

Tribe Didn't Answer Company On Cultural Sites Along Oil Line

BY BOB MERCER
State Capitol Bureau

PIERRE — The Standing Rock Sioux Tribe didn't work with Dakota Access when the company conducted a cultural resources survey along the route proposed for its oil pipeline, the tribe's historic preservation officer testified Wednesday.

The officer said the tribe expected to go through the U.S. Army Corps of Engineers but that didn't occur.

A company lawyer's cross-examination of the officer showed the company's consultant had made attempts to reach the tribe by letter and email.

The officer, Waste Win Young, told the South Dakota Public Utilities Commission that the tribal government considers the process incomplete.

Young said the corps would send staff to meet with tribal officials on Oct. 28 about the matter.

Her comments came on the sixth day of testimony in the commission's hearing on whether to grant the company a permit to build and operate the pipeline through South Dakota.

The tribe's intention has been to participate in the survey of cultural resources but do it through the corps, according to Young.

"We were just never afforded the opportunity," she said.

Consequently the results of the company's survey haven't been reviewed because the tribe considers the survey

incomplete, she said.

The results of the company's cultural survey were provided to the commission Friday, the fourth day of the permit hearing. They are confidential.

A lawyer for the company argued through her questions Wednesday that the National Historic Preservation Act would apply only if the proposed route crossed tribal lands.

Young said her opinion is the act applies along the entire route.

The lawyer, Kara Semmler of Pierre, asked whether Young was aware a letter was sent to the tribal chairman on Sept. 7.

The letter hasn't been introduced as evidence. When lawyers for opponents objected, Semmler said she was "moving on."

Semmler, a former PUC lawyer, turned Young's attention to a Nov. 13, 2014, email to Young from one of the consultants who conducted the survey for the company.

The email asked whether Young would provide information on cultural sites.

Young said the email indicated the consultant would get back to Young with a schedule for sampling activities. That didn't happen, Young said.

Semmler asked Young whether she was aware of the efforts made by the company to avoid stone circles and other sites.

"No, I'm not," Young said.

In answer to another question,

Young said she hadn't read the company's survey reports.

Commission chairman Chris Nelson asked Young whether she had ever communicated to the company's consultant how the company could identify sensitive sites.

Young said no. Young said she had been waiting for the corps. She said that is the standard process involving tribes on cultural surveys.

Young said the company came to the tribe because the corps hadn't responded to the company.

Young said the pipeline wouldn't cross tribal land but would cross aboriginal land.

Semmler later asked why Young didn't respond to the company's consultant.

"I think that's a question for the Army corps," Young said.

Young said the tribe keeps information on cultural sites "under lock and key."

Dakota Access, based in Houston, Texas, wants to transport oil from the Bakken and Three Forks formations of North Dakota, through South Dakota and Iowa, into southern Illinois.

The proposed route would enter South Dakota through Campbell County and continue at a 45-degree angle southeasterly through McPherson, Edmunds, Faulk, Spink, Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner and Lincoln counties on its way to Iowa.

Prosecutors Won't Seek Death Penalty

RAPID CITY — Prosecutors say they will not seek the death penalty in two western South Dakota killings should the suspects be convicted.

KEVN-TV reports that means both men would face life in prison if convicted.

James Rogers Jr. of Lead is charged in the fatal stabbing of 27-year-old Caitlin Walsh in August. Prosecutors allege Rogers stabbed Walsh multiple times and then kept her body in his apartment for five days. The relationship of Rogers and Walsh isn't known.

Sean Marshall is accused in the May shooting death in Rapid City of 22-year-old Charles Metcalf, his cousin.

Authorities say Marshall admitted to shooting Metcalf but also said he feared for his life because Metcalf had come at him with broken glass. Police say Metcalf was shot in the back multiple times.

Small Plane Crash In Nebraska Kills 1

CHADRON, Neb. — One person has died in a small plane crash in western Nebraska.

Chadron radio station KCSR reports that the crash happened shortly after 5 p.m. Tuesday. The Dawes County Sheriff's Office says the pilot, the only person on the plane, was killed in the crash, which happened southwest of Chadron.

Officials have not released the name of the person killed, pending notification of the pilot's family members. Authorities have not released other details about the crash, including the type of plane that went down.

Local authorities say the Federal Aviation Administration and National Transportation and Safety Board have been notified and will investigate the crash.

SD State Fair Attendance Up Slightly

HURON — Attendance at this year's South Dakota State Fair was up slightly from 2014, pleasing organizers.

The state Agriculture Department says the five-day fair in Huron last month drew 210,893 people, about 400 more than last year.

Attendance in 2014 was up 15 percent from the previous year. Fair Director Peggy Besch says the 2014 numbers were "phenomenal," and the goal this year was to keep pace. She says that goal was met.

Besch says preliminary revenue estimates indicate a 6 percent increase over last year.

Next year's State Fair is Sept. 1-5.

Coalition Created By Daugaard Meets On Medicaid Expansion

BY JAMES NORD
Associated Press

FORT PIERRE — A coalition of health representatives and state and tribal officials established by Gov. Dennis Daugaard to explore the possibility of expanding Medicaid in South Dakota is first focusing on how to free up enough funds to pay for the state's share.

The Health Care Solutions Coalition met for the first time Wednesday in Fort Pierre. The Daugaard administration has broadly outlined to federal officials a proposal to expand the health coverage program for low-income and disabled people and the federal government is taking the ideas seriously, said Kim Malsam-Rysdon, a senior adviser to the governor.

Members of the coalition

will work out the details of paying for the state's share, which would be offset by savings to make up for the expected cost of between \$30 million and \$33 million starting in 2020.

"We're not talking about expansion unless we can free up the funding to do it," Malsam-Rysdon said.

The Republican governor met last week with Health and Human Services Secretary Sylvia Burwell to explain the plan. A spokesman for the department said in a statement that the administration is "willing to work with any state interested in expanding Medicaid."

The proposal, which is in its early stages, would make about 48,500 South Dakota residents newly eligible for the program. The federal government in 2014 rejected

a plan from the state to partially expand Medicaid.

The proposal aims to pay for the state's share in part by expanding access to services that are fully funded by the federal government, with the goal of freeing up enough state funding to pay for the addition of more residents to the Medicaid program.

Officials are focusing on people who are eligible for Medicaid but can get services through the Indian Health Service. The goal is to make services through the Indian Health Service more accessible so that people don't have to go to an outside health care provider, which can happen if the IHS is unable to offer a specific service.

Those services at the IHS are fully funded by the federal government through Medicaid rather than through

the typical split in financing between the state and the federal government. The state is also asking for a change in the classification of some services to have them fully paid for by the federal government.

The administration also wants to improve access to care on the state's reservations. The response to the proposal from Native American tribes in the state has been promising, said Jerilyn Church of the Great Plains Tribal Chairmen's Health Board.

Sister Files Harassment Against Brother

OMAHA, Neb. — A sibling spat between an Omaha woman and her brother has now become a police matter.

Police say the 39-year-old woman has filed a harassment complaint accusing her brother of placing her cellphone number on an adult website.

The Omaha World-Herald reports that the woman told police on Monday that her brother's actions caused "numerous unknown men to text her obscene messages," beginning about noon Sunday. A police report says the 37-year-old brother, who lives in another state, is angry with his sister because she informed two women that he was dating them both at the same time.

There's no word on what action, if any, police might take in the matter.

Ideas Crop Up For Creighton Medical Center

OMAHA, Neb. — Ideas about what to do with soon-to-be-vacant Creighton University Medical Center in Omaha are emerging as a real estate marketer is looking to sell the property.

Proposed uses for the facility include a data center, housing, offices and research space, the Omaha World-Herald reports.

James Maenner, senior vice president of CB Richard Ellis/Mega Real Estate, said no new use for the facility is too far-fetched, including vertical farming. He's looking into options with potential users.

The firm has listed the 795,000-square-foot medical center and parking stalls, and is marketing the property nationally.

"Given the uniqueness, it could be one of the most

creative mixed uses ever," Maenner said. "We're saying, 'Make an offer.'"

The facility will be vacated in 2017, after the teaching hospital and trauma center move to the Bergan Mercy Medical Center complex.

Creighton vice president for administration John Wilhelm says the university prefers that the facility be repurposed and not demolished. He said they're open to different concepts and haven't set a price.

"We'd like to see something that benefits midtown Omaha, the surrounding neighborhoods," Wilhelm said.

Selling the medical center should bring about more redevelopment in the area, said Jim Champion, former chairman of Destination Midtown. He said the new

use should fit the neighborhood's "eclectic" mix of urban farms and Friday night markets.

"If you can put together jobs, along with new amenities the neighborhood wants and needs, that's a home run," he said.

Chris Foster of the Gifford Park Neighborhood Association said the group believes it's important to find the right development, "even if it takes longer." The Neighborhood Association backs putting a public elementary school on a medical center parking lot.

Wilhelm said the university is looking for a buyer interested in the entire property, but that the parking stalls could come into play if the facility is repurposed for a different use.

2 People Injured In House Fire

OMAHA, Neb. — Firefighters say two people have been injured, one critically, in an apartment house fire in south Omaha.


The Omaha World-Herald reports that the fire was reported around 3 a.m. Wednesday.

Firefighters arrived to find the two-story apartment house in flames. While it only took minutes to bring the fire under control, firefighters say nine people had to first get out of the burning home. The injured people — a man and a woman — had scrambled onto the home's roof and were then rescued by a neighbor with a ladder.

No one else was hurt, but two cats died in the fire. A family dog survived.

Firefighters are investigating the cause of the blaze, which battalion fire chief Troy Brannen says started on the second floor.

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