

DRA E IEN 



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901**

February 17, 2015

Waste` Win Young
Standing Rock Sioux Tribe, THPO
PO Box D
Fort Yates, ND 58538

Dear Mr. Young,

The U.S. Army Corps of Engineers (USACE) is currently evaluating pre-construction notifications (PCN's) from Dakota Access Pipeline Project (DAPL) consultants for portions of the overall pipeline project that required submittal of a notification for work in waters of the United States, in accordance with Section 10 of the Rivers and Harbors Act (33 U.S.C. 401 et seq.) and Section 404 of the Clean Water Act (33 U.S.C. 1344). DAPL is an approximate 1,100-mile, 30-inch diameter, proposed crude oil pipeline, which would extend from the Bakken production area near Stanley, North Dakota through South Dakota and Iowa to a delivery point at Patoka, Illinois, thus affecting three Corps Districts (Omaha, Rock Island, St. Louis). To date, USACE has received 55-PCN's. The location of the PCN areas is enclosed.

The USACE permitting process is the only Federal action associated with the project and therefore USACE is solely responsible for conducting consultation with interested Tribes in accordance with Section 106 of the National Historic Preservation Act. The purpose of this letter is to initiate Section 106 consultation and review, determine your interest in consulting on this undertaking, and to gather information that will assist the Corps in identifying historic properties.

Please note the Corps is neither funding nor constructing the proposed pipeline and would have permitting authority over only a very small percentage of the overall 1,100-mile pipeline project. The majority of the work in association with construction of the pipeline will occur in uplands and not waters of the United States. Navigable waters crossings include the Missouri, James, Big Sioux, Des Moines, Mississippi, and Illinois rivers.

Our regulations define the extent of the federal action as the "permit area" (33 CFR Part 325, Appendix C). This definition requires some interpretation but generally for pipelines it includes waters of the U.S. and adjacent upland areas that are dependent on the location of the crossing. The project proponent is conducting Class III surveys for cultural resources along the route. Proper identification of all historic properties, including sites of religious and cultural significance, or traditional cultural properties (TCP), in the permit area is an essential element of those surveys.

Please let us know if you would like to consult on this undertaking and if you have any information that will assist us in identifying historic properties. We would like to know if you have any knowledge or concerns regarding cultural resources, sites of religious importance, or TCPs you would like the Corps to consider. The Corps will treat any information provided with the greatest confidentiality. We request your comments prior to **March 30, 2015**, to help facilitate a timely Section 106 review.

Enclosed you will find the current proposed alignment provided by the applicant. Additional information about the project can be obtained at http://www.energytransfer.com/ops_copp.aspx. If you are interested in participating in coordination for this proposed project, please contact Mr. Joel Ames, Tribal Liaison, by email at joel.o.ames@usace.army.mil or Ms. Devetta Hill, Field Support Section, at devetta.a.hill@usace.army.mil or by phone at (402) 995-2462.

Thank you for participating in this early consultation effort concerning the Dakota Access Pipeline Project. We look forward to future consultation after surveys are completed. Please contact me at Martha.S.Chieply@usace.army.mil or by calling (402) 995-2451 if you have any questions.

Sincerely,



Martha S. Chieply
Chief, Regulatory Branch
Operations Division

Enclosures