

2.) July 25, 2016

Colonel John W. Henderson,

acting under the title of

**Commander and District Engineer of the
Army Corps of Engineers – Omaha District,**

Authorized

the Dakota Access Pipeline (DAPL) Project to cross

“federally-owned property at Lake Oahe”

via signing a 1261 page set of documents entitled

**“ENVIRONMENTAL ASSESSMENT for
Dakota Access Pipeline Project; ‘Crossings
of Flowage Easements and Federal lands“,**

**which may be downloaded in its entirety within the
“Army Corps of Engineers' *Digital Library*”,**

located *here*:

<http://cdm16021.contentdm.oclc.org/cdm/ref/collection/p16021coll7/id/2427>

Within the first 6 pages of the Environmental Assessment (EA), *it is apparent* John W. Henderson was *fully aware* the Standing Rock Sioux Tribe (SRST) *and other tribal governments* objected to the proposed location of DAPL *for the following reasons*:

- 1.) **The proposed route crosses under Lake Oahe a few miles upstream of the SRST water intakes. Tribes are concerned that a leak or rupture would contaminate the river, including the SRST's drinking water.**
- 2.) **Tribes are concerned that the installation of the pipeline and a potential leak or rupture could damage or destroy cultural and sacred resources in the area.**

John W. Henderson was also *fully aware* that:

- 1.) **The Tribes argue the District made a good faith effort to consult with the tribes and that is considered all tribal comments.**

Despite such objections, *on page 6 of the document, just before he signed the set of documents his Authorization*, Colonel John W. Henderson asserted the following to be true: **“I have evaluated the anticipated environmental, economic, cultural, and social effects, and any cumulative effects of the Proposed Action and determined that the Proposed Action is not injurious to the public interest** and will not impair the usefulness of the federal projects. Moreover, for the reasons stated herein and discussed in greater detail in the Environmental Assessment, the District granting the referenced Section 408 permissions does not constitute a major federal action that would significantly affect the quality of the human environment. As a result, **I have determined that preparation of an Environmental Impact Statement is not required.** This conclusion and the processes and documents supporting it are in compliance with all applicable laws, executive orders, regulations and guidelines.”

Screenshots of the aforementioned document, with pertinent sections highlighted:

Excerpt from page 1:

**ENVIRONMENTAL ASSESSMENT
DAKOTA ACCESS PIPELINE PROJECT
WILLIAMS, MORTON, AND EMMONS COUNTIES, NORTH DAKOTA**

Introduction: In accordance with the National Environmental Policy Act (NEPA) and its implementing regulations, an Environmental Assessment (EA) was prepared to evaluate the potential effects of the United States Army Corps of Engineers (USACE), Omaha District (District), granting permission under Section 14 of the Rivers and Harbors Act of 1899, codified 33 U.S.C. Section 408 (Section 408), to Dakota Access, L.L.C. (Dakota Access) to allow the proposed Dakota Access Pipeline (DAPL) Project to cross federal real property interests administered by the District. Specifically, the DAPL project would cross federal flowage easements near the upper end of Lake Sakakawea, north of the Missouri River in Williams County, North Dakota, and federally-owned property at Lake Oahe in Morton and Emmons counties, North Dakota. Dakota Access proposes the DAPL Project to efficiently and safely transport at least 570,000 barrels of crude oil per day (bpd) from the Bakken and Three Forks production region in North Dakota to a crude oil market hub located near Patoka, Illinois, and ultimately to refineries located in the Midwest and the Gulf Coast, where 80% of the U.S. refining capabilities exist.

Excerpt from page 2:

The Standing Rock Sioux Tribe (SRST) and other tribal governments object to the pipeline and its alignment because the proposed route crosses under Lake Oahe a few miles upstream of the SRST water intakes. Tribes are concerned that a leak or rupture would contaminate the river, including the SRST's drinking water. The tribes argue the District did not adequately consult on the DAPL pipeline alignment. The EA establishes that the District made a good faith effort to consult with the tribes and that it considered all tribal comments. In addition, the pipeline will be located under Lake Oahe, and Dakota Access has developed response and action plans, and will include several monitoring systems, shut-off valves and other safety features to minimize the risk of spills and reduce or remediate any potential damages.

Excerpt from page 3:

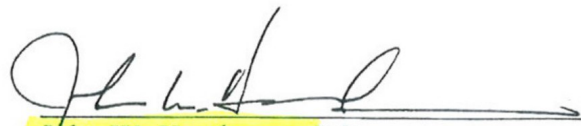
Summary of Cultural Impacts: Tribes are also concerned that the installation of the pipeline and a potential leak or rupture could damage or destroy cultural and sacred resources in the area. The District referenced a Class I Literature Review performed by Dakota Access, as well as existing Corps of Engineers Class III surveys and the North Dakota State Historic Preservation Office (SHPO) Guidelines Manual for Cultural Resources Inventory Projects as part of the National Historic Preservation Act (NHPA) Section 106 evaluation. Section 106 consultation/coordination with Tribal governments and members, THPOs, the SHPO, the Advisory Council on Historic Preservation (ACHP), and other interested parties began in September 2014. The Corps conducted formal government-to-government consultation with tribal representatives via meetings; site visits; distribution of pertinent information; conference calls, and emails in order to inform tribal governments and private members, and to better understand their concerns. The Corps' EA administrative record details over 250 interactions between District and Dakota Access representatives and consulting parties (Tribes, THPOs, the SHPO, ACHP, and interested parties) for the DAPL project. All information received during the Section 106 process was considered during the Corps decision-making process.

Excerpt from page 6:

Conclusion: I have evaluated the anticipated environmental, economic, cultural, and social effects, and any cumulative effects of the Proposed Action and determined that the Proposed Action is not injurious to the public interest and will not impair the usefulness of the federal projects. Moreover, for the reasons stated herein and discussed in greater detail in the Environmental Assessment, the District granting the referenced Section 408 permissions does not constitute a major federal action that would significantly affect the quality of the human environment. As a result, I have determined that preparation of an Environmental Impact Statement is not required. This conclusion and the processes and documents supporting it are in compliance with all applicable laws, executive orders, regulations and guidelines.

2 5 JUL 2016

Date


John W. Henderson, P.E.
Colonel, Corps of Engineers
District Commander

John W. Henderson:



*Colonel John W. Henderson, Commander and District Engineer, Army
Corps of Engineers- Omaha District:
<http://www.nwo.usace.army.mil/Media/Bio-Article-View/Article/602063/colonel-john-w-henderson/>*