline would cross that
41 tile or not. The tile could easily be damaged by excavation of the ground near it, heavy
42 equipment going over it, or settling of the ground afterwards.

43 My husband and I have been considering building a home on the southeast corner of the
44 farm, but the pipeline would prevent that. My mother and aunts have also considered
45 selling one acreage on the northeast corner of the farm. There are three housing
46 eligibilities remaining on that quarter section of the farm with possible future
47 development, since Highway 17 runs on the east side of the farm. A realtor has already
48 asked my mom if she was interested in selling the farm. There are housing developments
49 ½ mile east of the farm and another one planned ½ mile north of the farm. Even though
50 these are outside of the growth plan for Tea, they are still being developed. Pipeline
51 easements could restrict developments in the area.

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

54 Corn and soybeans are both grown yearly in alternating areas in that quarter section of
55 the farm. The pipeline would severely cut down on crop production of each of them.
56 The tenant would lose acres to plant, receive much less income from that quarter section,
57 and it would inconvenience him when trying to farm the land, with the pipeline cutting
58 that quarter section in half. Consequently, he would be unwilling to pay as much rent per
59 acre, so my mother would be losing income. The renter may decide that the hassle isn't
60 worth trying to farm the land that is cut in half by the pipeline. No one else would be
61 willing to farm it either, with that pipeline running through there. Then my mother and
62 aunts would lose total income from that farm for as long as it would take to find another
63 renter. Also, if they ever did try to sell any acreages, people would not want to buy and

64 build on the land with that pipeline under it. Dakota Access would not allow any
65 buildings on the easement, either.

66 When the land is dug up for the pipeline, it would damage the quality of the soil. The
67 topsoil and subsoil as well as lower layers would be mixed. This will hurt plant growth
68 for at least ten years. There will be some compaction of the soil, which would also impact
69 plant growth. Weed seeds will be brought to the surface, so there will be additional costs
70 to control them. The soil around the pipeline will be warmer and could cause more
71 insects and disease to survive in the soil. That could also affect plant production. Rocks
72 would be brought to the surface and need to be removed. I am afraid Dakota Access will
73 not do this, as happened with the Keystone pipeline.

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

77 Yes, this quarter has two areas of drain tile. The pipeline would cross at least one of
78 them. The tile is cement and quite old. We do not know exactly how deep the tile is
79 because it was installed many years ago. I am very much afraid that the tile would be
80 damaged. Then the water would not drain out of the low area and could reach the house
81 and other buildings as well as drowning out crops. This would cause a loss of income,
82 also. It would be difficult, and very costly to replace the drain tiles if they were damaged.
83 Land around the tile will settle and could cause the tile to break. I'm also afraid oil
84 could get into the tiles and into the water if the tiles were broken.

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

87 Yes, I definitely believe the pipeline would pose a threat to the environment and the
88 inhabitants of this farm because of the large amounts of volatile, toxic oil going through
89 this pipeline every day. The oil could leak onto the land and into the water as it has
90 often done in many other areas. The oil could flow into Little Beaver Creek which runs
91 through the farm only about 1/8 of a mile from the proposed pipeline. Then it could get
92 into Beaver Creek, and subsequently into the Sioux River and the aquifer. The Bakken
93 oil in this pipeline is a highly volatile substance. It has been found to be the most
94 explosive oil when compared to oil from 86 locations around the world. Pipelines
95 explode, rupture, and leak. Even with shut-off valves, a great deal of oil would escape
96 into the environment. If the pipeline exploded, it could definitely hurt or kill people and
97 animals in the area. Also, the oil is poisonous and carcinogenic to the people and animals
98 in contact with it. The oil contains benzene and other chemicals. Benzene is cancer-
99 causing, as well as causing many other health problems, including death. The
100 environment could be permanently damaged if there was a leak or spill, and could
101 probably never be farmed again. There are designated wetlands on the farm which could
102 be threatened by the pipeline.

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

105 Yes, it will most definitely impair the financial welfare of the tenant farmer and the
106 landowners (my mother and aunts), due to the amount of land that will be dug up all the
107 way across that quarter section. Crops will not be as good for many years, possibly ten or
108 twenty years. This could happen again and again, anytime the pipeline company would
109 decide to go back in and dig it up to put more pipes in, or to work on them for some

110 reason. Yet the pipeline company is only offering a onetime lump sum payment to my
111 mother and aunts.

112 I am also concerned that stray voltage could affect the health, safety, and welfare of the
113 tenant farmer, the residents, and anyone else near the pipeline. The soil, depending on
114 mineral and moisture content, as well as steel posts on the land, can conduct electricity.
115 When you look at the many previous pipeline accidents, you can see that the health and
116 safety of people and animals are at stake. As I stated before, the oil itself could affect the
117 health, safety, and welfare of everyone, and of the many animals in the area, because of
118 the volatility of the oil and the chemicals such as benzene, that the oil contains.

119 Dakota Access cannot guarantee the safety of the pipeline. There have been more
120 pipeline accidents than train accidents involving oil.

121 I am also very concerned that the pipeline will lower the property value of the farm. It
122 will also lower the value of the property of surrounding neighbors. Because of this,
123 property taxes paid to the government will be decreased.

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

129 No I haven't, but my mother and aunts have. Dakota Access has filed a lawsuit against
130 them to allow Dakota Access to enter the farm to survey it. My mother told them "No"
131 two different times, that they could not enter her land.

Yes, they have hired a lawyer, Glenn Boomsma, to represent them in this matter. It is costing them a great deal of money to prevent Dakota Access from surveying, using eminent domain, and placing the pipeline on their farm.

Has Dakota Access Pipeline made any statements to you that it is a “common carrier” under South Dakota law? If so, please describe.

No, they did not.

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

Yes, first of all they told my mother that she should allow them on her land. If she didn't, they will just take it by eminent domain, anyway. However, they do not have the right of eminent domain as of yet.

Secondly, they told Rhonda Nielsen, who lives in the house on that quarter section, that my mother and aunts had agreed to let Dakota Access enter their land, survey it, and build the pipeline there. They also told her there was nothing she could do about it.

Rhonda was very upset that my family would do this. My mother and aunts never gave them permission to enter their land, survey it, or build the pipeline there.

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

Liability is a major concern. Dakota Access may not be held accountable if there is a spill, leak, or explosion on the farm. Neighbors could sue my mom if damage is done to their land. If there is an oil spill, who will pay for the cleanup?

If the pipeline is no longer used, who will pay for removing it?

If Dakota Access gets the easement, it would give them the right to enter anywhere on the farm at anytime, to add more pipe, or for any other reason. To me, this is a takeover of the land that is being forced upon us, harming present and future generations.

156 South Dakota and Iowa both grow large amounts of corn. Ethanol producers in South
157 Dakota use much of this corn to produce ethanol, which greatly helps the economy of
158 South Dakota. The oil pipeline will benefit the economy of North Dakota and Texas, but
159 will be of only a small benefit to the economy of South Dakota. That oil is a non-
160 renewable source of fuel and produces greenhouse gases. Corn is a renewable source of
161 fuel. South Dakota should be putting all of its effort into increasing the supply and
162 demand for ethanol. This would be much more beneficial to the farmers and to the state.
163 Lincoln County is one of the fastest growing areas in the country. The pipeline would be
164 running near the most populated part of South Dakota, including the cities of Sioux Falls,
165 Tea, Lennox, and Harrisburg. Future development of this area would be seriously
166 hindered. The eastern part of South Dakota also has the most highly productive cropland
167 in the state. *I don't understand why anyone would even consider putting the pipeline*
168 *through here.*

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

171 Yes, I would be available if allowed. My mother and aunts have given their permission
172 for me to speak on their behalf at the hearing because none of them will be able to attend
173 the hearing.

174 **Does that conclude your testimony?**

175 Yes.
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Laurie Kungelman

Subscribed and sworn before me this 6 day of July, 2015.

Mark L. Anderson

Notary Public – South Dakota

My Commission Expires: 6/22/18

<SEAL>

