STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

IN RE: )
Docket No. HLP-2014-0001 )
DAKOTA ACCESS LLC )

DIRECT TESTIMONY OF

ERWIN KLAAS

ON BEHALF OF

SIERRA CLUB IOWA CHAPTER

OCTOBER 12, 2015

EXHIBIT SIERRA CLUB–EK–1
Q. Please state your name and address.

A. My name is Erwin Klaas and I live in Ames, Iowa.

Q. What is your employment?

A. I am currently an emeritus professor of animal ecology at Iowa State University. I worked as a member of the Iowa Cooperative Fish and Wildlife Research Unit. In that capacity, I was an employee of the U.S. Department of Interior (Fish and Wildlife Service and later the Geological Survey, Biological Division) until I retired. Under an agreement with Iowa State University, I was appointed as a Collaborator to the Graduate Faculty with all of the privileges of the rank of Professor. I taught courses, advised graduate students and served on committees. When I retired, the University designated me as an Emeritus Professor.

Q. What is your educational background?

A. I have a PhD. degree in wildlife biology from the University of Kansas.

Q. Have you also served on the Story County Soil and Water Conservation District?
A. Yes. After retirement, I was elected in 2000 as a Soil and Water Conservation Commissioner in Story County. I was re-elected twice and served 12 years. I opted not to run for a fourth term, but I continue to serve the District as an appointed Assistant Commissioner. In that capacity, I participate in all meetings and discussions. I just do not have a vote.

Q. Please describe the duties and authority of soil and water conservation districts.

A. Soil and water conservation districts are created by Chapter 161A of the Iowa Code. Our goals can be listed as follows:

- Protect and conserve soil resources
- Educate and inform the public about urban issues, innovative best management practices, and provide environmental education programs and materials to schools
- Assist farmers and communities in land management decisions to protect soil and water resources
- Protect the quality of surface waters
- Conserve, enhance and protect wildlife habitat
- Protect wetlands and encourage the use of native plant species on rural and urban landscapes
- Manage state cost-share funds for the promotion of our priorities
Q. Are you familiar with the comments filed with the Iowa Utilities Board by the Story County, Polk County, and Jasper County Soil and Water Conservation Districts?

A. Yes. As we learned more about the Dakota Access pipeline project, Story County SWCD Commissioner Steve Fales, ISU Professor Emeritus of Agronomy, and I became convinced that sacrificing 245 acres of land in Story County to a private company that would return very limited benefits to our county or the state violated our public trust as a Soil and Water Conservation District, whose purpose is to protect and improve natural and constructed drainages over a wider area than the pipeline easement. The other Commissioners and Assistant Commissioners agreed with us and we voted to file a resolution with the Iowa Utilities Board opposing the pipeline. A copy of that resolution is attached as Exhibit Sierra Club-EK-2. Dr. Fales and I then contacted all of the SWCD Commissioners in the counties that will be crossed by the pipeline and asked them to file a comment with the IUB. So far, Polk, Jasper and Story County have filed a resolution. In addition to the resolution, Polk County SWCD filed a letter and a document describing soil issues related to pipeline construction. Those documents are attached as Exhibits Sierra Club-EK-3 and Sierra Club-EK-4.
Q. Please explain the rationale of the Soil and Water Conservation Districts in adopting their respective resolutions.

A. Our rationale is one that is seldom mentioned, that is that a 343 mile long, 150 foot wide construction easement will immediately and directly affect more than 6,200 acres of land in Iowa, most of it prime agricultural land. Non-agricultural land is made up of natural vegetation, riparian forests, prairies and wetlands. Dakota Access claims that topsoil can be removed and replaced. We disagree that this can be done. Topsoil varies in depth, even within fields. In reality, construction will remove three soil horizons that will be impossible to restore to its original productivity. Moreover, the temperature of the oil in the pipeline may prevent the soil profile from freezing, which would subject the land to erosion, and could prevent farmers from crossing the pipeline with farm equipment in winter.

Interrupting the freeze-thaw cycle will also affect the life cycles of both beneficial and non-beneficial insects and microorganisms.

Q. Is there also a concern about drainage tiles due to the construction of the pipeline?
A. Yes. Once a tile is removed, it may be very difficult to restore it.

Q. Are you also concerned about drainage?
A. Yes. The pipeline and the construction work will disrupt the natural drainage.

Q. Are you concerned about soil fertility?
A. Yes. Once the construction workers dig up the soil and cross over it with heavy machinery, they will mix up the A (topsoil), B (subsoil), and C (parent material) horizons of the soil. This will affect the soil fertility by moving organic material into the B and C horizons and moving non-organic material into the A horizon. Microorganisms in the soil will also be destroyed by the disturbance of the soil horizons. This will also disrupt the porosity of the soil.

Q. Does this conclude your prepared testimony?
A. It does.