

Testimony of Lillian Anderson in front of SD PUC, November 3, 2009

Lillian Anderson

My name is Lillian Anderson, I am a landowner along the Keystone I pipeline in the North East Corner of South Dakota, near Langford. During the permit process of Keystone I, the PUC set conditions for TransCanada to follow, but unfortunately there have been problems with TransCanada following these conditions.

One recent problem with pipeline construction deals with condition number 34, which states: Construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, less adequate protection measures approved by the Commission are taken.

From the beginning one of our major concerns when the construction started is that the soil could not withstand machinery on it while it was wet, which I testified on during Keystone I hearings.

During the construction our fears were realized and an exceptionally wet period occurred, causing problems with digging up the land to put the pipe in and reclaiming the black soil on the land afterwards. On one of these wet days Kent Moeckly, a landowner in Britton, went out on his land to attempt to stop the reclamation because the construction was in direct opposition to the condition set by the PUC.

While he out on his land Kent took these photographs of what was occurring...(refer to picture captions).

Later the on site TransCanada employees told Kent that if he did not allow them to finish the restoration of the black soil, in the water and mud that the construction crews would leave, and Kent would be responsible for the cost of restoration.

In many of these photos it is clear that the top soil and clays were mixed, also in direct opposition to PUC's condition. We have discussed this with Buster Gray, the Chief Project Engineer for Keystone I and he has stopped reclamation, but the damage has already been done. Not only on Kent's land but any land that was too wet for proper reclamation.

Another problem that has been occurring during the Keystone I construction is dewatering and drainage. Fall of 2008 TransCanada's contractors de-watered wetlands and the pipeline easement. It is my understanding that they do not have to keep records of how much they pump, when they pump or if the water was alkaline. The DENR is not testing the water or not watching water quality at all. At that time other landowners and I complained and got them to stop dewatering in some areas but continued in others.

TransCanada again during October of 2009 dewatered the pipeline easement and flooded one farmstead/land and land from three other farmers. Buster Gray has agreed that damage was done and that TransCanada should be responsible for reimbursement to the landowners.

It is unfair and unreasonable that TransCanada can continue to destroy our land and crops, while promising to do no damage and claim they are good neighbors.

During the construction process the pipe started to rise due to underground water pressure, to remedy this cement saddles had to be placed on the pipeline about every 25 feet.

Another large problem that has been encountered during Keystone I's construction, is damage to roads.

Pictures...

TransCanada continued to use roads when the conditions were such that they should not have had any heavy equipment on them. Farmers do not use roads when they are wet because their taxes have to pay for them to get fixed. TransCanada used these roads when they were wet, which severely damaged them.

Although some payments have been made to townships for road damage, road conditions are still miserable. TransCanada's solution for this problem does not go far enough. Complete road reconstruction is necessary. *TransCanada has been working in our area after payments & they have agreed they are responsible*
As a landowner of Keystone I, I would suggest that each township and county receive cash bonds until the construction company rebuilds the roads. The PUC should guarantee that Keystone will keep good records of water discharge, where, when, and quality.

The PUC should also guarantee that no one should have to fight to have their land restored to preconstruction conditions by following PUC condition number 34. In addition, any conditions put on this new pipeline need to be enforced fully.

Roads used by Keystone XL should be maintained daily at the rate of construction, with DOT oversight, to insure damage to the base of the road isn't done.

I would also recommend inspectors paid for by TransCanada but not working for them. They would be empowered to stop work when construction violations occur by the company on each work site each day of work.