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

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

**CHEYENNE RIVER SIOUX TRIBE'S
NOTICE OF FILING EXHIBITS**

You are hereby notified that the Cheyenne River Sioux Tribe has served on the other parties and filed its proposed hearing exhibits in electronic format with the South Dakota Public Utilities Commission pursuant to ARSD 20:10:01:22:07

Dated this 24th day of July, 2015.

Respectfully Submitted,

/S/ Travis G. Clark

Travis G. Clark,
Attorney for Cheyenne River Sioux Tribe, Intervenor
FREDERICKS PEEBLES & MORGAN LLP
910 5th Street, Suite 104
Rapid City, SD 57701
Telephone: (605) 791-1515
Facsimile: (605) 791-1915
Email: TClark@ndnlaw.com

GENERAL OBJECTION

Keystone objects to the instructions and definitions contained in Cheyenne River Sioux Tribe's First Set of Interrogatories and Requests for Production of Documents to the extent that they are inconsistent with the provisions of SDCL Ch. 15-6. *See* ARSD 20:10:01:01.02. Keystone's answers are based on the requirements of SDCL §§ 15-6-26, 15-6-33, 15-6-34, and 15-6-36.

INTERROGATORIES

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

ANSWER: Given the extremely broad scope volume of more than 800 discovery requests received by Keystone in this docket, a range of personnel were involved in answering the interrogatories. Keystone will designate witnesses as identified in number 3 with overall responsibility for the responsive information as related to the Conditions and proposed changes to the Findings of Fact, which are identified in Appendix C to Keystone's Certification Petition.

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

{01815261.1}

ANSWER: Given the extremely broad scope volume of more than 800 discovery requests received by Keystone in this docket, a range of personnel were involved in answering the interrogatories. Keystone will designate witnesses as identified in number 3 with overall responsibility for the responsive information as related to the Conditions and proposed changes to the Findings of Fact, which are identified in Appendix C to Keystone's Certification Petition.

3. State the name, current address, and telephone number of every fact witness that Keystone intends to call to offer testimony at the Commission's evidentiary hearing, currently scheduled for May 2015.

ANSWER: Keystone will offer prefiled direct testimony from the following persons, each of whom will testify to the changes identified in Keystone's tracking table for that person's area of expertise:

- (1) Corey Goulet, President, Keystone Projects, 450 1st Street S.W., Calgary, AB Canada T2P 5H1; (403) 920-2546; Project purpose, Overall description; Construction schedule; Operating parameters; Overall design; Cost; Tax Revenues
- (2) Steve Marr, Manager, Keystone Pipelines & KXL, TransCanada Corporation, Bank of America Center, 700 Louisiana, Suite 700, Houston, TX 77002; (832) 320-5916; same; CMR Plan, Con/Rec Units, HDD's
- (3) Meera Kothari, P. Eng., 450 1st Street S.W., Calgary, AB Canada T2P 5H1; (832) 320-5190; same; Design and Construction; PHMSA compliance
- (4) David Diakow, Vice President, Commercial, Liquids Pipeline, 450 1st Street S.W., Calgary, AB Canada T2P 5H1; (403) 920-6019; Demand for the Facility
- (5) Jon Schmidt, Vice President, Environmental & Regulatory, exp Energy Services, Inc., 1300 Metropolitan Boulevard, Suite 200, Tallahassee, FL 32308; (850) 385-5441; Environmental Issues; CMR Plan, Con/Rec Units, HDD's

{01815261.1}

(6) Heidi Tillquist, Senior Associate, Stantec Consulting Ltd., 2950 E. Harmony Rd., Suite 290, Fort Collins, CO 80528; (970) 449-8609; High Consequence Areas, Spill Calculations

4. State the name, current address, employer name and/or organization(s) with which he or she is associated in any professional capacity, and telephone number of each expert witness pursuant to SDCL Ch. 19-15 that Keystone intends to call at the Commission's evidentiary hearing, currently scheduled for May 2015.

In addition, for each expert please provide:

- a. The subject matter on which the expert will testify;
- b. The substance of each opinion to which the expert is expected to testify;
- c. The facts on which the expert bases his or her opinion;
- d. The expert's profession or occupation, educational background, specialized training, and employment history relevant to the expert's proposed testimony;
- e. The expert's previous publications within the preceding 10 years; and
- f. All other cases or proceedings in which the witness has testified as an expert within the preceding four years.

ANSWER: Keystone does not intend to offer testimony from any retained experts, but its witnesses identified in the preceding answer will offer opinion testimony.

5. Prior to answering these interrogatories, has Keystone made a good faith search of all documents, records, and papers related to this action?

ANSWER: Yes, to the extent reasonably practicable in attempting to respond to over 800 discovery requests within the time allowed.

6. Where is Keystone's principal place of business?

{01815261.1}

ANSWER: Houston, Texas.

7. Identify any other names that Keystone conducts business under, in the United States and Canada.

ANSWER: Keystone does not conduct business under any other names.

TransCanada Keystone Pipeline, LP carries out certain activities through its agent, TC Oil Pipeline Operations Inc.

8. Pursuant to Condition Two of the Commission's Amended Final Decision and Order, has Keystone received any communications from any regulatory body or agency that may have jurisdiction over the project which alleges that Keystone has failed to comply with any applicable permits, law, or regulation?

ANSWER: No.

9. Pursuant to Condition Two of the Commission's Amended Final Decision and Order, has Keystone been given notice by any regulatory body or agency that may have jurisdiction over the construction, maintenance or operation of any pipeline located in the United States or Canada alleging that Keystone has failed to comply with any applicable permits for the construction, operation or maintenance of any pipeline located in the United States?

ANSWER: No.

10. Pursuant to Condition One of the Commission's Amended Final Decision and Order, please identify all required permits that Keystone has applied for within the State of South Dakota regarding the use of public water for construction, testing, drilling, or temporary discharges to waters of the state.

ANSWER: Keystone has submitted a Notice and Intent and Certificate of Application Form to Receive Coverage Under the General Permit for Temporary Discharges and a Temporary Water Use Permit. Other permits, as required, will be filed closer to the time period of construction.

11. Pursuant to Condition One of the Commission's Amended Final Decision and Order, please identify all required permits that Keystone has applied for within the State of South Dakota regarding temporary discharges of water from construction dewatering and hydrostatic testing in and around the Bridger Creek area.

ANSWER: Keystone has submitted a Notice and Intent and Certificate of Application Form to Receive Coverage Under the General Permit for Temporary Discharges and a Temporary Water Use Permit. Other permits, as required, will be filed closer to the time period of construction.

12. Pursuant to Condition Six of the Commission's Amended Final Decision and Order, identify the most recent depiction of the Project route and facility locations as

they currently exist as compared to the information provided in Exhibit TC-1, 1.4, pp.

2-3.

ANSWER: Attached are maps marked as Keystone 0470-0583 showing changes to the route since the Permit was granted.

13. Pursuant to Condition Six of the Commission's Amended Final Decision and Order, identify the dates, addresses, phone numbers, emails, and names of person(s) responsible for conducting surveys, addressing property specific issues and civil survey information.

OBJECTION: The identity of the persons who conducted civil surveys is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the objection, American Burying Beetle Habitat Assessment was conducted by W. Wyatt Hoback, Department of Biology, University of Nebraska at Kearney; Biological Surveys (i.e., habitat, wetland delineations) were conducted by AECOM (Scot Patti was the principal investigator) and SCI (Scott Billing was the principal investigator); Phase I ESA Surveys were conducted by AECOM (Brian Bass was the principal investigator); Biological Surveys (i.e., threatened and endangered species, noxious weeds, reclamation) were conducted by Westech (John Beaver was the principal investigator); Cultural resources surveys were conducted by SWCA Environmental Consultants (principal investigator was Scott Phillips); the paleontological

{01815261.1}

surveys were conducted by SWCA Environmental Consultants (principal investigator was Paul Murphey).

14. Pursuant to Condition Six of the Commission's Amended Final Decision and Order, does Keystone recognize the Cheyenne River Sioux Tribe, a federally recognized sovereign Indian Nation, as a "local governmental unit?"

ANSWER: The Project does not cross any Cheyenne River Sioux Tribe lands. Accordingly, the Tribe is not an affected local government unit.

15. Condition Six of the Commission's Amended Final Decision and Order requires Keystone to notify (1) the Commission, and all affected (2) landowners, (3) utilities, and (3) local governmental units as soon as practicable if material deviations are proposed to the Project's route. The table of changes contained in Appendix C of Keystone's Petition of Certification reports such a material change to Finding of Fact number forty-one. Namely, that the Project's route has been diverted to run beneath Bridger Creek via a Horizontal Directional Drilling (HDD). As such, has Keystone:

1. Made any attempt to notify the Cheyenne River Sioux Tribe or any of its officers, attorneys, or agents of Keystone's route diversion through Bridger Creek?
2. If Keystone did make such required notification please provide the following:
 - a. Name(s) of the person(s) notified;
 - b. Title of the person(s) notified;
 - c. The physical address of the person(s) notified;
 - d. The telephone number(s) of the person(s) notified; and

{01815261.1}

e. The means by which Keystone made notification, i.e. written, oral, electronic, etc.;

ANSWER: Keystone will provide the Commission with material changes to the route prior to construction. Keystone has not notified the Cheyenne River Sioux Tribe of any route changes.

16. Condition Seven of the Commission's Amended Final Decision and Order requires Keystone to appoint a public liaison officer. Accordingly, has Keystone:

1. Appointed such public liaison officer, and if so please provide such officer's:

- a. Name;
- b. Address;
- c. Phone number; and
- d. Email address.

2. Directed such public liaison officer to contact and or consult with the Cheyenne River Sioux Tribe?

ANSWER:

- 1.a. Sarah Metcalf
- 1.b. PO Box 904
Aberdeen, SD 57402
- 1.c. 1-888-375-1370
- 1.d. smetcalf12@gmail.com

2. Condition 7 does not require that the liaison consult with the Cheyenne River Sioux Tribe. The Project does not cross any lands owned by the Cheyenne River Sioux Tribe or held in trust.

17. Pursuant to Condition Thirteen of the Commission's Amended Final Decision and Order, identify and provide the phone number, address, and email address of every environmental inspector that Keystone has incorporated into the CMR.

OBJECTION AND ANSWER: The identity of environmental inspectors is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the objection, no environmental inspectors have been identified or hired, because the construction of the Project has not yet started.

18. Regarding the Bridger Creek area, has Keystone implemented sediment control practices pursuant to Condition Twenty of the Commission's Amended Final Decision and Order?

ANSWER: Keystone has not started construction of the Project, including construction at Bridger Creek. Therefore, Keystone has not implemented any sediment control practices to date and will not until construction starts.

19. Pursuant to Condition Thirty-Four, has Keystone conducted any hydrological surveys in the Bridger Creek area in regard to its continuing assessment and evaluation of environmentally sensitive and high consequence areas obligation? If so, please provide the name, address, and phone number of any and all persons involved in such survey. If so, has Keystone identified any hydrological sensitive areas which may affect the Cheyenne River Sioux Tribe?

ANSWER: All applicable environmental and engineering surveys have been completed along the Bridger Creek area route. All DOT defined HCA's have been identified.

20. If Keystone has identified hydrological sensitive areas which may affect the Cheyenne River Sioux Tribe, has such an area been added to Keystone's Emergency Response Plan as a hydrologically sensitive area?

ANSWER: All identified HCA's have been included in the Emergency Response Plan.

21. Pursuant to Condition Thirty-Four, has Keystone made any attempt to seek out and consider local knowledge in the Bridger Creek area?

ANSWER: Yes. Keystone attorney William Taylor had conversations with James Murray of the Cheyenne River Agency BIA office concerning leaseholds in the area southwest of the 4 Corners Road.

22. Pursuant to Condition Thirty-Four, has Keystone made any attempt to seek out and consider local knowledge of the Cheyenne River Sioux Tribe or its officers and/or agents?

ANSWER: Not specifically with respect to Condition 34 of the Permit.

23. Pursuant to Conditions One and Thirty-Seven, has Keystone ever been found non-compliant with any other permits, from any state regarding the Project?

ANSWER: No.

24. Pursuant to Condition One and Two, have any contractors hired by Keystone to construct any pipeline owned or operated by Keystone or any of its affiliates received any communication from any agency or regulatory body having jurisdiction over each pipeline regarding alleged safety concerns or safety violations regarding the construction, maintenance or operation of any pipeline in the United States?

OBJECTION AND ANSWER : This request is overlybroad and unduly burdensome. Without waiving the objection, Keystone has not yet hired contractors for the Keystone XL Project.

25. Pursuant to Conditions One and Two, have any contractors hired by Keystone to construct any pipeline owned or operated by Keystone or any of its affiliates received any communication from any agency or regulatory body having jurisdiction over each pipeline regarding alleged safety concerns or safety violations regarding the construction, maintenance or operation of any pipeline in Canada?

OBJECTION AND ANSWER: This request is overlybroad and unduly burdensome. Without waiving the objection, Keystone has not yet hired contractors for the Keystone XL Project.

26. Pursuant to Conditions Forty-Three and Forty-Four, what steps has Keystone or any of its affiliates taken to ensure that the cultural, historic, and paleontological resources of the Cheyenne River Sioux Tribe are protected?

ANSWER: Cultural resources survey reports are listed in Section 3.11 of the Department of State FSEIS (2014), with results of the SD surveys detailed in Table 3.11-3. Any further discussions regarding these surveys would be addressed through the course of government to government consultation with the DOS when the Cheyenne River Sioux were afforded the opportunity to not only review those studies but also participate in the surveys themselves.

27. Pursuant to Condition Forty-Three, has Keystone made any new cultural and/or historic surveys along the route of the Project since its original permit was granted? If so, has Keystone made such a survey in the Bridger Creek area where the Project has since been re-routed?

ANSWER: Yes, all cultural resources survey reports are listed in Section 3.11 of the Department of State FSEIS (2014), with results of the SD surveys detailed in Table 3.11-3. Keystone has conducted cultural surveys of the proposed re-route across Bridger Creek.

28. According to Keystone's original application, Keystone began cultural and historic surveys in May 2008 and at that time it had found several pre-historic stone

circles were uncovered. Please provide a detailed description of these sites, including location.

ANSWER: These sites are addressed during the course of government to government consultation with the Department of State. Site locations are confidential and cannot be disclosed outside of the consultation process.

29. Pursuant to Conditions Forty-Three and Forty-Four, please provide the name, address, phone number, and email of all persons involved in any cultural, historic or paleontological surveys conducted by Keystone. In addition, please provide a detailed description of all pertinent professional training that qualifies the surveyor as a professional who meets the standards of the Secretary of the Interior's Historic Preservation Professional Qualification Standards (48 FR 44716, September 29, 1983).

OBJECTION AND ANSWER: The identity of the surveyors is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, SWCA Environmental Consultants performed the survey work. The cultural resources principal investigator was Scott Phillips; the paleontological principal investigator was Paul Murphey. Both individuals meet the SOI standards for their particular field.

30. Pursuant to Condition Forty-Four, has Keystone made any attempt to contact the Cultural Preservation Office of the Cheyenne River Sioux Tribe? If so, please provide the following:

- a. Name(s) of the person(s) contacted;
- b. Title of the person(s) contacted;
- c. The physical address of the person(s) contacted;
- d. The telephone number(s) of the person(s) contacted; and
- e. The means by which Keystone made contact, i.e. written, oral, electronic, etc.;

ANSWER: Government to government consultation is summarized in both Section 3.11.4.3 and Attachment I of Appendix E of the Department of State FSEIS (2014).

31. Pursuant to Condition Forty-Three and Forty-Four, provide a detailed description of cultural and historic training that Keystone provides to its construction personnel.

ANSWER: Keystone's training of construction personnel is addressed in Sections 2.19 and 3.1.2 of the CMR Plan, and Sections 2.1.10, 4.4.3, 4.8.3, 4.13.6, and 4.14.2 of the FSEIS. Contractor training is also addressed in the Special Conditions imposed by PHMSA, which are found in Appendix B to the FSEIS.

32. Pursuant to Conditions Forty-Three and Forty-Four and Finding of Fact Fifty-Eight, does Keystone or any of its affiliates recognize that if approved and

constructed, the Keystone Pipeline will travel through the identified Indian Country territory from the Fort Laramie Treaty of 1851 and 1868, and as such will likely encounter undiscovered cultural and/or historic sites?

ANSWER: If undiscovered sites are encountered, Keystone will comply with the Programmatic Agreement included as Appendix E to the Final Supplemental Environmental Impact Statement.

33. Pursuant to Conditions Forty-Three and Forty-Four and Finding of Fact Fifty-Eight, does Keystone plan to consult with the Cheyenne River Sioux Tribe and its Cultural Preservation Office in the future?

ANSWER: Keystone will provide tribes the opportunity to participate as tribal monitors during construction to assist with the implementation of the unexpected discovery plan.

34. Pursuant to Conditions One and Two, does Keystone recognize and acknowledge that the Cheyenne River Sioux Tribe has federally protected Winters Doctrine water rights and that these rights apply to any permit application to use water for the construction, operation or maintenance of the Keystone Pipeline project?

ANSWER: Keystone recognizes the so-called Winters Doctrine arising from *Winters v. The United States*, 207 U.S. 564 (1908) and its progeny. Keystone does not

believe that the Cheyenne River Sioux Tribe's Winters Doctrine water rights are affected by Keystone's use of water for construction, operation, or maintenance.

35. Pursuant to Conditions One and Two, what steps, if any, has Keystone or any of its affiliates taken to ensure that the Cheyenne River Sioux Tribe's federally protected Winters Doctrine water rights are protected?

ANSWER: Keystone does not believe that the Cheyenne River Sioux Tribe's Winters doctrine water rights are affected by the use of water for the construction, operation, or maintenance of the Keystone Pipeline.

36. Pursuant to Conditions One and Two, are any waterways situated on or near the Pipeline route subject to designation under the Wild and Scenic River Act of 1968?

OBJECTION AND ANSWER: To the extent that it seeks discovery of information outside South Dakota, this interrogatory seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden of proof under SDCL § 49-41B-27. It also seeks information that is not relevant and not likely to lead to the discovery of admissible evidence under SDCL § 15-6-26(b). Without waiving the objection, the Project route in South Dakota does not cross any waterways that are subject to designation under the Wild and Scenic River Act of 1968. There are no waterways that are subject to designation under the Wild and Scenic River Act of 1968 near the Project

route in South Dakota. An evaluation of Wild and Scenic Rivers as per related to the Project is found on page 4.3-24 of the Department of State FSEIS (2014).

37. Pursuant to Conditions One and Two, are there any land areas along or near the Keystone Pipeline route that have been designated as critical habitat under the Endangered Species Act? If so identify each of the land areas.

OBJECTION AND ANSWER: To the extent that it seeks discovery of information outside South Dakota, this interrogatory seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden of proof under SDCL § 49-41B-27. It also seeks information that is not relevant and not likely to lead to the discovery of admissible evidence under SDCL § 15-6-26(b). Without waiving the objection, there are no lands along or near the Project route in South Dakota that are designated as critical habitat under the Endangered Species Act. Endangered species are discussed in Section 4.8 of the Department of State FSEIS (2014).

38. Pursuant to Conditions One and Two, are there any land areas along or nearby the Keystone Pipeline route that have any Endangered Species located in that area?

OBJECTION AND ANSWER: To the extent that it seeks discovery of information outside South Dakota, this interrogatory seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden of proof under SDCL §

49-41B-27. It also seeks information that is not relevant and not likely to lead to the discovery of admissible evidence under SDCL § 15-6-26(b). Without waiving the objection, the following federally-listed threatened or endangered species have the potential to occur along the Project route in South Dakota: interior least tern; piping plover; rufa red knot; whooping crane; and the American burying beetle. Section 4.8.3 of the Department of State FSEIS (2014) and Appendix H, Biological Opinion in the Department of State FSEIS (2014) discusses the potential occurrence of these federally-listed threatened and endangered species along the Project route in South Dakota and Sections 4.8.3 and 4.8.4 and Appendix H of the Department of State FSEIS (2014) discusses the potential impacts and conservation measures the Project will implement to protect listed species.

39. Pursuant to Condition Twenty-Three, will Keystone enter the Cheyenne River Sioux Reservation during construction of the Project?

ANSWER: Keystone will not enter the Cheyenne River Sioux Reservation during construction of the Project.

40. Pursuant to Condition Twenty-Three and the changed Finding of Fact Number Forty-One, will any of Keystone's construction equipment or crew access the Project from trust land? If so, has Keystone received the necessary consent of the trust

landowner and the United States government to access trust land on the Cheyenne River Sioux Reservation?

ANSWER: None of Keystone's construction equipment or crews will access the Project from trust land.

41. Pursuant to Condition Twenty-Three, has Keystone made contact with or otherwise taken any action to plan for road closures which may affect the Cheyenne River Sioux Tribe? If so, does Keystone plan to notify, coordinate or otherwise consult with the Cheyenne River Sioux Tribe?

ANSWER: Keystone is planning no road use or closures which may affect the Cheyenne River Sioux Tribe. In order to ensure public and worker safety traffic in areas outside of the Cheyenne River Sioux Reservation will be interrupted or restricted from time to time to permit crew and equipment mobilization and demobilization at ancillary sites, to access the construction ROW, and during certain construction activities. For example, if permitted by local regulators and landowners, smaller gravel roads and driveways would likely be crossed (i.e. pipe installed) using an open-cut method that would typically take between one and two days to complete. This would require temporary road closures and establishment of detours for traffic. If no reasonable detour is feasible, trenching would be staged such that at least one lane of traffic would be kept open at any point in time. Keystone would post signs at these open-cut crossings and

{01815261.1}

would implement traffic control plans to reduce traffic disturbance and protect public safety. (Final SEIS, Section 2.1.8.1 Road, Highway, and Railroad Crossings, page 2.1-58.)

42. Pursuant to Condition Thirty-One, (a) how many permanent jobs will be created in South Dakota as a result of the operation of the pipeline? For this question, a "permanent" job is considered to be a non-construction-related job that will remain once construction of the pipeline is complete. (b) How many construction-related jobs will be created in South Dakota as a result of the construction of the pipeline? (c) How many of the construction positions does Keystone anticipate will be filled by South Dakota residents? (d) How many of the construction positions will be filled by non-South Dakota residents? (e) What is the expected length of employment for each of the various types of construction jobs needed for the project?

ANSWER:

(a) Approximately 25 permanent employees and 15 temporary contractors will be distributed along the proposed pipeline route, including the route in South Dakota. It is estimated that a total of 50 people will be employed during the operational phase of the proposed Project across the Keystone system, of which approximately 35 will be permanent employees and 15 will be temporary contractors. Approximately 10 permanent employees will be located outside of South Dakota in the Omaha, Nebraska

office, with the remaining 25 permanent employees and 15 temporary contractors distributed along the proposed pipeline route, including the route in South Dakota (Final SEIS, 4.10-31 available at <http://keystonepipeline-xl.state.gov/finalseis/>).

(b) Assuming this question refers to “average annual jobs”, it is estimated that Project construction in South Dakota will support 3,500 jobs across all sectors, of which between 1,038 and 1,500 jobs will be directly construction related. The term “job” refers to average annual jobs, defined as one position that is filled for one year (Final SEIS, 4.10-14 available at <http://keystonepipeline-xl.state.gov/finalseis/>). For example, two temporary construction positions filled for a period of six months, or three positions filled for four months each, equates to one single job. (Final SEIS, 4.10-14.) In South Dakota, an estimated 3,500 jobs (1,700 direct and 1,800 indirect and induced) will be supported by construction of the Project across all sectors, excluding jobs held by non-residents as part of the temporary construction workforce (Final SEIS, 4.10-17 available at <http://keystonepipeline-xl.state.gov/finalseis/>). Of the 1,700 direct jobs supported by construction in South Dakota, it is estimated that between 1,038 and 1,500 jobs will be directly construction related. The calculations and assumptions used to derive these estimates are presented in the following table:

South Dakota Estimate	Estimate Low	Estimate High
Total 'jobs' supported by Project construction	3,500	3,500
<i>Direct</i>	1,700	1,700
<i>Indirect + Induced</i>	1,800	1,800
Temporary workforce positions per spread (Final SEIS, 4.10-2)	900	1,300
Temporary workforce 'positions' in total, over 3 spreads (Final SEIS, Table 3.10-8)	900 x 3 spreads = 2,700	1,300 x 3 spreads = 3,900
Number of weeks of construction (Final SEIS Table 4.10-3)	19	21
'Jobs' created as a result of the temporary workforce	2,700 x 20 [average] construction weeks / 52 weeks per year = 1,038 average annual jobs	3,900 x 20 [average] construction weeks / 52 weeks per year = 1,500 average annual jobs

(c) It is estimated that between 270 and 390 temporary construction positions created in South Dakota will be filled by residents of the State. Keystone, through its construction contractors and subcontractors, would attempt to hire temporary construction staff from the local population. Assuming qualified personnel are available, Keystone conservatively estimates that 10 percent of the temporary construction positions created in South Dakota will be filled by residents of the State (Final SEIS, 4.10-11), although this may not be possible in rural areas or areas with low unemployment (Final SEIS, 2.1-69). By applying this 10% assumption we can assume that between 90 and 130 residents of South Dakota will be employed for each of the three planned construction spreads, for a total of between 270 and 390 people.

(d) It is estimated that between 2,430 and 3,510 temporary construction positions created in South Dakota will be filled by non-South Dakota residents. Assuming that qualified personnel are available, approximately 10% of the temporary

construction positions could be filled by the local workforce (Final SEIS, 4.10-11-12 available at <http://keystonepipeline-xl.state.gov/finalseis/>, implying that 90% of these positions will be filled by non-South Dakota residents. It is anticipated that Project construction will require approximately 900 to 1,300 personnel for each spread (Final SEIS, 4.10-11), with three spreads contemplated for South Dakota (Final SEIS, Table 3.10-8). Therefore, it is estimated that between 2,430 and 3,510 temporary construction positions created in South Dakota will be filled by non-South Dakota residents ($900 \times 3 \times 0.9 = 2,430$; $1,300 \times 3 \times 0.9 = 3,510$).

(e) The 3,500 jobs supported by construction of the Project are considered "average annual jobs," defined as one position that is filled for one year, while the 2,700 to 3,900 temporary construction personnel are expected to be employed for the four to eight-month seasonal construction period over one to two years. (Final SEIS, 4.10-14 available at <http://keystonepipeline-xl.state.gov/finalseis/>). The 3,500 jobs supported by Project construction in South Dakota are considered 'average annual jobs', defined in the Final SEIS as one position that is filled for one year. An average annual job could, however, consist of two positions filled for a period of 6 months each, three positions filled for 4 months each, or any combination that sums to a year of employment (Final SEIS, 4.10-14).

Construction is expected to take one to two years, and length of employment will vary. While construction-related activities may occur across all five states concurrently, actual time to complete construction in South Dakota is uncertain. Various factors including weather, workforce constraints, and timing of permits would influence the duration of construction, as would finalization of the number of construction spreads that could be operated concurrently. In general, it is expected that the 2,700 to 3,900 temporary construction positions created in South Dakota will occur over two years, during the four to eight month seasonal construction period (Final SEIS, 4.10-15 available at <http://keystonepipeline-xl.state.gov/finalseis/>).

Case Number: HP 14-001

Keystone's Responses to Cheyenne River Sioux Tribe's First Interrogatories and Request for Production of Documents

Dated this 5th day of February, 2015.

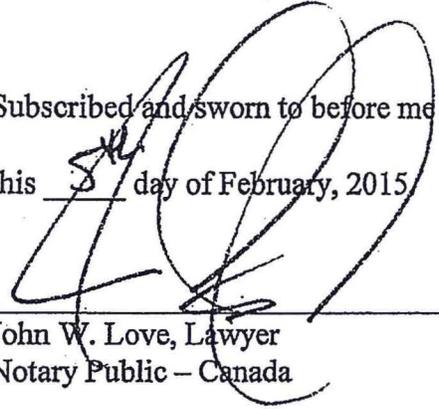
TRANSCANADA KEYSTONE PIPELINE, LP
by its agent, TC Oil Pipeline Operations, Inc.

By 

Its Director, Authorized Signatory

Subscribed and sworn to before me

this 5th day of February, 2015.


John W. Love, Lawyer
Notary Public – Canada

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents that Keystone intends to offer as exhibits at the evidentiary hearing in this matter.

ANSWER: Keystone has not yet identified hearing exhibits. Keystone will disclose its hearing exhibits as required by the PUC.

2. All non-privileged documents relating to environmental and hydrological surveys in the Bridger Creek area. Changed Finding of Fact Number Forty-One.

ANSWER: The wetland delineation datasheets for Bridger Creek (File: S8AHK003.pdf and S312HK001.pdf) have been provided as Keystone 0638-0641.

3. All non-privileged documents relating to cultural and historic surveys, training, and response plans. Conditions Number Forty-Three and Forty-Four.

OBJECTION: This request is overlybroad and unduly burdensome. It is not limited in time. It is not specific to what kind of training and to whom, or what kind of response plans. To the extent that it requests Keystone's emergency response plan, it seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the province of the PHMSA. The PUC's jurisdiction over the emergency response plan is preempted by federal law. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is

{01815261.1}

confidential and proprietary. Public disclosure of the emergency response plan could commercially disadvantage Keystone. Without waiving the objection, all cultural resources survey reports are listed in Section 3.11 of the FSEIS, with results of the SD surveys detailed in Table 3.11-3. Paleontological fieldwork methodology, literature search information, and results can be found in Sections 3.1.2.2 and 3.1.2.3 of the Department of State FSEIS (2014). A list of reports detailing the results of all pre-construction paleontological field surveys can be found in Table 3.1-4 of the Department of State FSEIS (2014). The paleontological mitigation report is confidential.

4. All non-privileged documents relating to required permits, both in South Dakota and outside South Dakota, including permit applications which were denied. Condition Number One.

OBJECTION AND RESPONSE: This request is overlybroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, no permit applications have been denied.

5. Keystone's Unanticipated Discoveries Plan, as referenced in Condition Number 43.

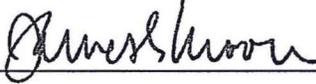
ANSWER: The Unanticipated Discovery Plan can be found within the Programmatic Agreement in Appendix E of the Department of State FSEIS (2014).

OBJECTIONS

The objections stated to Cheyenne River Sioux Tribe's Interrogatories and Request for Production of Documents were made by James E. Moore, one of the attorneys for Applicant TransCanada herein, for the reasons and upon the grounds stated therein.

Dated this 6th day of February, 2015.

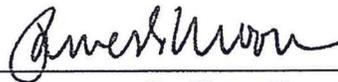
WOODS, FULLER, SHULTZ & SMITH P.C.

By 
William Taylor
James E. Moore
Post Office Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
Phone: (605) 336-3890
Fax: (605) 339-3357
Email: Bill.Taylor@woodsfuller.com
James.Moore@woodsfuller.com
Attorneys for Applicant TransCanada

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February, 2015, I sent by e-mail transmission, a true and correct copy of Keystone's Responses to Cheyenne River Sioux Tribe's First Interrogatories and Request for Production of Documents, to the following:

Tracey A. Zephier
Fredericks Peebles & Morgan LLP
910 5th Street, Suite 104
Rapid City, SD 57701
tzephier@ndnlaw.com



One of the attorneys for TransCanada



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

<p>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</p>	<p>DOCKET HP 14-001</p> <p>DIRECT TESTIMONY OF CARLYLE DUCHENEAUX</p>
---	---

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

Answer: My name is Carlyle Ducheneaux. My office address is P.O. BOX 542 Eagle Butte, SD 57625.

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

Answer: I am currently the Cheyenne River Sioux Tribe's Environmental Protection Department's 106 Coordinator. My prior positions with the Cheyenne River Sioux Tribe include working as the National Pollutant Discharge Elimination System Coordinator and Superfund Site Coordinator.

3. Please provide a description of your areas of responsibility within the Cheyenne River Sioux Tribe's Department of Environmental and Natural Resources.

Answer: I have multiple responsibilities, including the development of water quality standards, review and issuance of National Pollutant Discharge Elimination System permits, review all Environmental Impact Statement/Environmental Assessments affecting the Cheyenne River Sioux Tribe, conducting water, air, and soil testing, and interpreting collected environmental data. In addition, my duties also require me to perform human health risk assessments. I also work with Missouri breaks, BHCAIS and

the University of New Mexico performing scientific tests on humans and the environment.

4. Please state your professional qualifications and experience.

Answer: I have eighteen (18) years of work experience with the Cheyenne River Sioux Tribe in the environmental field. During my professional tenure with the Tribe I have worked collaboratively with the Environmental Protection Agency, the United States Geological Survey, the United States Fish and Wildlife Service, the Bureau of Indian Affairs, the Army Corps of Engineers, the Bureau of Reclamation, the Bureau of Land Management and many private sector science and environmental companies.

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

Answer: Yes. I have thoroughly reviewed the Keystone XL Pipeline's Environmental Impact Statement.

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, as part of my review of the Environmental Impact Statement I have reviewed and familiarized myself with the proposed pipeline route, especially with regard to that portion of the project that is in close proximity to the Cheyenne River Sioux Reservation.

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?

Answer: Absolutely yes. It is my professional opinion that construction of the Keystone XL Pipeline in the vicinity of the Cheyenne River Sioux Reservation will affect the

Cheyenne River Sioux Tribe and its Tribal Members living on the Reservation.

Moreover, upon completion of the Keystone XL Pipeline's construction, the Project will continue to affect the Cheyenne River Sioux Tribe and its Tribal Members in that a spill incident would pose a serious risk to the health and safety of all people living in Dewey and Ziebach Counties.

8. Please describe how the Cheyenne River Sioux Tribe would be affected by construction of the Keystone Pipeline in the vicinity of the Cheyenne River Sioux Reservation.

Answer: Much of the soil in and around the Cheyenne River and its tributaries contains contaminants from previous polluters. At present these contaminants are largely in a settled state and thus do not pose significant immediate health and safety risks. However, construction of the Keystone XL Pipeline will necessarily involve extensive excavation and disruption of contaminated soils, which in turn will lead to the inevitable re-suspension of contaminated sediment in the Cheyenne River hydrological system. The Tribe and all residents of the Cheyenne River Sioux Reservation depend on the Cheyenne River as the sole source of potable water, making such soil disturbance and re-suspension a massive threat to the Tribe and the Reservation's residents. In essence, I see no positive outcome to the construction of the pipeline. Instead, construction of this project will pose a serious threat to the health, safety, and well-being of the Cheyenne River Sioux Tribe, the State of South Dakota, and their respective citizens.

9. What do you mean by "re-suspension" of contaminants? Could you please explain this particular risk in detail?

Answer: What I mean by the term “re-suspension” is that the legacy pollutants that are presently in a settled state in the soil will mix into the Cheyenne River’s hydrological system; thereby reintroducing old pollutants into the water source that the Cheyenne River Sioux Tribe and reservation residents rely on for potable water. In my opinion, such re-suspension will greatly affect the health and safety of the Cheyenne River Sioux Tribe, its tribal members, and the non-Indian residents who reside within the boundaries of the reservation.

10. Would non-Indian residents on the Cheyenne River Sioux Reservation be similarly affected?

Answer: Yes. All residents living on or near the Cheyenne River Sioux Reservation would be subject to the same negative consequences associated with the construction and operation of the Keystone XL Pipeline in the vicinity of the Cheyenne River Sioux Reservation.

11. In your opinion, would the presence of the Keystone Pipeline, once completed, pose a direct threat to the Cheyenne River Sioux Tribe?

Answer: Yes. Beyond the impacts associated with construction of the Keystone XL Pipeline, the Cheyenne River Sioux Tribe will also be affected by the operation of the Keystone XL Pipeline Project. Specifically, the Cheyenne River Sioux Tribe’s water treatment facility, which provides potable water for all residents within the Cheyenne River Sioux Reservation, would be at risk of contamination if a spill were to occur in the Cheyenne River or one of its hydrologically connected tributaries. As such, the Tribe will most definitely be affected by the ongoing operation of the Keystone XL Pipeline Project.

12. Please describe how the Cheyenne River Sioux Tribe would be negatively affected by the completed Keystone Pipeline?

Answer: As I have alluded to in my previous answers, the Tribe will be negatively affected by this project because it will initially contaminate and pose an ongoing threat of contamination to the Tribe's water resources. For example, the likelihood of pipeline failure due to sloughing of banks and movement of highly erodible soils is high. Obviously such a failure would be catastrophic for the Cheyenne River Sioux Tribe, its Tribal Members, and everyone else living within the confines of the Cheyenne River Sioux Reservation. In fact, just a moderate spill from the pipeline into any hydrological system connected to the Cheyenne River would jeopardize the Tribe's drinking water. All residents within the Cheyenne River Sioux Reservation, both Indian and non-Indian, rely on water from the Tribe's Mni Waste Water Company. Thus, any contamination of the Cheyenne River's hydrological system would inevitably impact the Tribe itself, as well as all residents residing within the Reservation. Such a contamination incident would force the residents of the Reservation to use bottled water until a spill is completely cleaned up. This in itself creates a major problem for the Tribe and Tribal Members. Namely, bottled water is not acceptable for many cultural activities. Rather, only water from the Cheyenne River itself can be used. Also, much of the Cheyenne River's flora and fauna would be destroyed. In other words, the Keystone XL Pipeline not only threatens the health and safety of the Cheyenne River Sioux Tribe and its Tribal Members, it also threatens the Tribe's access to irreplaceable cultural resources.

13. What do you mean by “sloughing of banks” and “movement of highly erodible materials?” Please explain how these two natural phenomena could cause the Keystone XL Pipeline to leak?

Answer: By sloughing of banks I mean that the banks bordering waterways such as the Cheyenne River and its tributaries are highly susceptible to collapse. This is because the soil in western South Dakota is highly erodible, meaning it is particularly susceptible to water erosion.

14. Are events such as these common in the vicinity of the Cheyenne River Sioux Reservation?

Answer: Yes, sloughing and movement of highly erodible materials is a very common natural phenomena throughout western South Dakota.

15. Would non-Indian residents on the Cheyenne River Sioux Reservation be similarly affected?

Answer: Yes. All residents who rely on the Tribe’s Mni Waste water treatment facility would be impacted, including non-Tribal members. In other words, the threat posed by the portion of the Keystone XL Pipeline in the vicinity of the Cheyenne River Sioux Reservation will equally affect citizens of the Cheyenne River Sioux Tribe and all other citizens of South Dakota residing within the boundaries of the Reservation.

16. In your professional capacity, has TransCanada Keystone XL Pipeline, LP contacted you or your office with regard to emergency response and/or cleanup issues?

Answer: No. To the best of my knowledge TransCanada has not made any attempt to contact me or anyone else in my office whatsoever. My office would be heavily involved

in any cleanup effort on the Cheyenne River Sioux Reservation, making their lack of contact with us especially disconcerting.

17. In your professional opinion, are the Cheyenne River Sioux Tribe and the local non-Indian governments within the Reservation, such as municipalities and counties, adequately trained and equipped to respond to a Pipeline spill into the Reservation's water?

Answer: No. In my opinion, the Cheyenne River Sioux Tribe, nor any other local government on the Reservation, has the capacity to adequately respond to a spill incident, making such an incident all the more decimating to the Tribe, Tribal Members, and non-Tribal Members living on the Reservation.

18. Does this conclude your prefiled testimony?

Answer: Yes it does.

Dated this 2 day of April, 2015.

/S/ Carlyle Ducheneaux

Carlyle Ducheneaux
106 WATER QUALITY COORDINATOR
CHEYENNE RIVER SIOUX TRIBE
P.O. Box 590
Eagle Butte, SD 57625
Telephone: (605) 964-6558-9
Facsimile: (605) 964-1072
Email: cduceneaux@crstepd.org

CERTIFICATE OF SERVICE

I certify that on this 24th day of November, 2014, the original of this **RESPONSE OPPOSING TRANSCANADA KEYSTONE PIPELINE MOTION TO LIMIT THE SCOPE OF DISCOVERY** 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:

Ms. Patricia Van Gerpen *Via Email*
Executive Director, South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us

Ms. Kristen Edwards *Via Email*
Staff Attorney, South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us

Mr. Brian Rounds *Via Email*
Staff Analyst, South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us

Mr. Darren Kearney *Via Email*
Staff Analyst, South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.

Mr. James E. Moore *Via Email*
Attorney, TransCanada Keystone Pipeline, LP
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117
james.moore@woodsfuller.com

Mr. Bill G. Taylor *Via Email*
Attorney, TransCanada Keystone Pipeline, LP
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117
bill.taylor@woodsfuller.com

Mr. Paul F. Seamans
27893 249th St.
Draper, SD 57531
jackknife@goldenwest.net

Via Email

Mr. John H. Harter
28125 307th Ave.
Winner, SD 57580
johnharter11@yahoo.com

Via Email

Ms. Elizabeth Lone Eagle
PO Box 160
Howes, SD 57748
bethcbest@gmail.com

Via Email

Mr. Tony Rogers
Rosebud Sioux Tribe, Tribal Utility Commission
153 S. Main St.
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov

Via Email

Ms. Viola Waln
PO Box 937
Rosebud, SD 57570
walnranch@goldenwest.net

Via Email

Ms. Jane KleeB
Bold Nebraska
1010 N. Denver Ave.
Hastings, NE 68901
jane@boldnebraska.org

Via Email

Mr. Benjamin D. Gotschall
Bold Nebraska
6505 W. Davey Rd.
Raymond, NE 68428
ben@boldnebraska.org

Via Email

Mr. Byron T. Steskal & Ms. Diana L. Steskal
707 E. 2nd St.
Stuart NE 68780
prairierose@nntc.net

Via Email

Ms. Cindy Myers, R.N.
PO Box 104
Stuart, NE 68780
csmyers77@hotmail.com

Via Email

Mr. Arthur R. Tanderup
52343 857th Rd.
Neligh, NE 68756
atanderu@gmail.com

Via Email

Mr. Lewis GrassRope
PO Box 61
Lower Brule, SD 57548
wisestar8@msn.com

Via Email

Ms. Carolyn P. Smith
305 N. 3rd St.
Plainview, NE 68769
peachie_1234@yahoo.com

Via Email

Mr. Robert G. Allpress
46165 Badger Rd.
Naper, NE 68755
bobandnan2008@hotmail.com

Via Email

Mr. Jeff Jensen
14376 Laflin Rd.
Newell, SD 57760
jensen@sdplains.com

Via Email

Mr. Louis T. Genung
902 E. 7th St.
Hastings, NE 68901
tg64152@windstream.net

Via Email

Mr. Peter Capossela, P.C.
Attorney, Standing Rock Sioux Tribe
PO Box 10643
Eugene, OR 97440
pcapossela@nu-world.com

Via Email

Ms. Nancy Hilding
6300 W. Elm
Black Hawk, SD 57718
nhilshat@rapidnet.com

Via Email

Mr. Gary F. Dorr
27853 292nd
Winner, SD 57580
gfdorr@gmail.com

Via Email

Mr. Bruce & Ms. RoxAnn Boettcher
Boettcher Organics
86061 Edgewater Ave.
Bassett, NE 68714
boettcherann@abbnebraska.com

Via Email

Ms. Wrexie Lainson Bardaglio
9748 Arden Rd.
Trumansburg, NY 14886
wrexie.bardaglio@gmail.com

Via Email

Mr. Cyril Scott
President, Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570
cscott@gwtc.net

Via Email

Mr. Eric Antoine
Attorney, Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570
ejantoine@hotmail.com

Via Email

Ms. Paula Antoine
Sicangu Oyate Land Office Coordinator, Rosebud Sioux Tribe
PO Box 658
Rosebud, SD 57570
wopila@gwtc.net; paula.antoine@rosebudsiouxtribe-nsn.gov

Via Email

Mr. Chris Hesla
South Dakota Wildlife Federation
PO Box 7075
Pierre, SD 57501
sdwf@mncomm.com

Via Email

Mr. Kevin C. Keckler
Chairman, Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD 57625
kevinkeckler@yahoo.com

Via Email

Mr. Cody Jones
21648 US HWY 14/63
Midland, SD 57552

Via USPS First Class Mail

Ms. Amy Schaffer
PO Box 114
Louisville, NE 68037
amyannschaffer@gmail.com

Via Email

Mr. Jerry Jones
22584 US HWY 14
Midland SD 57552

Via USPS First Class Mail

Ms. Debbie J. Trapp
24952 US HWY 14
Midland, SD 57552
mtdt@goldenwest.net

Via Email

Ms. Gena M. Parkhurst
2825 Minnewasta Place
Rapid City, SD 57702
gmp66@hotmail.com

Via Email

Ms. Joye Braun
PO Box 484
Eagle Butte, SD 57625
jmbraun57625@gmail.com

Via Email

Mr. Robert Flying Hawk
Chairman, Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380
Robertflyinghawk@gmail.com

Via Email

Ms. Thomasina Real Bird
Attorney, Yankton Sioux Tribe
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
trealbird@ndnlaw.com

Via Email

Ms. Chastity Jewett
1321 Woodridge Dr.
Rapid City, SD 57701
chasjewett@gmail.com

Via Email

Mr. Douglas Hayes
Sierra Club
1650 38th St., Ste. 102W
Boulder, CO 80301
doug.hayes@sierraclub.org

Via Email

Mr. Duncan Meisel
350.org
20 Jay St. #1010
Brooklyn, NY 11201
duncan@350.org

Via Email

Ms. Sabrina King
Dakota Rural Action
518 Sixth Street, #6
Rapid City, SD 57701
sabrina@dakotarural.org

Via Email

Mr. Frank James
Dakota Rural Action
PO Box 549
Brookings, SD 57006
fejames@dakotarural.org

Via Email

Mr. Bruce Ellison,
Attorney, Dakota Rural Action
518 Sixth St. #6
Rapid City, SD 57701
belli4law@aol.com

Via Email

Mr. Tom BK Goldtooth
Indigenous Environmental Network (IEN)
PO Box 485
Bemidji, MN 56619
ien@igc.org

Via Email

Mr. Dallas Goldtooth
38371 Res. HWY 1
Morton, MN 56270
goldtoothdallas@gmail.com

Via Email

Mr. Ronald Fees
17401 Fox Ridge Rd.
Opal, SD 57758

Via USPS First Class Mail

Ms. Bonny Kilmurry
47798 888 Rd.
Atkinson, NE 68713

Via USPS First Class Mail



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

<p>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</p>	<p>DOCKET HP 14-001</p> <p>DIRECT TESTIMONY OF STEVE VANCE</p>
---	--

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 prefiled testimony?

Answer: Yes it does.

Dated this 2 day of April, 2015.

/S/ Steve Vance

Steve Vance
TRIBAL HISTORIC PRESERVATION OFFICER
CHEYENNE RIVER SIOUX TRIBE
P.O. Box 590
Eagle Butte, SD 57625
Telephone: (605) 964-7554
Facsimile: (605) 964-7552
Email: stevev@vrstpres@outlook.com

CERTIFICATE OF SERVICE

I certify that on this 2^h 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:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us
(605) 773-3201 - voice

Via Email

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us
(605) 773-3201 - voice

Via Email

Mr. Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us
(605) 773-3201 - voice

Via Email

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us
(605) 773-3201 - voice

Via Email

Mr. James E. Moore
Representing: TransCanada Keystone Pipeline, LP
Attorney
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117

Via Email

james.moore@woodsfuller.com
(605) 336-3890 - voice
(605) 339-3357 - fax

Mr. Bill G. Taylor
Representing: TransCanada Keystone Pipeline, LP
Attorney
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117
bill.taylor@woodsfuller.com
(605) 336-3890 - voice
(605) 339-3357 - fax

Via Email

Mr. Paul F. Seamans
27893 249th St.
Draper, SD 57531
jackknife@goldenwest.net
(605) 669-2777 - voice

Via Email

Mr. John H. Harter
28125 307th Ave.
Winner, SD 57580
johnharter11@yahoo.com
(605) 842-0934 - voice

Via Email

Ms. Elizabeth Lone Eagle
PO Box 160
Howes, SD 57748
bethcbest@gmail.com
(605) 538-4224 - voice
Serve both by email and regular mail

*Via Email and First Class
Mail*

Mr. Tony Rogers
Rosebud Sioux Tribe - Tribal Utility Commission
153 S. Main St.
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov
(605) 856-2727 - voice

Via Email

Ms. Viola Waln
PO Box 937
Rosebud, SD 57570
walnranch@goldenwest.net
(605) 747-2440 - voice

Via Email

Ms. Jane Kleeb
Bold Nebraska
1010 N. Denver Ave.
Hastings, NE 68901
jane@boldnebraska.org
(402) 705-3622 - voice

Via Email

Mr. Benjamin D. Gotschall
Bold Nebraska
6505 W. Davey Rd.
Raymond, NE 68428
ben@boldnebraska.org
(402) 783-0377 - voice

Via Email

Mr. Byron T. Steskal & Ms. Diana L. Steskal
707 E. 2nd St.
Stuart NE 68780
prairierose@nntc.net
(402) 924-3186 - voice

Via Email

Ms. Cindy Myers, R.N.
PO Box 104
Stuart, NE 68780
csmyers77@hotmail.com
(402) 709-2920 - voice

Via Email

Mr. Arthur R. Tanderup
52343 857th Rd.
Neligh, NE 68756
atanderu@gmail.com
(402) 278-0942 - voice

Via Email

Mr. Lewis GrassRope
PO Box 61
Lower Brule, SD 57548
wisestar8@msn.com
(605) 208-0606 - voice

Via Email

Ms. Carolyn P. Smith
305 N. 3rd St.
Plainview, NE 68769
peachie_1234@yahoo.com
(402) 582-4708 - voice

Via Email

Mr. Robert G. Allpress
46165 Badger Rd.

Via Email

Naper, NE 68755
bobandnan2008@hotmail.com
(402) 832-5298 - voice

Mr. Jeff Jensen
14376 Laflin Rd.
Newell, SD 57760
jensen@sdplains.com
(605) 866-4486 - voice

Via Email

Mr. Louis T. Genung
902 E. 7th St.
Hastings, NE 68901
tg64152@windstream.net
(402) 984-7548 - voice

Via Email

Mr. Peter Capossela, P.C.
Representing: Standing Rock Sioux Tribe
Attorney at Law
PO Box 10643
Eugene, OR 97440
pcapossela@nu-world.com
(541) 505-4883 - voice

Via Email

Ms. Nancy Hilding
6300 W. Elm
Black Hawk, SD 57718
nhilshat@rapidnet.com
(605) 787-6779 - voice

Via Email

Mr. Gary F. Dorr
27853 292nd
Winner, SD 57580
gfdorr@gmail.com
(605) 828-8391 - voice

Via Email

Mr. Bruce & Ms. RoxAnn Boettcher
Boettcher Organics
86061 Edgewater Ave.
Bassett, NE 68714
boettcherann@abbnebraska.com
(402) 244-5348 - voice

Via Email

Ms. Wrexie Lainson Bardaglio
9748 Arden Rd.
Trumansburg, NY 14886

Via Email

wrexie.bardaglio@gmail.com
(607) 229-8819 - voice

Mr. Cyril Scott
President
Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570
cscott@gwtc.net
ejantoine@hotmail.com
(605) 747-2381 - voice

Via Email

Mr. Eric Antoine
Attorney
Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570
ejantoine@hotmail.com
(605)747-2381 - voice

Via Email

Ms. Paula Antoine
Sicangu Oyate Land Office Coordinator
Rosebud Sioux Tribe
PO Box 658
Rosebud, SD 57570
wopila@gwtc.net
paula.antoine@rosebudsiouxtribe-nsn.gov
(605) 747-4225 - voice

Via Email

Mr. Cody Jones
21648 US HWY 14/63
Midland, SD 57552
(605) 843-2827 - voice

Via First Class Mail

Ms. Amy Schaffer
PO Box 114
Louisville, NE 68037
amyannschafter@gmail.com
(402) 234-2590

Via Email

Mr. Jerry Jones
22584 US HWY 14
Midland SD 57552
(605) 843-2264

Via First Class Mail

Ms. Debbie J. Trapp
24952 US HWY 14
Midland, SD 57552
mtdt@goldenwest.net

Via Email

Ms. Gena M. Parkhurst
2825 Minnewasta Place
Rapid City, SD 57702
gmp66@hotmail.com
(605) 716-5147 - voice

Via Email

Ms. Joye Braun
PO Box 484
Eagle Butte, SD 57625
jmbraun57625@gmail.com
(605) 964-3813

Via Email

Mr. Robert Flying Hawk
Chairman
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380
Robertflyinghawk@gmail.com
(605) 384-3804 - voice

Via Email

Ms. Thomasina Real Bird
Representing - Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
trealbird@ndnlaw.com
(303) 673-9600 - voice
(303) 673-9155 - fax

Via Email

Ms. Chastity Jewett
1321 Woodridge Dr.
Rapid City, SD 57701
chasjewett@gmail.com
(605) 431-3594 - voice

Via Email

Mr. Duncan Meisel
350.org
20 Jay St. #1010
Brooklyn, NY 11201

Via Email

duncan@350.org
(518) 635-0350 - voice

Ms. Sabrina King
Dakota Rural Action
518 Sixth Street, #6
Rapid City, SD 57701
sabrina@dakotarural.org
(605) 716-2200 - voice

Via Email

Mr. Frank James
Dakota Rural Action
PO Box 549
Brookings, SD 57006
fejames@dakotarural.org
(605) 697-5204 - voice
(605) 697-6230 - fax

Via Email

Mr. Bruce Ellison
Attorney
Dakota Rural Action
518 Sixth St. #6
Rapid City, SD 57701
belli4law@aol.com
(605) 716-2200 - voice
(605) 348-1117 - voice

Via Email

Mr. Tom BK Goldtooth
Indigenous Environmental Network (IEN)
PO Box 485
Bemidji, MN 56619
ien@igc.org
(218) 760-0442 - voice

Via Email

Mr. Dallas Goldtooth
38371 Res. HWY 1
Morton, MN 56270
goldtoothdallas@gmail.com
(507) 412-7609

Via Email

Mr. Ronald Fees
17401 Fox Ridge Rd.
Opal, SD 57758
(605) 748-2422 - voice

Via First Class Mail

Ms. Bonny Kilmurry
47798 888 Rd.
Atkinson, NE 68713
bjkilmurry@gmail.com
(402) 925-5538 – voice

Via Email

Mr. Robert P. Gough
Secretary
Intertribal Council on Utility Policy
PO Box 25
Rosebud, SD 57570
bobgough@intertribalCOUP.org
(605) 441-8316 - voice

Via Email

Mr. Terry & Cheryl Frisch
47591 875th Rd.
Atkinson, NE 68713
tcfrisch@q.com
(402) 925-2656 - voice

Via Email

Mr. Robin S. Martinez - Representing: Dakota Rural Action
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108
robin.martinez@martinezlaw.net

Via Email

Ms. Mary Turgeon Wynne, Esq.
Rosebud Sioux Tribe - Tribal Utility Commission
153 S. Main St
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov
(605) 856-2727 - voice

Via Email

Mr. Matthew L. Rappold - Representing: Rosebud Sioux Tribe
Rappold Law Office
816 Sixth St.
PO Box 873
Rapid City, SD 57709
Matt.rappold01@gmail.com
(605) 828-1680 - voice

Via Email

Ms. April D. McCart - Representing: Dakota Rural Action
Certified Paralegal
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108

Via Email

CERTIFICATE OF SERVICE

I certify that on this 24th day of July, 2015, the original of this NOTICE OF FILING EXHIBITS 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:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us
(605) 773-3201 - voice

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us
(605) 773-3201 - voice

Mr. Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us
(605) 773-3201- voice

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us
(605) 773-3201 - voice

Mr. James E. Moore - Representing: TransCanada Keystone Pipeline, LP
Attorney
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117
james.moore@woodsfuller.com

(605) 336-3890 - voice
(605) 339-3357 - fax

Mr. William G. Taylor - Representing: TransCanada Keystone Pipeline, LP
Attorney
Taylor Law Firm
2921 E. 57th St. #10
Sioux Falls, SD 57108
bill.taylor@williamgtaylor.com
(605) 212-1750 - voice

Mr. James P. White
Attorney
TransCanada Keystone Pipeline, LP
Ste. 225
1250 Eye St., NW
Washington, DC 20005
jim_p_white@transcanada.com
(202) 682-4701 ext. 224 - voice

Mr. Paul F. Seamans
27893 249th St.
Draper, SD 57531
jackknife@goldenwest.net
(605) 669-2777 - voice

Mr. John H. Harter
28125 307th Ave.
Winner, SD 57580
johnharter11@yahoo.com
(605) 842-0934 - voice

Ms. Elizabeth Lone Eagle
PO Box 160
Howes, SD 57748
bethbest@gmail.com
(605) 538-4224 - voice
Serve both by email and regular mail

Mr. Tony Rogers
Rosebud Sioux Tribe - Tribal Utility Commission
153 S. Main St.
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov
(605) 856-2727 - voice

Ms. Viola Waln
PO Box 937
Rosebud, SD 57570
waln ranch@goldenwest.net
(605) 747-2440 - voice

Ms. Jane Kleeb
Bold Nebraska
1010 N. Denver Ave.
Hastings, NE 68901
jane@boldnebraska.org
(402) 705-3622 - voice

Mr. Benjamin D. Gotschall
Bold Nebraska
6505 W. Davey Rd.
Raymond, NE 68428
ben@boldnebraska.org
(402) 783-0377 - voice

Mr. Byron T. Steskal & Ms. Diana L. Steskal
707 E. 2nd St.
Stuart NE 68780
prairierose@nntc.net
(402) 924-3186 - voice

Ms. Cindy Myers, R.N.
PO Box 104
Stuart, NE 68780
csmyers77@hotmail.com
(402) 709-2920 - voice

Mr. Arthur R. Tanderup
52343 857th Rd.
Neligh, NE 68756
atanderu@gmail.com
(402) 278-0942 - voice

Mr. Lewis GrassRope
PO Box 61
Lower Brule, SD 57548
wisestar8@msn.com
(605) 208-0606 - voice

Ms. Carolyn P. Smith
305 N. 3rd St.

Plainview, NE 68769
peachie_1234@yahoo.com
(402) 582-4708 - voice

Mr. Robert G. Allpress
46165 Badger Rd.
Naper, NE 68755
bobandnan2008@hotmail.com
(402) 832-5298 - voice

Mr. Louis T. Genung
902 E. 7th St.
Hastings, NE 68901
tg64152@windstream.net
(402) 984-7548 - voice

Mr. Peter Capossela, P.C. - Representing: Standing Rock Sioux Tribe
Attorney at Law
PO Box 10643
Eugene, OR 97440
pcapossela@nu-world.com
(541) 505-4883 - voice

Ms. Nancy Hilding
6300 W. Elm
Black Hawk, SD 57718
nhilshat@rapidnet.com
(605) 787-6779 - voice

Mr. Gary F. Dorr
27853 292nd
Winner, SD 57580
gfdorr@gmail.com
(605) 828-8391 - voice

Mr. Bruce & Ms. RoxAnn Boettcher
Boettcher Organics
86061 Edgewater Ave.
Bassett, NE 68714
boettcherann@abbnebraska.com
(402) 244-5348 - voice

Ms. Wrexie Lainson Bardaglio
9748 Arden Rd.
Trumansburg, NY 14886

wrexie.bardaglio@gmail.com

(607) 229-8819 - voice

Mr. William Kindle

President

Rosebud Sioux Tribe

PO Box 430

Rosebud, SD 57570

William.Kindle@rst-nsn.gov

ejantoine@hotmail.com

Mr. Eric Antoine

Attorney

Rosebud Sioux Tribe

PO Box 430

Rosebud, SD 57570

ejantoine@hotmail.com

(605)747-2381 - voice

Ms. Paula Antoine

Sicangu Oyate Land Office Coordinator

Rosebud Sioux Tribe

PO Box 658

Rosebud, SD 57570

wopila@gwtc.net

paula.antoine@rosebudsiouxtribe-nsn.gov

(605) 747-4225 - voice

Mr. Harold C. Frazier

Chairman

Cheyenne River Sioux Tribe

PO Box 590

Eagle Butte, SD 57625

haroldcfrazier@yahoo.com

(605) 964-4155 - voice

Mr. Cody Jones

21648 US HWY 14/63

Midland, SD 57552

(605) 843-2827 - voice

Ms. Amy Schaffer

PO Box 114

Louisville, NE 68037

amyanschaffer@gmail.com

(402) 234-2590

Mr. Jerry Jones
22584 US HWY 14
Midland SD 57552
(605) 843-2264

Ms. Debbie J. Trapp
24952 US HWY 14
Midland, SD 57552
mtdt@goldenwest.net
(605) 843-2155 - voice

Ms. Gena M. Parkhurst
2825 Minnewasta Place
Rapid City, SD 57702
gmp66@hotmail.com
(605) 716-5147 - voice

Ms. Joye Braun
PO Box 484
Eagle Butte, SD 57625
jmbraun57625@gmail.com
(605) 964-3813

Mr. Robert Flying Hawk
Chairman
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380
Robertflyinghawk@gmail.com
(605) 384-3804 - voice

Ms. Thomasina Real Bird - Representing - Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
trealbird@ndnlaw.com
(303) 673-9600 - voice
(303) 673-9155 - fax

Ms. Jennifer S. Baker – Representing Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027

Jbaker@ndnlaw.com
303-673-9600 - voice
303-673-9155 – fax

Ms. Chastity Jewett
1321 Woodridge Dr.
Rapid City, SD 57701
chasjewett@gmail.com
(605) 431-3594 - voice

Mr. Duncan Meisel
350.org
20 Jay St. #1010
Brooklyn, NY 11201
duncan@350.org
(518) 635-0350 - voice

Ms. Sabrina King
Dakota Rural Action
518 Sixth Street, #6
Rapid City, SD 57701
sabrina@dakotarural.org
(605) 716-2200 - voice

Mr. Frank James
Dakota Rural Action
PO Box 549
Brookings, SD 57006
fejames@dakotarural.org
(605) 697-5204 - voice
(605) 697-6230 - fax

Mr. Bruce Ellison
Attorney
Dakota Rural Action
518 Sixth St. #6
Rapid City, SD 57701
belli4law@aol.com
(605) 716-2200 - voice
(605) 348-1117 - voice

Mr. Tom BK Goldtooth
Indigenous Environmental Network (IEN)
PO Box 485
Bemidji, MN 56619

ien@igc.org

(218) 760-0442 - voice

Mr. Dallas Goldtooth

38371 Res. HWY 1

Morton, MN 56270

goldtoothdallas@gmail.com

(507) 412-7609

Mr. Ronald Fees

17401 Fox Ridge Rd.

Opal, SD 57758

(605) 748-2422 - voice

Ms. Bonny Kilmurry

47798 888 Rd.

Atkinson, NE 68713

bjkilmurry@gmail.com

(402) 925-5538 - voice

Mr. Robert P. Gough

Secretary

Intertribal Council on Utility Policy

PO Box 25

Rosebud, SD 57570

bobgough@intertribalCOUP.org

(605) 441-8316 - voice

Mr. Terry & Cheryl Frisch

47591 875th Rd.

Atkinson, NE 68713

tcfrisch@q.com

(402) 925-2656 - voice

Ms. Tracey Zephier - Representing: Cheyenne River Sioux Tribe

Fredericks Peebles & Morgan LLP

Ste. 104

910 5th St.

Rapid City, SD 57701

tzephier@ndnlaw.com

(605) 791-1515 - voice

Mr. Travis Clark - Representing: Cheyenne River Sioux Tribe

Fredericks Peebles & Morgan LLP

Ste. 104

910 5th St.

Rapid City, SD 57701
tclark@ndnlaw.com
(605) 791-1515 - voice

Mr. Robin S. Martinez - Representing: Dakota Rural Action
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108
robin.martinez@martinezlaw.net
(816) 979-1620 – voice
(888) 398-7665 - fax

Ms. Mary Turgeon Wynne, Esq.
Rosebud Sioux Tribe - Tribal Utility Commission
153 S. Main St
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov
(605) 856-2727 - voice

Mr. Matthew L. Rappold - Representing: Rosebud Sioux Tribe
Rappold Law Office
816 Sixth St.
PO Box 873
Rapid City, SD 57709
Matt.rappold01@gmail.com
(605) 828-1680 - voice

Ms. April D. McCart - Representing: Dakota Rural Action
Certified Paralegal
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108
april.mccart@martinezlaw.net
(816) 415-9503 - voice

Mr. Paul C. Blackburn - Representing: Bold Nebraska
Attorney
4145 20th Ave. South
Minneapolis, MN 55407
paul@paulblackburn.net
(612) 599-5568 - voice

Ms. Kimberly E. Craven - Representing: Indigenous Environmental Network (IEN)
Attorney
3560 Catalpa Way
Boulder, CO 80304

kimecraven@gmail.com
(303) 494-1974 - voice