



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**MAR 29 2016**

Mr. Brent Cossette  
U.S. Army Corps of Engineers, Omaha District  
1616 Capitol Avenue, Suite 9000  
Omaha, Nebraska 68102

Dear Mr. Cossette:

I am writing on behalf of the Department of the Interior (Department) to request that the United States Army Corps of Engineers (Corps) prepare an Environmental Impact Statement (EIS) to fully evaluate the potential impacts of the proposed Dakota Access Pipeline on the Standing Rock Sioux Reservation (Reservation).

The routing of a 12- to 30-inch crude oil pipeline in close proximity to and upstream of the Reservation is of serious concern to the Department. When establishing the Standing Rock Sioux Tribe's (Tribe) permanent homeland, the U.S. reserved waters of sufficient quantity and quality to serve the purposes of the Reservation. The Department holds more than 800,000 acres of land in trust for the Tribe that could be impacted by a leak or spill. Further, a spill could impact the waters that the Tribe and individual tribal members residing in that area rely upon for drinking and other purposes. We believe that, if the pipeline's current route along the edge of the Reservation remains an option, the potential impact on trust resources in this particular situation necessitates full analysis and disclosure of potential impacts through the preparation of an EIS.

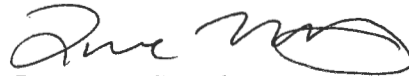
We believe that the Corps did not adequately explain why it was not analyzing impacts and disclosing consequences of spills along the length of the pipeline outside of those areas for which it is making a decision, as might be required under the definition of "connected actions" under 40 CFR Section 1508.25(a)(1)(iii). Additionally, we believe the Corps did not adequately justify or otherwise support its conclusion that there would be no significant impacts upon the surrounding environment and community. The Corps' conclusion was not supported by analysis or data and, where potential adverse impacts were acknowledged, no level of intensity was assigned.

Tribal leadership recently informed the Department that the Environmental Protection Agency (EPA) provided comments to the Corps regarding the Environmental Assessment (EA) on January 8 and March 11, 2016. After reviewing EPA's most recent letter, we note that it focused on concerns specific to the Standing Rock Sioux Tribe that were not addressed in the EA. We concur with the March 11 comments provided by EPA.

Finally, our understanding is that although, formal consultation was requested by multiple tribes, tribal consultation has not yet occurred. Pursuant to Executive Order 13175, we encourage the Corps to hold government-to-government consultations with the Tribe and other impacted tribes prior to finalizing any decisions regarding this proposed project.

We appreciate the opportunity to provide comments on the EA. Should you have further questions or concerns, please contact Mr. Miles Janssen, Counselor to the Assistant Secretary – Indian Affairs, at (202) 208-7352.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence S. Roberts", with a large, stylized flourish at the end.

Lawrence S. Roberts  
Acting Assistant Secretary – Indian Affairs