



NEWS RELEASE
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PSC Files Complaint Against Dakota Access Pipeline

BISMARCK, ND – The North Dakota Public Service Commission (PSC) today voted to move forward with a formal complaint against Dakota Access, LLC, for failing to obtain approval from the Commission before proceeding with construction after unanticipated cultural sites were identified in the pipeline route and necessitated a route change to avoid them.

In the complaint, Commission advocacy staff alleges Dakota Access violated a provision of the order that was issued for construction. The provision stated “the company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the Commission.”

The Commission was first notified of the unanticipated discovery by its third party construction inspector, retained by the Commission, during a routine inspection report filed with the Commission on Oct. 25. The Commission immediately requested an explanation from the company regarding the find, steps taken to protect it and why the company did not notify the Commission directly as required by the permit.

Documents filed by the company on Oct. 27 state that stone cairns and other cultural artifacts were identified on Oct. 17, 2016, by a company cultural resource monitor. The company stopped construction in that area, notified the State Historic Preservation Office (SHPO), and involved an archeologist to identify the boundary of the artifacts. The company developed an alternative route around the site to leave it undisturbed, and the SHPO approved all the work to mitigate and protect the find. In the complaint filed today, Commission advocacy staff alleges the company failed to submit the required documentation and obtain the required clearance from the PSC before resuming construction on the adjusted pipeline route.

As part of the complaint, Commission advocacy staff has recommended a minimum fine of \$15,000. Dakota Access has 20 days to respond to the complaint. The response can include a settlement agreement where the company agrees to pay a fine or the company could request a hearing on the issue.

The North Dakota Public Service Commission is a constitutionally created state agency with authority to permit, site and regulate certain business activities in the state including electric and gas utilities, telecommunications companies, power plants, electric transmission lines, pipelines, railroads, grain elevators, auctioneers, commercial weighing devices, pipeline safety and coal mine reclamation. For more information, contact the Public Service Commission at (701) 328-2400 or www.psc.nd.gov.

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