
**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

**ANSWERS TO THE YANKTON
SIOUX TRIBE'S THIRD
INTERROGATORIES
AND REQUESTS FOR PRODUCTION
OF DOCUMENTS**

HP14-002

TO: Yankton Sioux Tribe and its attorney Thomasina Real Bird:

Answering Yankton Sioux Tribe's Third Interrogatories and Requests for Production of Documents Dakota Access, LLC states and alleges as follows:

INTERROGATORIES

INTERROGATORY NO. 63:

State the name, current address, and telephone number of the person answering these interrogatories.

ANSWER: See below.

Joey Mahmoud
Vice President - Engineering
1300 Main Street
Houston, TX 77002

Chuck Frey
Vice President - Engineering
1300 Main Street
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Keegan Pieper
Associate General Counsel
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YST____

Monica Howard
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Micah Rorie
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1300 Main Street
Houston, TX 77002

Stephen Veatch
Senior Director – Certificates
1300 Main Street
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Kara Semmler
May, Adam, Gerdes & Thompson LLP
503 S. Pierre St.
PO Box 160
Pierre, SD 57501

Brett Koenecke
May, Adam, Gerdes & Thompson LLP
503 S. Pierre St.
PO Box 160
Pierre, SD 57501

INTERROGATORY NO. 64:

State the name, current address, and telephone number of any person, other than legal counsel, who Dakota Access talked with about answering these interrogatories, who assisted Dakota Access in answering these interrogatories, or who provided information that Dakota Access relied on in answering these interrogatories.

ANSWER: See below.

Dennis Woods
Perennial Environmental Services
13100 Northwest Freeway #160
Houston, TX 77040

Ashley Thompson
Perennial Environmental Services
13100 Northwest Freeway #160
Houston, TX 77040

INTERROGATORY NO. 65:

Have any tribes been invited to conduct cultural resource surveys along the route of the proposed project?

ANSWER:

No tribes have been invited to perform cultural resource surveys along the route, nor have any tribes requested to perform such surveys.

INTERROGATORY NO. 66:

How far is the centerline of the proposed pipeline route from archaeological site no. 39LN21?

ANSWER:

The proposed pipeline centerline crosses Site 39LN21. However, impacts to the site will be avoided as the pipeline will be installed using horizontal directional drilling (HDD) under the Big Sioux River and the adjacent area where this site is located. The SD SHPO has concurred with our findings and avoidance measures at this location.

INTERROGATORY NO. 67:

How far is the closest point of the area of potential effect of the proposed pipeline route from archaeological site no. 39LN21?

ANSWER:

The HDD staging area will be off-set from the site boundary by approximately 126 ft. (39 m) and there will be no direct impact to the site. The SD SHPO has concurred with our findings and avoidance measures relative to this site.

INTERROGATORY NO. 68:

How far is the centerline of the proposed pipeline route from archaeological site no. 30BE90?

ANSWER:

Site 39BE90 has been entirely avoided by pipeline route and no impacts to it are expected. The proposed pipeline centerline is approximately 844 ft. (257 m) to the west of the site boundary.

INTERROGATORY NO. 69:

How far is the closest point of the area of potential effect of the proposed pipeline route from archaeological site no. 39BE90?

ANSWER:

The pipeline workspace is approximately 765 ft. (235 m) to the west of the boundary of Site 39BD90.

INTERROGATORY NO. 70:

Will Dakota Access or its contractors utilize roads or highways on the Yankton Sioux Tribe Reservation during construction if the proposed pipeline is built?

ANSWER:

Dakota Access has no plans to use roads on the Yankton Sioux Tribe Reservation.

INTERROGATORY NO. 71:

If the answer to Interrogatory No. 69 is yes, which roads or highways will it use?

ANSWER:

N/A

INTERROGATORY NO. 72:

Which units of government have you identified as affected local units of government?

ANSWER:

The project identified local units of government as being those through which the proposed pipeline route passes.

INTERROGATORY NO. 73:

How did you identify affected local units of government as such?

ANSWER: The proposed route dictated the affected units of local government.

INTERROGATORY NO. 74:

What are the planned sources of water for the hydrostatic testing?

ANSWER:

Sources of water for hydrostatic testing have not been determined at this time.

INTERROGATORY NO. 75:

Following the hydrostatic testing, will the used water be returned to the source(s)?

ANSWER:

Yes. Discharge locations for the hydrostatic testing have not been determined to date. Options are to discharge back to the source, or at either end of any test section. Discharge locations will be determined in coordination with the selected contractor and in accordance with all applicable and requires permits.

INTERROGATORY NO. 76:

Does Dakota Access anticipate applying for any permits to conduct the hydrostatic testing?

ANSWER:

Dakota Access will apply for all applicable and required permits for the project.

INTERROGATORY NO. 77:

If Dakota Access does anticipate applying for permits,

- a. Which permits does Dakota Access plan to apply for?
- b. What is the status of those permit applications?

ANSWER:

Dakota Access anticipates obtaining coverage under SDG070000 from the South Dakota Department of Environmental and Natural Resources for coverage pertaining to hydrostatic testing, as required. Applicable permit coverage will be applied for in December, 2015.

INTERROGATORY NO. 78:

Does the proposed project route cross directly over any aquifer or formation?

ANSWER:

Yes. An aquifer is any rock or sediment with adequate porosity to hold and allow movement of water. As such, the vast majority of eastern South Dakota is underlain by some form of water bearing geologic feature; many of which are overlapping.

INTERROGATORY NO. 79:

If the proposed project would cross directly over aquifer(s) or formation(s),

- a. Which aquifer(s) and/or formation(s) would it cross?
- b. What is the distance of pipeline that would cross such aquifer(s) and/or formation(s)?

ANSWER:

As noted in response to Interrogatory 78, there are many unnamed and undefined areas of potential aquifer which the pipeline traverses. In an attempt to respond to directly to this question, Dakota Access has consulted with the South Dakota Geologic Survey and compiled the available information regarding named aquifers in the State. The following table provides the names and associated crossing distances of these aquifers along the proposed Dakota Access pipeline.

Aquifer	Distance Crossed (Miles)
Big Sioux	1.15
Codell	12.80
Dakota	27.35
Elm	4.98
Grand	29.75
Harrisburg	7.72
Howard	2.70
Local Aquifers	6.57

Minor Aquifer	2.85
Niobrara Formation	33.51
Quartzite	10.85
Selby	13.28
Shindler	14.50
Split Rock Creek	0.91
Spring Creek	25.35
Tulare	46.95
Vermillion-East-Fork	3.24
Wall Lake	10.15

INTERROGATORY NO. 80:

- a. What are the closest aquifers or formations to the proposed project route?
- b. Provide the distance between the proposed pipeline and the closest aquifer(s) and/or formation(s) and supply copies of maps depicting the proposed route in relation to the closest aquifer(s) and/or formation(s).

ANSWER:

The closest distance is not applicable as the centerline crosses over a number of aquifers and formations.

REQUESTS FOR PRODUCTION OF DOCUMENTS

DOCUMENT REQUEST NO. 11:

Please provide all interrogatories posed by each intervener to Dakota Access and all corresponding responses submitted by the respective intervener that have not previously been produced to Yankton.

ANSWER:

Previously provided.

DOCUMENT REQUEST NO. 12:

Please provide all requests for production of documents served by each intervener on Dakota Access and all corresponding responses submitted by the respective intervener that have not previously been produced to Yankton.

ANSWER:

Previously provided.

DOCUMENT REQUEST NO. 13:

If any permit applications have been submitted as inquired about in Interrogatory No. 77, please supply copies of the permit application(s) including attachments.

ANSWER:

No permit applications relative to Interrogatory No. 77 have been submitted to date.

DOCUMENT REQUEST NO. 14:

If any permits have been received as inquired about in Interrogatory No. 77, please supply copies of the permit(s).

ANSWER:

No permits have been received regarding Interrogatory No. 77

DOCUMENT REQUEST NO. 15:

If the proposed project would cross directly over aquifer(s) or formation(s), please supply copies of maps depicting the proposed route in relation to the aquifer(s) and/or formation(s).

ANSWER:

Maps relative to the aquifers crossed by the project are provided.

Dated this 21st day of September, 2015.

BY: Stephen Veatch

State of Texas)
)ss
County of Harris _____)

On this the 21st day of September, 2015, before me the undersigned officer, personally appeared Stephen Veatch, who acknowledged himself to be an authorized individual of Dakota Access, LLC, a corporation, and that he being authorized so to do, executed the foregoing name of the corporation by himself as Stephen Veatch.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 21st day of September, 2015.



Suzanne Samano
Notary Public
Notary Print Name: SUZANNE SAMANO
My Commission Expires: April 10, 2018

As to the objections, these answers are signed by Kara C. Semmler this 21 day of September, 2015.

MAY, ADAM, GERDES & THOMPSON LLP

BY: Kara C Semmler
KARA C SEMMLER
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