

1. My name is Lynn D. Helms. I am the Director of the North Dakota Industrial Commission (“NDIC”) Department of Mineral Resources (“DMR”). I serve as Director of the DMR since it was formed in July 2005.

2. The mission of the NDIC is to encourage and promote the development, production, and utilization of oil and gas in North Dakota in such a manner as will prevent waste, maximize economic recovery, and fully protect the correlative rights of all owners to the end that the landowners, the royalty owners, the producers, and the general public realize the greatest possible good from these vital natural resources without resulting in the loss of North Dakota’s vast and valuable landscape. My evaluation of the five Corps’ Draft EIS Alternatives shows Alternative 3 to be the alternative that is most solidly grounded upon sound engineering, economic, and environmental principles and practices and it is by far the most reasonable. Shutting down, suspending, or otherwise obstructing DAPL operations, as proposed in Alternatives 1, 2, and 5, would unnecessarily and irreparably harm North Dakota and its citizens. It would result in congested railways and roadways, billions of dollars of lost tax revenue, and thousands of lost jobs.

3. North Dakota crude oil production is now rapidly recovering from the COVID pandemic with an average 3.2% per month increase January 2023 to date.

4. The U.S. Energy Information Administration (“EIA”) data indicates that liquid fuel demand bottomed out in May 2020 and the EIA forecasts that the balance of both global liquid fuels consumption and production will exceed 2019 levels by year end 2024. The EIA also indicates that United States private storage and SPR crude

oil stocks are at 5-year and 40-year low levels while United States crude oil exports are at record levels and increasing. A 2020 analysis by Platts illustrates how DAPL serves as the most cost-effective transportation link between North Dakota, the SPR, and markets that did not exist before DAPL. These critical national security markets will be lost to North Dakota oil and gas producers in the event DAPL is shut down.

5. DAPL transports approximately 50 percent of Bakken production volumes. Crude oil pipelines like DAPL are more efficient, pose less health and safety risk, and are more environmentally friendly than other oil transportation methods such as rail transportation and truck transportation. If DAPL is shut down, 550,000 to 600,000 barrels of oil per day will likely remain shut-in until less efficient rail and truck shipping transportation can be secured. The estimated time frame to begin alternate transportation is 3 months and for the entire shut in volume is 12 months. These alternative oil transport methods come with increased spill risks. They are less environmentally friendly, emitting about twice the amount of air pollution. Moreover, if 50% of North Dakota's oil production must be transported by rail and truck, it follows that North Dakota's railways and roadways, traveling through both communities and rural areas, will be subject to significant additional congestion.

6. Finally, I have evaluated the most likely alternate DAPL route identified in Alternatives 1, 2, and 5. This route poses significant risks from geological hazards and to important archeological resources. The most likely alternate DAPL route intercepts 9 active landslides and a highly unstable and erodible east riverbank area less than 1 mile from the highly significant Double Ditch

Indian Village, a large earth lodge village inhabited by the Mandan Indians for nearly 300 years (AD 1490 - 1785).

7. In summary, in my professional opinion, alternative 3 remains the most viable, scientifically sound, and solidly evidence-based alternative.