

Keystone XL Opponents Testify At Permit Hearing

BY BOB MERCER
State Capitol Bureau

PIERRE — The Keystone XL oil pipeline through western South Dakota poses a risk to water supplies because its proposed route would cross many aquifers, streams and rivers in terrain where slopes sometimes give way, a witness said Monday.

The testimony at the state permit hearing came from Arden Davis, a long-time professor of geological engineering who retired in June at the South Dakota School of Mines and Technology.

He was one in a series of opposition witnesses who took the stand during the hearing's seventh day. Some of the others who testified were:

Former TransCanada engineer Evan Vokes, who alerted Canadian regulators to the company's weld-inspection problems elsewhere;

Standing Rock Sioux Tribe councilwoman Phyllis Young, who said TransCanada and the U.S. State Department didn't confer with the tribal government or individual members.

"Please understand our struggle. We are protecting our homelands. We want the best for our children and our grandchildren," Young said; and

Faith Spotted Eagle of Lake Andes, who spoke about expectations that crime will increase, if the Keystone XL

project uses "man camps" for housing crews during the pipeline's construction.

Spotted Eagle, who described herself as a survivor because she has been physically assaulted and sexually abused, said the man camps would be similar to U.S. troops who were

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PHYLLIS YOUNG

stationed at Fort Randall starting in the 1850s.

"It's history repeating itself," she said.

The state Public Utilities Commission is trying to determine whether parent company TransCanada can still meet the 50 conditions set in the original permit from 2010. TransCanada has been waiting for federal approval to cross the U.S. border from Alberta.

State law requires that a permit holder certify it can still meet the conditions if work hasn't started within four years. Unlike the 2009 hearing, which lasted three days, the certification hearing now underway might not be finished by day 11 on Friday.

Lawyers for the two sides quarreled again Monday morning about the slow pace.

Robin Martinez, an attorney representing one of the opponents, Dakota Rural Action, said there is "no doubt" that the permit certification would be appealed to state court. He said he expected TransCanada likewise to appeal a denial.

The hearing originally was set to run possibly seven days. The commissioners last week added last Saturday and added Wednesday through Friday of this week.

Commissioner Gary Hanson said Monday that another week still might be needed at some later time and the many parties in the case would need to show up or be left out.

The pipeline would run from tar sands mines in Alberta through Montana, South Dakota and Nebraska, where it would connect with the existing distribution system.

Hanson took issue with a photograph posted on Facebook by someone from Dakota Rural Action. It showed him leaning his head on his hand as though he was asleep.

Hanson denied he was sleeping and said he felt nauseous from pain medicine.

"It was inflammatory, and it was false," Hanson said.

SD: Progress Made On Wheat Harvest

SIOUX FALLS (AP) — South Dakota farmers are making progress in harvesting wheat.

The Agriculture Department says in its weekly crop report that the spring wheat harvest was 24 percent complete, compared to 2 percent the week before. The long-term average at this point is 30 percent. Winter wheat harvested was at 76 percent, ahead of the 72 percent average.

The report says oats and barley harvested is well ahead of averages.

Topsoil and subsoil moisture conditions were rated essentially the same, with 69 percent adequate or surplus and 31 percent short or very short.

Pasture and range conditions were at 63 percent good or excellent. Stock water supplies were 77 percent adequate or surplus.

Patrol: 6 Fatafs Tied To Sturgis Rally

STURGIS (AP) — The South Dakota Highway Patrol says six people have died on the roads in connection with the Sturgis Motorcycle Rally in western South Dakota.

The patrol says four people were killed in separate accidents Sunday and early Monday. Dead are 49-year-old Rhonda Denato, of Ottumwa, Iowa; 73-year-old Archie Smith, of Kansas City, Kansas; 51-year-old Brian Ware of Seattle; and 47-year-old Todd Hay of Deland, Florida.

Smith was killed when the Chevrolet Corvette he was driving crashed into a cable guard rail in the median. The other three victims were on motorcycles.

The patrol announced over the weekend that 65-year-old William Carter of Seville, Ohio and 45-year-old Gregory Bullard of Fort Collins, Colorado, died in separate motorcycle crashes.

1 Dead, 4 Hurt In Crash Near Ashland

ASHLAND, Neb. (AP) — Authorities have identified a man killed in a single-vehicle rollover crash on Interstate 80 in eastern Nebraska.

The Nebraska State Patrol says 35-year-old Ka Paw Shee, of Omaha, was a passenger in the vehicle traveling westbound Sunday afternoon. The crash occurred around 4:10 p.m. between Greenwood and Ashland.

Four others including the driver were injured. Their names haven't been released. Additional information about the crash has not been released. Authorities say Shee was wearing a seatbelt.

SD Withholds Upgrade Cash After Issues

RAPID CITY (AP) — A South Dakota board is withholding \$259,000 from a Maryland vendor after problems with a new 911 system.

The *Rapid City Journal* reports South Dakota's 911 Coordination Board is withholding payment of a monthly invoice to TeleCommunication Systems Inc., which didn't immediately respond to a request for comment.

Pennington County 911 upgraded to new software in May ahead of an eventual statewide rollout.

Coordination Board Chairman Ted Ruffedt Jr. says 911 calls have functioned properly, but some software features aren't working and fixes have been delayed. He says the board wants the issues resolved in Pennington County before the system is installed at other South Dakota call centers in the coming months.

Ruffedt says the problems haven't jeopardized public safety and the board still has confidence in the vendor.

Lawsuit Hatched Over Backyard Chickens

OMAHA, Neb. (AP) — A Nebraska woman's six backyard chickens have ruffled her neighbors, who want a judge to force her to immediately get rid of the birds.

Stacy Williams has chicken coops, a compost pile and a fruit and vegetable garden in her backyard, the *Omaha World-Herald* reported. Her Trendwood neighbors Bradley A. and Lynn M. Perry, have filed a lawsuit over them because they're concerned about property values, according to the plaintiffs' attorney.

The lawsuit states that Williams "has removed virtually all of the lawn in her backyard and is endeavoring to establish something akin to a small urban truck garden and compost production area." It contends that the backyard activity is "an annoyance and nuisance to the neighborhood."

Hawks To Challenge Noem For House Seat

PIERRE (AP) — State Rep. Paula Hawks is attempting to upend South Dakota's all-Republican congressional delegation by challenging U.S. Rep. Kristi Noem in the 2016 election, the Democrat's campaign announced Monday.

Hawks said South Dakota residents deserve better representation from someone who will listen to what they have to say. The 39-year-old Hartford resident, who is in her second state House term, said she wants to focus on seniors, farmers and ranchers, equality for women and education and student loan debt.

"The basic thought for me is that South Dakotans deserve better representation, and they deserve somebody who is going to listen to them and to hear what they have to say, and to act on that rather than answering to the party and the highest bidder," Hawks told The Associated Press. "There's a distinct population in South Dakota that doesn't feel represented, and I know that I'm the person that will represent them well."

Hawks said she has talked to key Democratic leaders in South Dakota ahead of running, and she appears to be the first Democrat to announce a bid against Noem. There had been speculation around her potential bid for months, and Hawks said she made the final decision to enter the race in late June or early July after discussions with family and friends.

State House Minority Leader Spencer Hawley, who has seen Hawks' political work firsthand in the South Dakota House, said Hawks will be a solid candidate and said she's "spoken strongly for education" during her time serving in Pierre. She has also been a teacher and now works in the private sector where she's a training specialist.

State Democratic party Chairwoman Ann Tornberg said Hawks' background in agriculture and education and her service in the Legislature will allow her to bring a "strong and needed voice" to Congress.

Hawks faces a difficult campaign to graduate to the U.S. House by unseating Noem, who had roughly \$1.2 million in the bank when she wrapped up the fundraising quarter that ended in June. Noem, first elected after she beat incumbent Democrat Stephanie Herseth Sandlin in 2010, won against her Democratic challenger in 2014 by more than 30 percentage points.



Hawks

Survey Suggests Economic Slowdown Ahead For Midwest

OMAHA, Neb. (AP) — Slumping numbers in a July survey suggest there will be slow to no economic growth over the next three to six months in nine Midwest and Plains states, according to a report issued Monday.

The overall Mid-America Business Conditions Index dropped to 50.6 in July from 53.0 in June, the survey said.

"Businesses tied to agriculture and energy continue to report pullbacks in economic activity, and this is spilling over into the broader regional economy," said Creighton University economist Ernie Goss, who oversees the survey.

The survey results from supply managers are focused into a collection of indexes ranging from zero to 100. Survey organizers say any score above 50 suggests economic growth, while a score below that suggests decline. The survey covers Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and South Dakota.

Looking ahead six months, economic optimism, as reflected by the July business



Goss

confidence index, plummeted to 52.4 from June's 59.9.

"Sinking agriculture and energy commodity prices pushed supply managers' expectations of future economic conditions lower for the month," Goss said.

The regional employment gauge rose less than a point in July, to 50.0 from 49.1 in June, Goss said, but it remained at a level pointing to slow to no new hiring in the months ahead.

The new export orders index fell to 47.4 last month from 51.3 in June. The import index dipped only slightly, to 54.7 from June's 54.8.

"Slowing global economic growth and the rising value of the U.S. dollar reduced new export orders," Goss said. "On the other hand, the rising value of the U.S. dollar, which makes foreign goods more competitively priced in the U.S., boosted regional imports."

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