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

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IN THE MATTER OF THE PETITION OF  
TRANSCANADA KEYSTONE PIPELINE,  
LP FOR ORDER ACCEPTING  
CERTIFICATION OF PERMIT ISSUED IN  
DOCKET HP09-001 TO CONSTRUCT THE  
KEYSTONE XL PIPELINE

**DOCKET HP 14-001**

**DIRECT TESTIMONY OF STEVE  
VANCE**

**1. Please state your name and address for the record.**

Answer: My name is Steven Vance. My work address is PO Box 590  
Eagle Butte, SD 57625

**2. Please state your position with the Cheyenne River Sioux Tribe.**

Answer: I am the Tribal Historic Preservation Officer (THPO) for the Cheyenne River  
Sioux Tribe's Preservation Office.

**3. Please provide a description of your areas of responsibility within the Cheyenne  
River Sioux Tribe's Preservation Office.**

Answer: The Cheyenne River Sioux Tribe has assumed all previous duties of the South  
Dakota State Historic Preservation Officer (SHPO) on all lands within the exterior  
boundaries of the CRST reservation. In other words, as a Tribal Historic Preservation  
Officer I serve in an essentially identical capacity as a State Historic Preservation Officer.

**4. Please state your professional qualifications and experience.**

Answer: Previous to my position with the Cheyenne River Sioux Tribe's Preservation  
Office as a Tribal Historic Preservation Officer, I was employed for sixteen (16) years by  
the Cheyenne River Sioux Tribe as a Certified Law Enforcement Officer. Following my

career in law enforcement, I was employed by the Cheyenne River Sioux Tribe as a Certified Lakota Studies Instructor for the instruction of Lakota language, culture, history, and government for seven (7) years. Following my time as a Lakota Studies Instructor, I was hired by the Cheyenne River Sioux Tribe as a Tribal Historic Preservation Officer. I have served the Tribe in this capacity for the past five to six (5-6) years.

**5. Are you familiar with the TransCanada Keystone XL Pipeline project?**

Answer: Yes.

**6. Have you reviewed the proposed route of the Keystone Pipeline project; with specific regard to the portion of the project near the Cheyenne River Sioux Reservation?**

Answer: Yes.

**7. In your opinion, would construction of the Keystone Pipeline in the vicinity of the Cheyenne River Sioux Reservation affect the Cheyenne River Sioux Tribe's access to cultural and historical resources?**

Answer: Yes. The proposed route of the Keystone XL Pipeline falls within view shed of significant spiritual landforms, such as Slim Buttes, North Cave Hills, South Cave Hills, Woman Who Lived with the Wolves, Touch the Cloud Camp, and Spotted Elk Camp. This is a non-exhaustive list of affected cultural and historic sites. For instance, numerous trails which access these sites, as well as sites beyond the proposed route, such as the Sacred Black Hills, will also be affected by the proposed pipeline project.

**8. Please describe how access to such resources would be hindered by construction of the Keystone Pipeline.**

Answer: The actual construction phases will greatly hinder the Tribe's and Tribal Member's access to numerous cultural and historic sites. After all, people cannot simply walk through active construction zones to get to these sites. In all likelihood alternate routes, if there are any, would probably have to be selected by travelers to these cultural and historic sites.

**9. In your opinion, would the presence of the Keystone Pipeline, once completed, pose any ongoing problems with regard to cultural or historical resources?**

Answer: Yes. Once construction of the pipeline is complete there will undoubtedly be an ongoing need for general inspection and maintenance of the completed pipeline. This, in turn, would place pipeline workers within the vicinity of many sacred places. Traditional practitioners seeking solitude while performing traditional worship practices would almost certainly be interrupted by pipeline workers. Solitude is an essential element of many traditional worship practices, which require that outsiders not observe or otherwise disturb the practitioner during the traditional worship practice. As such, any disturbance by pipeline workers will necessarily have an immense negative impact on the ability of Tribal Members to perform traditional practices at these affected cultural and historical sites.

**10. In your opinion, would the Cheyenne River Sioux Tribe's cultural and historical resources be irreparably harmed by the construction and presence of the Keystone Pipeline?**

Answer: Yes. Comparing this to what happened to the mining of resources in the Sacred Black Hills, this proposed project will have long term negative effects emotionally and spiritually on many Tribal Members. In essence, the presence of the Keystone XL

Pipeline will cause irreparable harm to the Cheyenne River Sioux Tribe, its Tribal Members, and traditional cultural and religious practices.

**11. In your professional capacity, has TransCanada Keystone XL Pipeline, LP contacted you or your office with regard to construction of the Pipeline project?**

Answer: Yes. Keystone held one teleconference about four (4) years ago and one (1) visit to the Chairman's office by two Native Keystone XL employees one year ago.

**12. To the extent of your knowledge, was the Keystone Pipeline's impact on cultural and historic resources discussed during these meetings?**

Answer: The impacts to cultural resources could not be discussed during these preliminary meetings because the resources were not sufficiently identified at the time.

**13. To the extent of your knowledge, did Keystone propose or otherwise agree to any mitigating measures in order to reduce the pipeline's impact on cultural and historic resources?**

Answer: To my knowledge, avoidance and mitigation measures should have been addressed during the development of the PA. However, the Cheyenne River Sioux Tribe was not involved in the development of the PA.

**14. Does this conclude your prefled testimony?**

Answer: Yes it does.

Dated this 2 day of April, 2015.

/S/ Steve Vance

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## **CERTIFICATE OF SERVICE**

I certify that on this 2<sup>nd</sup> day of April, 2015, the original of this **PRE-FILED TESTIMONY OF MR. STEVE VANCE** on behalf of the Cheyenne River Sioux Tribe in Case Number HP 14-001, was filed on the Public Utilities Commission of the State of South Dakota e-filing website. Also on this day, a true and accurate copy of the above was sent to the following:

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