

**From:** David Niemi <niemiranch@sdplains.com>  
**To:** Kolbeck, Steve; Johnson, Dustin (PUC); Hanson, Gary (PUC)  
**Sent:** Fri Apr 16 19:29:20 2010  
**Subject:** Reconsideration of TransCanada Keystone XL Permit

Public Utilities Commission  
Pierre, South Dakota

Commissioner Dustin Johnson:  
Commissioner Steve Kolbeck:  
Commissioner Gary Hanson:

I am David Niemi and i live north of Buffalo, South Dakota one of the ranchers being directly impacted by the TransCanada Keystone XL pipeline. When i read the TransCanada proposed modifications to the siting permit has raised serious concerns regarding the property owners affected by this pipeline. In this letter i will try to point out the same type of requirements the farmers and ranchers of South Dakota deal with in their own business'.

(1) Spills of hazardous materials- Any spill of hazarous material needs to be reported to the property owner and cleaned up and the site reclaimed. Just one example the producers in agriculture have to follow safety requirements in crop spraying with herbicides and pesticides. All spraying equipment are on a containment pad during filling or cleaning. Any spills of chemical are to be called to the phone number labeled on the chemical container.

(2) Limitation of the use of floating sediment curtains- Damage done to the property needs to be reclaimed in the best possible way. This pipeline is a forced transaction on the people affected by it and those folks should see reclamation completed the best way possible.

(3) Deferral to US Army Corps of Engineers wetlands requirement- To be compliant with United States Department of Agriculture programs - Farm Service Agency or Natural Resource and Conservation Service a survey for wetlands is required. Then a resource plan is implemented to meet the requirements of the farming practice. That is the requirements we in agriculture have to comply with.

(4) Greater Sage Grouse and Sharp Tail Grouse- Protection of the Greater Sage Grouse and the Sharp Tail Grouse deserve the same protection on private property as on Federal or State owned lands.

( 5) Protection of Cultural Resources- Cultural Resources are very important part of South Dakota history that needs to be preserved.

(6) Paleontological Resources- Why is TransCanada asking for different rules on private owned property then on Federal or State lands? It is unbelievable that TransCanada is asking South Dakota citizens to provide compensation for the preservation of a fossil found in the pipeline construction. The very same citizens that are affected by this pipeline.

My thought that you Public Utilities Commissioners put a lot of time and consideration in the conditions of the siting permit. Upon visiting with other affected property owners along this pipeline route all were satisfied with the work you had done. We in agriculture live and

deal with the same type of conditions in our business everyday. The conditions you commissioners provided should not be altered in any way. Thank you for your time.

Respectfully yours'

David Niemi  
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