

# Hearing Ends, Wait Begins For Dakota Access Permit

BY BOB MERCER  
State Capitol Bureau

PIERRE — Eight days of testimony concluded Friday afternoon on a state permit needed for the Dakota Access oil pipeline to cross South Dakota.

The state Public Utilities Commission will make its decision at a special meeting Nov. 30.

"This has not been easy for any of us," Chris Nelson said. He is chairman of the three-member regulatory commission.

Glenn Boomsma, a lawyer from Sioux Falls, made the only closing statement Friday afternoon. He represented some of the agricultural landowners along the southern segment of the proposed route, who have been sued by the company for easements across their properties.

Boomsma urged the commissioners to look in person at the route.

"We're talking about a pipeline with its origins in Texas. That doesn't sit well with me," Boomsma said. He added, "It does not fit the orderly development of the region."

Other opponents to the permit are the Yankton Sioux Tribe, the Rosebud Sioux Tribe, the Indigenous Environmental Network, the Standing Rock Sioux Tribe and Dakota Rural Action.

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.

Commissioner Gary Hanson repeatedly asked witnesses for the company throughout the hearing whether the pipeline could be routed farther away from the high-growth area of Tea, Harrisburg,

Hartford and Sioux Falls.

Hanson also expressed interest that an environmental impact statement be conducted, but he lost on a 2-1 vote during the hearing's first day.

State law gives the commission one year to make a permit decision. The deadline regarding Dakota Access is Dec. 15. An EIS if commissioned last week likely couldn't have been completed by the one-year deadline.

Joey Mahmoud, vice president for engineering, said his plan is to start construction in South Dakota in spring 2016.

Mahmoud returned to the witness chair Friday. Hanson engaged Mahmoud over the issue of routing farther from the Sioux Falls area.

Hanson asks if there is a need to route the pipeline so close to the highest populated area of South Dakota.

Mahmoud said yes. South Dakota doesn't have any refineries, Mahmoud said. This would allow a future refinery or some type of industrial activity that would consume crude oil, he said.

"Without the pipeline, the basic premise of the pipeline, there is no future growth," Mahmoud said. He said there also is a need to reduce environmental impact by keeping the length "as short as we can."

"To me that justifies the need to be where we're at," Mahmoud said.

Hanson asks whether he believes there is going to be a refinery. Mahmoud said he doesn't know.

Hanson said he isn't worried about Sioux Falls. The line would run along the Sioux Falls regional landfill about five miles from Sioux Falls.

Hanson identified Tea and Harrisburg and Humboldt and their growth areas as the concern and described himself as "gun-shy."

Mahmoud said he felt as though the project was welcomed. He said Harrisburg officials approached the company to put

its office in the community.

Hanson asked whether there is any environmental reason the pipeline can't be moved farther away from high-growth areas of Harrisburg and Tea.

Mahmoud said there he would have to look to be certain about any specific areas, but he said generally there would be additional impacts to wetlands and agricultural areas.

Matt Rappold, a lawyer representing the Rosebud Sioux Tribe, asked Mahmoud on Friday whether the pipeline would free up space on trains.

Mahmoud said the number of oil trains might be the same. He said he believes there will be a decrease of trucks hauling Bakken crude oil.

Company witnesses said earlier the South Dakota segment would be built in three spreads simultaneously, with about 900 workers and 100 inspectors per spread.

The pipeline would carry 450,000 barrels per day initially and could reach 570,000 barrels.

The total length of the pipeline across the four states would be 1,134 miles, with 271 miles in South Dakota.

The company's estimated cost for the South Dakota segment is \$820 million.

Mahmoud said Sunoco Logistics would operate the pipeline. The other partners in the project are Phillips 66 and Energy Transfers.

The Dakota Access project is one of two oil pipeline permits pending before the commission. The other is certification of the Keystone XL pipeline that would carry tar-sands oil from Alberta to the Texas gulf region.

TransCanada received its state permit for the South Dakota segment of Keystone XL in 2010 but President Obama's administration hasn't given permission to pierce the Canada-U.S. border.

Nelson said he expects a decision on certification on the XL permit by the end of this year.

## Order Suspending Poultry Shows Lifted

PIERRE — South Dakota's Animal Industry Board has rescinded an order that suspended poultry shows statewide.

The order was implemented in May due to an outbreak of bird flu, and affected such exhibitions as the State Fair. It was rescinded Thursday.

The Animal Industry Board says avian influenza was last detected in the country in mid-June. Since then, nine of the 10 affected farms in South Dakota have restocked with poultry.

Poultry owners are still encouraged to be vigilant for signs of illness in their birds, and to contact their veterinarian if they observe unusual death, loss or illness.

## USDA Lowers Corn, Soybean 1 Percent

DES MOINES, Iowa — The U.S. Department of Agriculture has slightly lowered its corn and soybean harvest estimates based on updated harvest figures across the U.S.

Farmers are expected to bring in 13.56 billion bushels of corn, about 1 percent lower than the September estimate but still the third largest crop on record. Record per-acre corn yields are expected in 11 states — including Iowa, Nebraska and Wisconsin.

Soybean production estimates are also 1 percent lower. But the 3.89 billion bushels would be the second largest on record. Best-ever yields are expected in seven states, including Iowa, Minnesota, Nebraska and South Dakota.

About a fourth of the nation's corn crop has been harvested, which is slightly behind average. Soybeans are ahead of the five-year average with 42 percent harvested.

## Trial Of Woman In Toddler's Death To Stay

HASTINGS, Neb. — A district judge has denied a request to move the trial of a 34-year-old Hastings woman accused of suffocating a toddler with a baby wipe.

The *Hastings Tribune* reports that Mark Porto of Grand Island, an attorney for Azudany Serrano-Contreras, had asked for the change in venue, arguing that pretrial publicity had made it impossible for his client to get a fair trial in Adams County. That motion was denied Thursday.

Serrano-Contreras faces trial in January on a charge of committing intentional child abuse causing death. If convicted, she faces 20 years to life.

Prosecutors say Serrano-Contreras was baby-sitting 19-month-old Aliyana Peterson on March 12 when she stuffed a baby wipe down the girl's throat. Serrano-Contreras has said the child put the wipe in her own mouth.

## Man Ordered To Stop Selling Devices

RAPID CITY — A federal judge has ruled that a retired Rapid City dentist must stop selling laser devices with the claim that they treat a large number of serious diseases and disorders.

U.S. District Judge Jeffrey Viken has issued a permanent injunction against Robert "Larry" Lytle, who has been selling the QLasers and other medical devices.

The Justice Department says Lytle has been distributing the devices with false and misleading claims, including that they treat cancer, HIV/AIDS and diabetes.

Lytle tells the *Rapid City Journal* that he plans to appeal. He says his medical devices are safe and helpful. He says he hasn't had a written complaint in 17 years.

## Man Gets Nearly 2 Years For Sex Assaults

McCOOK, Neb. — A McCook man convicted of sexually abusing two young girls has been sentenced to less than two years in jail.

The *McCook Daily Gazette* reports that 66-year-old Benito Garcia was sentenced earlier this week to 300 days in jail for a 2012 assault on a 6-year-old girl in Red Willow County. He was sentenced to another 300 days for assaults on a Frontier County girl under 12 that prosecutors say took place over a six-year period.

Garcia was sentenced after earlier pleading no contest to two misdemeanor counts of nonconsensual sexual contact in a deal with prosecutors. In exchange for his pleas, four felony counts of child sex assault and abuse were dropped.

Garcia must also register as a sex offender upon his release from jail.

## Woman Injured After Suspicious Fire

MITCHELL — Authorities say a woman considered a person of interest in a suspicious Mitchell home fire led officers on a chase that ended when she crashed her vehicle.

The *Daily Republic* newspaper reports that the 37-year-old woman was taken to a hospital with serious injuries Thursday afternoon.

Authorities began looking for the woman after a fire caused extensive damage to her home on Thursday morning. No one was hurt.

Local, state and federal officials are investigating the fire.

## Man Charged In Woman's Killing Held

OMAHA, Neb. — A judge has ordered an Omaha man charged with killing a woman whose body was found in a vacant house held without bail.

The *Omaha World-Herald* reports that 31-year-old Reginald Briggs will remain behind bars following the bail hearing on Thursday. Briggs is charged with first-degree murder and weapons counts in the death of 31-year-old Teresa Longo.

Longo's body was found Oct. 2 in a vacant north Omaha house. Prosecutors say she and Briggs' girlfriend worked as prostitutes for Briggs.

Authorities say Longo was shot and killed on Sept. 17.

# SD Tribal Officials Accused Of Stealing Money

BY REGINA GARCIA CANO  
Associated Press

SIoux FALLS — Current and former officials of the Sisseton-Wahpeton Oyate are facing federal charges for writing themselves checks for more than \$50,000 from a tribal account for expenses that were not justified, according to an indictment filed this week in U.S. District Court in South Dakota.

The indictment charges the six officials with conspiracy, embezzlement and theft from an Indian tribal organization in connection with the scheme that authorities say happened between June 2010 and March 2013 on the reservation in South Dakota's northeast corner. The individuals were

executive board members of the tribe's Big Coulee District during the period when the alleged crimes happened, and at least three continue to work in tribal government.

The indictment names Carrie Godfrey, Gerald German Jr., Ann German, Calvin Max Sr., Gerald Heminger Jr. and Colette White as defendants. All but Ann German served on the district's executive board during the time covered by the indictment. Ann German has been the district's coordinator since approximately November 2008.

"The defendants wrote themselves checks from the District's account, purportedly for home repair or emergency repair assistance payments," according to the indictment, but the assistance checks were

not "properly supported" with a complete application and supporting documents. Authorities argue the defendants used the funds for their own purposes.

Federal authorities also accuse the defendants of writing themselves checks from the district's account to help them cover their income tax liability incurred from the stipends they received as district executives. Those checks had not been authorized by the district.

In all, they are accused of defrauding the tribe of \$54,237. The court case does not list defense attorneys who could comment on the charges.

District Secretary Leslie Heminger confirmed Thursday that Max and White are

the district's vice chairman and treasurer respectively. Max couldn't be reached by phone. Neither Ann German nor White returned messages seeking comment.

In one of several instances described in the indictment, federal authorities say Godfrey and Heminger signed five district checks on Jan. 28, 2011. One check was payable to Godfrey in the amount of \$4,944.69, while the four other checks payable to Gerald German, Ann German, Max and Heminger were in the amount of \$5,000 each. Each check was purportedly issued for home repair assistance, according to the indictment.

A hearing in the case at the federal district courthouse in Aberdeen has not yet been scheduled.

# Gov. Ricketts Determined To Address Whiteclay Beer Sales

BY GRANT SCHULTE  
Associated Press

LINCOLN, Neb. — Nebraska Gov. Pete Ricketts says he's determined to address the problems that plague the village of Whiteclay and is working with a Native American activist to seek solutions.

Whiteclay's four beer stores sell primarily to residents of the Pine Ridge Indian Reservation across the border in South Dakota, home of the Oglala Lakota Nation. The reservation does not sell alcoholic beverages.

"I am determined to address this important set of problems during my administration," Ricketts said in a July 30 letter to Rebecca Wells, a Lincoln nurse who works frequently on the reservation with children who suffer from fetal alcohol syndrome. Ricketts told her he is working with Frank LaMere, a Native American activist from South Sioux City.

The letter was obtained by *The Associated Press* from Wells and the governor's office, and comes as activists in Nebraska renew their push to close Whiteclay's beer stores, which sold the equivalent of 3.9 million cans of beer last year in a town with 14 residents.

On Friday morning, LaMere and a small group of activists walked into the governor's office to request an impromptu meeting with Ricketts. The group met privately with a staff member for 45 minutes, asking that Ricketts take steps to increase the number of state inspections at the beer stores and investigate the Nebraska Liquor Control Commission.

LaMere, who has fought for decades to close Whiteclay, emerged and said he was optimistic for the first time in years that state officials will look seriously at the problem.

"I believe the effort to shut down Whiteclay and deal with the illegalities has reached critical mass," he said.

A spokesman for Ricketts said the governor was unavailable for an interview, but confirmed Ricketts and

LaMere have met once before to discuss the problem.

Protesters also said they plan to gather Friday night outside a Budweiser facility in Lincoln to protest Whiteclay's beer stores. A new documentary, "Sober Indian/Dangerous Indian," was shown in Lincoln and Omaha this week in an effort to raise awareness. The film follows four men and their families, including one man who says he sold himself for sex so he could buy more alcohol.

Nebraska lawmakers have struggled for years to address the problems in Whiteclay with little success. Most of the legislation has stalled amid

resistance from the grocery and alcohol industries and the owners of the beer stores, who argue they have a legal right to conduct business.

One man featured in the new documentary, Robert Young Dog, suffers from fetal alcohol syndrome and says he was physically and sexually assaulted in his youth. The 44-year-old from Oglala, South Dakota, said he's been sober for four months and wants to meet Ricketts to provide a firsthand account.


"I've really got to get into his mind what alcohol is doing to the Oglala Sioux," Young Dog told the AP. "Until something does happen, I've got to

keep voicing my concerns."

Previous debates about Whiteclay haven't looked at the cost the town imposes on state taxpayers, documentary producer John Maisch said.

The stores generated about \$113,800 in state excise taxes and \$213,000 in federal excise taxes last year, according to the Nebraska Liquor Control Commission. But the revenue is more than offset by the costs of caring for foster children with fetal alcohol syndrome, a cost often covered by government programs, said Maisch, a Nebraska native and former Oklahoma alcohol regulator.

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