

April 12, 2016

**IOWA UTILITIES BOARD
HLP-2014-0001**

**STATE OF IOWA
DEPARTMENT OF COMMERCE
IOWA UTILITIES BOARD**

**IN RE: Dakota Access, LLC.
DOCKET NO. HLP-2014-0001
STATEMENT OF POSITION, COMMENTS**

April 11, 2016

To Whom it May Concern:

As a landowner of eminent domain parcel IA-WA-036.000 on the Revised Exhibit H submitted by Dakota Access, LLC., I would like to hereby state the following:

- 1.) Fredrikson & Byron, P.A., the law firm representing Dakota Access, LLC., has so far denied my petition for a voluntary Easement Agreement that includes the IUB provisions ruled to be noted on modified condemnation easements.
- 2.) Additionally, Fredrikson & Byron, P.A., has denied my petition for a voluntary Easement Agreement that includes provisions of the revised Agricultural Impact Mitigation Plan (specifically, but not limited to: A.) a landowner's request that Dakota Access, LLC., agree to measure the topsoil depths before and after construction, and B.) per the landowner's request that Dakota Access, LLC., agree to separate all topsoil even if more than 36").
- 3.) Furthermore, Fredrikson & Byron, P.A., has denied my petition for a voluntary Easement Agreement that includes basic hold harmless and/or indemnity clauses for the Grantor, and the Grantor's heirs and successors, of said easement.

It is therefore my position that Dakota Access, LLC., is NOT working in good faith with landowners to negotiate voluntary Easement Agreements in lieu of condemnation proceedings. In point of fact I was told by a Fredrikson & Byron, P.A., employee that "Because your easement form is so different from what has been previously been approved for use, it would take a significant amount of time to obtain the approvals I need to move forward with it." There is no accountability for Dakota Access, LLC., to provide lawful Easement Agreements for the eminent domain parcels on Revised Exhibit H even though they have publicly accepted to do so and all IUB terms and conditions. As a landowner I feel on my own to defend my right to recourse for a fair contract. Unfortunately that might necessitate petitioning the courts in order to ensure the health and well-being of our legacy farm, which has been our family's history for over a century. UNJUST!

Submitted by Erin Riley, remainderman and tenant in common to eminent domain parcel IA-WA-036.000 in Wapello County, Iowa.