

Congress of the United States
Washington, DC 20515

January 30, 2024

Assistant Secretary Connor,

We write regarding the U.S. Army Corps of Engineers' (USACE or Corps) Draft Environmental Impact Statement (DEIS) for the Dakota Access Pipeline (DAPL) 0.21-mile crossing of the Oahe Reservoir. North Dakota, the region, and the United States enjoys one of the safest and most environmentally sound pieces of energy infrastructure ever built. It is in the state and nation's interest to conclude this seemingly endless review and keep DAPL operational without interruption.

It is impossible to claim DAPL has not been thoroughly vetted. This is the third time DAPL has undergone environmental scrutiny under the National Environmental Policy Act (NEPA). These include a 2016 1,261-page Environmental Assessment with a finding of no significant impact; a 2017 court ordered remand analysis; and now this comprehensive DEIS. We are concerned the additional scrutiny being imposed on the project has little to do with actual environmental effects and more to do with opposing the type of fuel the infrastructure carries. Unlike other pipeline debates, DAPL has been in operation for over 6 years, demonstrating an extensive record of moving well over half a million barrels of oil per day safely and cleanly.

As the USACE is aware, the review process for the route of the pipeline was comprehensive and thorough. The North Dakota Public Service Commission (NDPSC) and USACE took great pains to solicit input from relevant stakeholders and affected parties. To change the route or shut down the pipeline now would negatively impact our state and the nation.

One of the potential alternatives the Corps is analyzing would be to unearth the existing pipeline and reroute it north. While the DEIS rightly acknowledges the myriad of hurdles and negative impacts associated with a reroute, it should not be an alternative even considered. As mentioned earlier, the Corps' analysis is for a 0.21-mile easement. The applicant requested this after a route was determined by the NDPSC, which has jurisdiction. By proposing a potential reroute scenario, the USACE is stepping into the state's jurisdiction and assessing options the applicant did not apply for. But even if the route was to be pushed north, no problems would be solved. In fact, the Corps' and previous analysis indicates it opens substantial new ones. Approximately 100-miles of pipeline could be abandoned. This would be a waste of material and a substantial environmental impact. Digging up existing pipeline is costly, intrusive, and requires extensive mitigation, not to mention approximately 112 miles of new ground would need to be dug for new pipeline material. The Standing Rock Sioux Tribe's reservation of approximately 8,500 residents would still be downstream of the pipeline, along with numerous other oil, natural gas, and refined product pipelines, and over 8,300 Native American residents of Bismarck-Mandan would

be newly added to the downstream area. This reroute is not within the Corps' jurisdiction and even if it were, it does not rectify the misplaced environmental concerns about downstream effects and is not reasonable in any way.

Repeatedly, experts and reports have demonstrated pipelines are one of the least greenhouse gas (GHG) intensive methods to transport crude oil. Pipelines are a more efficient, safer, and environmentally superior method of transporting oil as compared to rail and truck transportation, due to their reduced emissions, lowered risk of accidents, and higher capacity for handling large volumes of oil. It is not theoretical to suggest this crude oil would otherwise make it to market as the DEIS correctly states. Before DAPL, over 800,000 barrels per day of Bakken oil was transported to market by rail. Trucks supplemented their efforts, carrying oil to interstate pipelines. Rail and truck modes of transportation increase emissions and safety risks compared to DAPL. In addition, if DAPL is taken offline, crude shipments will displace other regional commodities reliant on rail and trucking networks, causing extensive economic and logistical harm to commodity producers far outside the energy industry. Prior to the completion of DAPL, commodities were competing for a limited network of options to get goods to market, often leaving shippers with extensive delays and higher transportation costs.

Crude oil is a fungible commodity. Production cuts or increased shipping costs are ultimately passed along to consumers. Demand for oil remains high and the International Energy Agency recently updated its forecasts to reflect demand is rising faster than expected. Opponents of DAPL may think they are striking a blow against fossil fuel companies, but in reality, they are just shifting production overseas. Regrettably, those overseas producers on the whole do not share the same high environmental standards America rightfully employs to protect our Nation's air, land, and water. Transferring production and supply overseas means more pollutants and GHGs emitted into the atmosphere. Those who are concerned with lowering emissions should support modern energy infrastructure and the most efficient and safe methods of transport, including DAPL. Additionally, many overseas oil producing nations do not align with our national security interests and severing our dependence on them has been a bipartisan pursuit for decades. In 2015, broad bipartisan consensus led to the removal of the crude export ban, which led to a seismic geopolitical shift where the U.S. became a dominant global supplier rather than constantly reacting to the production whims of OPEC and Russia. A shutdown of DAPL and cut off of critical domestic supplies of crude would hamstring our own geopolitical advantage while increasing emissions and costs.

Any reduction of pipeline capacity from this major oil producing region of the country will also cause significant economic harm to North Dakota and the Mandan, Hidatsa, and Arikara (MHA) Nation. Should DAPL be shuttered, it is estimated that North Dakota stands to lose \$1.2 billion in the first year and \$116 million annually thereafter. MHA Nation indicated a more than \$160 million loss over a one-year period as over 60 percent of its oil production is transported by DAPL. The Bakken could immediately lose up to 750 full-time jobs in the near-term and 3,000 jobs in the long-term. Both the state of North Dakota and the MHA Nation are cooperating agencies in the Corps' environmental review. Their input must be accounted for in any final

decision from the USACE, otherwise a nonsensical precedent would be established and debate would shift back to the courts.

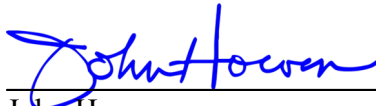
Despite ongoing litigation, numerous government and private sector officials, including many at the USACE, have overseen the permitting, construction, and operation of DAPL in an open, thorough, and transparent process. As a consequence of that collaboration DAPL was constructed in a sound and environmentally conscious manner and has operated safely and securely for over 6 years. The best course of action would be for the USACE to maintain the uninterrupted operation of the existing DAPL route. Therefore, we urge the Corps to grant the requested easement under Alternative 3 in a final Environmental Impact Statement and issue a timely Record of Decision.

We appreciate your prompt attention to this matter and look forward to engaging with the Corps as we continue to work together in promoting the public interest.


Sincerely,



Kevin Cramer
United States Senator



John Hoeven
United States Senator



Kelly Armstrong
Member of Congress