



February 9, 2021

Mr. R.D. James
Assistant Secretary of the Army for Civil Works
108 Army Pentagon
Washington, D.C. 20310-0108

Col. Mark R. Himes
U.S. Army Corps of Engineers, Omaha District
1616 Capitol Avenue
Omaha, NE 68102

Re: Request for Continued Operation of the Dakota Access Pipeline During Additional Environmental Review

Greetings Assistant Secretary James and Colonel Himes,

We respectfully ask that the U.S. Army Corps of Engineers ("the Corps") allow, and advocate in the strongest terms possible, for the continued operation of the Dakota Access Pipeline ("the pipeline") as the Corps conducts a court-ordered Environmental Impact Statement (EIS) review.

Shutting down the pipeline during the EIS review would have devastating consequences for the State of North Dakota and a chilling effect on infrastructure investment across our nation.

Currently, the pipeline carries nearly half of North Dakota's daily oil output, transporting 570,000 barrels per day from the Bakken and Three Forks formations in North Dakota to Patoka, Ill. Shuttering the pipeline would force that oil onto rail, creating enormous competition for rail access for farmers trying to move grain to market, resulting in increased costs, delays and loss of service.

Taking the pipeline out of commission also would add unnecessary risk by subjecting North Dakota motorists to intense oil truck traffic on our roads and bridges and vastly increasing the number of oil trains rumbling through populated areas. Pipelines remain the safest, most economical and most environmentally sound means of shipping oil and natural gas, and the Dakota Access Pipeline has been operating safely since 2017.

The negative impacts of closing this pipeline on U.S. energy security and North Dakota's oil industry and economy cannot be overstated. The North Dakota Petroleum Council estimates the oil and gas industry accounts for one out of every five jobs in North Dakota, and the North Dakota Pipeline Authority estimates the pipeline reduces the transportation-related price discount on Bakken crude by \$3 to \$5 per barrel. This results in more revenue for operators and private mineral owners, job creation to support families and economic growth, and essential tax revenues for the State of North Dakota, counties, school districts and communities.

The oil and gas industry accounts for approximately 50 percent of North Dakota's state tax revenue, which supports state agency operations and pays for schools, water projects, roads and other essential infrastructure. Oil tax revenues collected by the state are already projected to fall from \$3.36 billion in the 2019-21 biennium to \$2.87 billion next biennium, and subjecting more North Dakota oil to a higher discount would decrease revenues even further and force budget cuts on essential services amidst an economy already challenged by the pandemic.

The Corps approved the installation of the pipeline. To pull the plug now, after the pipeline has been operating safely for more than three years, would severely impair future capital investment in much-needed projects at a time when America is in desperate need of infrastructure upgrades, jobs and economic activity to accelerate recovery from the COVID-19 pandemic.

Among the 50 states, North Dakota ranks No. 2 in oil production and No. 6 in overall energy production because of an all-of-the-above energy strategy that embraces oil and gas, coal, wind, hydroelectric, biofuels and solar. Our state has played an outsized role in achieving American energy security, and shutting down the pipeline will only force energy production overseas, resulting in increased emissions and higher costs to U.S. consumers. We have some of the nation's cleanest air and water because no one cares more about North Dakota's environment than the people who live here. With the continued responsible development of state-of-the-art infrastructure such as the Dakota Access Pipeline, we can maintain U.S. energy dominance with environmental stewardship.

Thank you for your timely consideration of this request. The State of North Dakota looks forward to continuing to work with the Corps on safe and efficient infrastructure for our citizens.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Burgum". The signature is stylized and fluid.

Doug Burgum
Governor