



**DEPARTMENT OF THE ARMY**  
**OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY**  
**INSTALLATIONS, ENERGY AND ENVIRONMENT**  
**110 ARMY PENTAGON**  
**WASHINGTON DC 20310-0110**

**FEB 07 2017**

The Honorable Raul Grijalva  
Ranking Member, Committee on Natural Resources  
United States House of Representatives  
Washington, D.C. 20515

Dear Representative Grijalva:

Pursuant to the Mineral Leasing Act of 1920, as amended (30 U.S.C. §185 (w)), the Army is hereby providing notice of an intent to grant an easement to Dakota Access LLC, a Delaware limited liability company ("Company"), with its principal office at 1300 Main Street, Houston, Texas, operating as a subsidiary of Energy Transfer Partners and authorized to do business in the State of North Dakota, for installation, construction, operation, maintenance, and repair of a 30-inch diameter underground light crude pipeline. The Army provided notice on September 3, 2015, that the Company filed an application with the Army for an easement for a right-of-way across Government land at Lake Oahe Dam and Reservoir, North Dakota.

On Government land, the pipeline will cross approximately 7.37 acres at Tracts 3214, 3215, 3218, 3219-1, and 3225 at Lake Oahe Dam and Reservoir. The pipeline will cross Lake Oahe and Government property on both the east and west of Lake Oahe. The crossing is located in Section 10, Township 134 North, Range 79 West in Morton County, North Dakota, and Section 11, Township 134 North, Range 79 West in Emmons County, North Dakota. A map and legal description are enclosed. Since the line is being buried using a horizontal directional drill under the lake, a construction license will not be needed. The pipeline will not cross the property of any other federal agency.

The Army intends to issue the easement for a term of 30 years. The width of the right-of-way will not exceed fifty feet plus the ground occupied by the pipeline. Easement terms will establish the following major responsibilities on the Company: mitigation of any damages to the property or to the Lake Oahe Project during construction, operation, and maintenance of the pipeline; construction, operation, and maintenance in accordance with applicable federal, state, county, and municipal laws, regulations, and ordinances; pipeline installation in accordance with the U.S. Department of Transportation's Minimum Federal Safety Standards and any other applicable federal or state safety requirements; supervision of the pipeline with inspections at reasonable intervals; the immediate repair of any defects or leaks found by such inspection; protection of government property; Company liability to the United States for damage or injury which may arise from or be incident to the activities of the Company under the easement; soil and water conservation measures including restoration, revegetation, and erosion control; environmental and natural resource protection requirements; non-disturbance of any historical, archeological, architectural or other cultural artifacts encountered; hazardous waste management; a plan for responding to hazardous waste, fuel, and other chemical spills; and compliance with the conditions set forth in the Federal Energy Regulatory Commission's Order Issuing Certificate

dated December 24, 2014, as applicable, to Docket No. OR14-42-00, Dakota Access LLC. In addition, special easement conditions include: responsibility for commitments and mitigation measures in the Final Environmental Assessment; consideration of Army comments prior to the Company's submission of a Facility Response Plan, Geographical Response Plan, Operations and Maintenance Manual, Risk Assessment (Integrity Management Plan), and Spill Models to the Pipeline and Hazardous Materials Safety Administration; as-built drawings; execution of training exercises; and compliance with specified pipeline safety conditions during construction and operation of the pipeline.

Consistent with the direction in "Presidential Memorandum Regarding Construction of the Dakota Access Pipeline" dated January 24, 2017, the U.S. Army Corps of Engineers intends to waive its policy to wait 14 days after Congressional notification before granting an easement under 30 U.S.C. §185. The Corps intends to execute this easement at a time that is mutually convenient to the Corps and the Company, no earlier than 24 hours following delivery of this notification letter.

If you have questions on this action, MAJ Richard Trimble, Office of the Chief of Legislative Liaison, may be reached at 703-697-2417 or LTC Elizabeth Walker at (703) 697-0275.

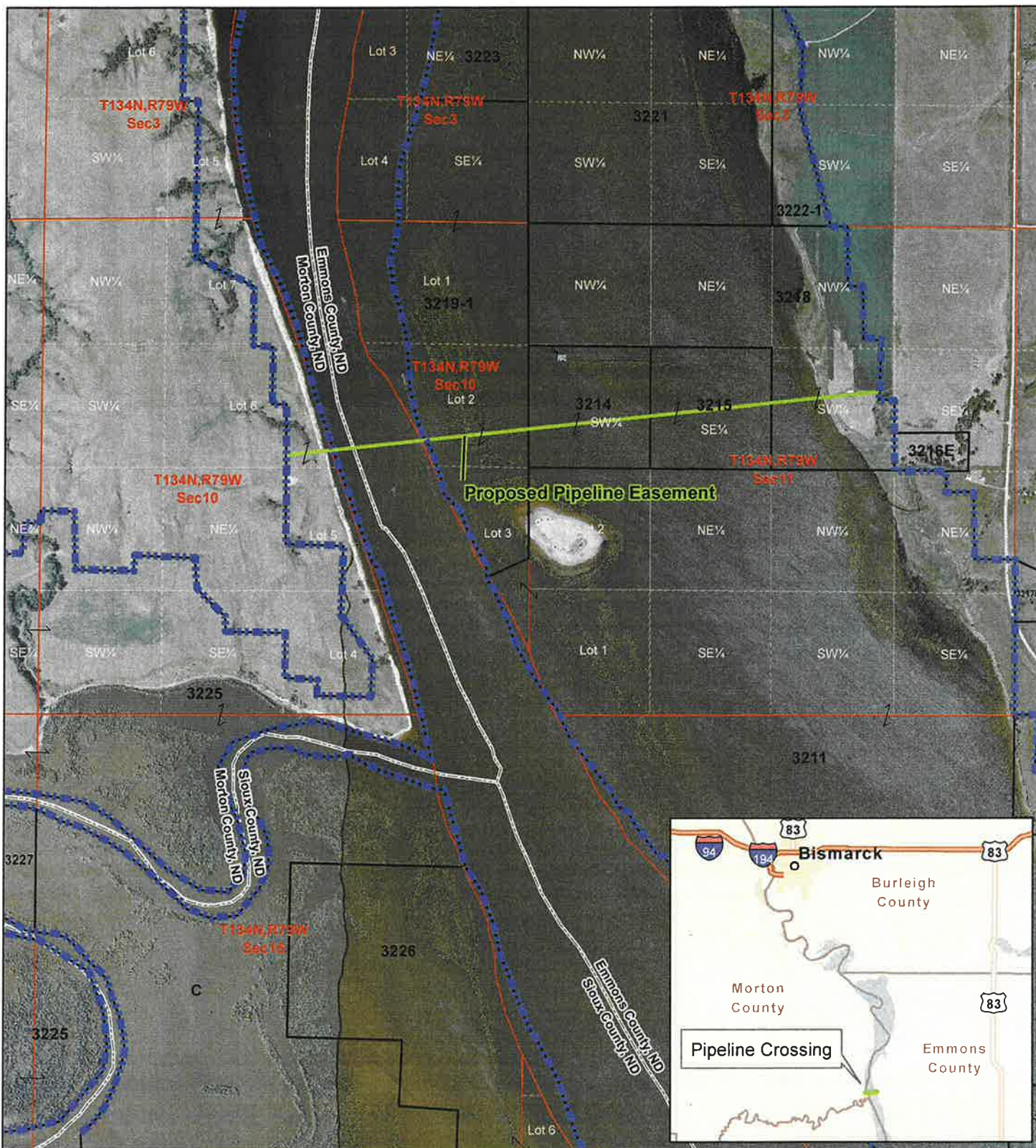
Sincerely,

A handwritten signature in black ink, appearing to read "P. D. Cramer", with a long horizontal flourish extending to the right.

Paul D. Cramer  
Deputy Assistant Secretary of the Army  
(Installations, Housing and Partnerships)

Enclosure





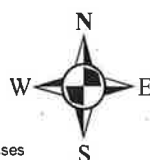
# OAHÉ DAM AND RESERVOIR



Date: 28-May-2015

Path: (regis1)\re2\jesse\bob\_incontro\Oahe\DAPL\_Easement\DAPL\_Easement.mxd

Disclaimer: The Government furnishes this data and the recipient accepts and uses it with the express understanding that the United States Government makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the information and data furnished. The United States shall be under no liability whatsoever to any person by reason of any use made thereof. Data displayed on this map are approximations derived from GIS layers and should NOT be used in place of survey data or legal land descriptions.



## Legend

- Project Boundary (Fee)
- 50' Wide Proposed Easement ( $\pm 7.37$  Acres)
- Tracts
- Sections
- Counties

EXHIBIT "A" ATTACHED TO AND  
MADE A PART OF DACW45-2-16-8059

**METES AND BOUNDS DESCRIPTION**  
**CENTERLINE 50' WIDE PERMANENT EASEMENT**

Being a centerline description located in the Section 10, Township 134 North, Range 79 West of the 5<sup>th</sup> P.M., in Morton and Emmons County, North Dakota and Section 11, Township 134 North, Range 79 West of the 5<sup>th</sup> P.M., in Emmons County, North Dakota, and crossing the following tracts of land and described as follows:

Basis of Bearing:

Bearing are based on UTM Zone 14 Grid North.

Tracts of land:

Tract 1: Portion of Lot 4 and Lot 7; Book 125, Page 395; Deed Records, Morton County.

Tract 2: Lake Oahe.

Tract 3: Portion of the N1/2 of Section 11; Civil Case No. 406; Probate Records, Emmons County.

**COMMENCING** at a 3/8-inch iron rod found for the Northwest corner of said Section 10;

**THENCE**, crossing said Section 10, South 46 degrees 08 minutes 26 seconds East a distance of 3,664.72 feet to the west line of said United States of America Tract 1 for the **POINT OF BEGINNING** of this centerline description;

**THENCE**, crossing the United States of America tracts and through said Section 10 and said Section 11, North 83 degrees 59 minutes 34 seconds East a distance of 6,420.72 feet to the east line of said United States of America Tract 3 for the **TERMINAL POINT** of this centerline description, from which a 1-inch USGS monument found on said east line bears South 01 degrees 17 minutes 30 seconds West a distance of 296.68 feet. Said centerline having a length of 6,420.72 feet, 389.14 rods, and said fifty foot (50') wide.

Permanent Easement containing 7.37 acres of land.

Wood Group Mustang, Inc.  
17325 Park Row  
Houston, Texas 77084  
(832) 809-8000  
April 23, 2015  
Job No. 103957

**Exhibit "B"**  
**DACW45-2-16-8059**