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August 28, 2019

Hand-delivered

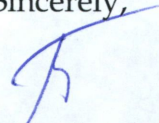
Public Service Commission
State of North Dakota
600 East Boulevard Ave, Dept. 408
Bismarck, ND 58505

Re: Petition to Intervene
PSC Case No. PU-19-204
OAH File No. 20190280

Public Service Commission:

Enclosed for filing in Case No. PU-19-204 please find a Petition to Intervene by Standing Rock Sioux Tribe and seven copies.

Sincerely,



Timothy Q. Purdon

Enclosure

cc: Zachary Pelham, Special Assistant Attorney General
Lawrence Bender, Counsel for Dakota Access, LLC
Timothy J. Dawson, Administrative Law Judge

NORTH DAKOTA PUBLIC SERVICE COMMISSION

In the Matter of

Dakota Access, LLC Consolidated Application
for an Amended Certificate of Corridor
Compatibility and Amended Route Permit;
Dakota Access Pipeline Pump Station -
Emmons County Siting Application

Case. No. PU-19-204
OAH File. No. 20190280

**Petition to Intervene by
Standing Rock Sioux Tribe**

Pursuant to N.D.A.C. §69-02-02-05 the Standing Rock Sioux Tribe (“Tribe”), by and through its attorneys Timothy Q. Purdon, Robins Kaplan LLP, 1207 West Divide Avenue, Suite 200, Bismarck, North Dakota, 58503 and Dean DePountis, General Counsel, Standing Rock Sioux Tribe, Post Office Box D, Building No. 1, North Standing Rock Avenue, Fort Yates, ND 58538 hereby petitions the North Dakota Public Service Commission (“ND PSC”) to intervene in the above-captioned proceedings. Under N.D.A.C. Sec. 69-02-02-05, the Tribe has legal interests that may be substantially affected by the proceeding and the Tribe’s intervention will not unduly broaden the issues or delay the proceedings. In support of this petition, the Tribe states as follows:

Grounds for Intervention by the Tribe

1. The Standing Rock Sioux Tribe is a federally recognized Tribe. *See* 84 Fed. Reg. 1203 (Feb. 1, 2019). The Standing Rock Sioux Reservation was established by law as a permanent homeland for the Tribe through a series of several treaties and acts of Congress. 1851 Fort Laramie Treaty, Sept. 17, 1851, 11 Stat. 749; Fort Laramie Treaty of 1868, 15 Stat. 635; Act of Feb. 28, 1877, 19 Stat. 254; Act of Mar. 2, 1889, ch. 405, 25 Stat. 888.

2. The Standing Rock Sioux Reservation is less than one-half mile downstream from the Dakota Access Pipeline (DAPL) where it crosses Lake Oahe. *See Request for Hearing by Chairman Mike Faith, 7/29/19, PU-14-842 Dkt. 17.* The Cannon Ball community, on the Reservation, is the closet residential area to the pipeline in all of North Dakota. *Id.* The Tribe and its members rely on Lake Oahe for drinking water and irrigation for its farms and ranches. *Id.* Tribal members exercise Treaty-protected hunting, fishing and gathering rights on the Reservation along Lake Oahe for subsistence and cultural purposes. *Id.* Finally, near the DAPL Lake Oahe crossing site less than one-half mile north of the Reservation there are a number significant tribal cultural sites. *Id.*
3. The Tribe has the right to protect these interests by participating in these proceedings to ensure that these interests are not adversely affected by the proposed nearly one hundred percent (100%) increase in the volume of crude oil transported through the Dakota Access Pipeline from 600,000 barrels today up to 1,100,000 barrels per day and siting of the new Dakota Access Pipeline Pump Station in Emmons County.
4. The interests of the Tribe are not adequately represented by existing parties and the Tribe's intervention would not unduly broaden the issues or delay the proceedings, particularly given the early nature of the proceedings.
5. The Tribe will advocate for its interests and for the interests of its members in these proceedings.

Position and Interest of the Tribe

6. The Tribe has a substantial interest in these proceedings which may be affected by the ND PSC's findings and conclusions in this matter.

7. Under the criteria in N.D.A.C. Sec. 69-06-08-02 that the ND PSC will use to evaluate the application, including the impact on family farms and ranches, wetlands and woodlands, human health and safety, animal health and safety, and plant life, the Tribe and its members have substantial interests in these proceedings.

Contribution of the Tribe

8. The Tribe will contribute the expertise that it has developed over the course of the federal litigation regarding the United States Army Corps of Engineers' permitting of the original DAPL pipeline and its impact on the Tribe and its legally protected interests which will assist the ND PSC in its consideration of Dakota Access LLC's petition to increase in the volume of crude oil transported through the Dakota Access Pipeline from 600,000 barrels today up to 1,100,000 barrels per day and siting of the new Dakota Access Pipeline Pump Station in Emmons County.


Position of the Tribe on Relief Sought

9. The Tribe is opposed to the relief sought by the Application for Waiver or Reductions of Procedures and Time Schedule.
10. The Tribe is opposed to the relief sought by the Consolidated Application for Amended Certificate of Corridor Compatibility and Amended Route Permit in Emmons County, North Dakota.

Accordingly, the Tribe requests the ND PSC grant this petition for the reasons set forth above.

Dated this 24 day of August, 2019

ROBINS KAPLAN LLP

By: 

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NORTH DAKOTA PUBLIC SERVICE COMMISSION

<p><i>In the Matter of</i></p> <p>Dakota Access, LLC Consolidated Application for an Amended Certificate of Corridor Compatibility and Amended Route Permit; Dakota Access Pipeline Pump Station - Emmons County Siting Application</p>	<p>Case No. PU-19-204 OAH File No. 20190280</p> <p>Affidavit of Service by Certified Mail</p>
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AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Timothy Q. Purdon deposes and says that:

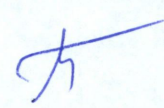
he is over the age of 18 years and not a party to this action and, on the 28th day of August, 2019, he deposited in the United States Mail, Bismarck, North Dakota, two (2) envelopes with certified postage, return receipt requested, fully prepaid, securely sealed, and one (1) envelope by first class United States Mail, each envelope containing a photocopy of:

- Petition to Intervene by Standing Rock Sioux Tribe

The envelopes were addressed to:

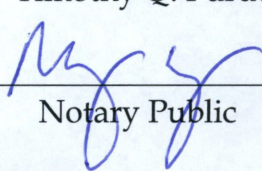
<p>Lawrence Bender Fredrikson & Byron, P.A. 1133 College Drive, Suite 1000 Bismarck, ND 58501</p> <p><i>(Certified Mail)</i></p>	<p>Zachary Pelham Special Assistant Attorney General c/o Pearce Durick PLLC 314 East Thayer Avenue Bismarck, ND 58501</p> <p><i>(Certified Mail)</i></p>	<p>Timothy J. Dawson Administrative Law Judge Office of Administrative Hearings 2911 North 14th Street, Suite 303 Bismarck, ND 58503</p> <p><i>(First Class Mail)</i></p>
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Each address shown is the respective addressee's last reasonably ascertainable mailing address.



Timothy Q. Purdon

Subscribed and sworn to before me
This 28th day of August, 2019.



Notary Public

