



Independent Petroleum Association of America
1201 15th St. NW, Suite 450
Washington, DC 20005
December 13, 2023

Attn: Brent Cossette
U.S. Army Corps of Engineers
CENWO-ODT-N
1616 Capitol Avenue
Omaha, NE 68012
NOW-DAPL-EIS@usace.army.mil

RE: Comments on the U.S. Army Corps of Engineers' (USACE) Draft Environmental Impact Statement for the Dakota Access Pipeline

Dear Mr. Cossette,

The Independent Petroleum Association of America (IPAA) appreciates the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Dakota Access Pipeline (DAPL).

The IPAA is a national upstream trade association representing thousands of independent oil and natural gas producers and service companies across the United States. Independent producers develop 91 percent of the nation's oil and natural gas wells. These companies account for 83 percent of America's oil production, 90 percent of its natural gas and natural gas liquids (NGL) production, and support over 4.5 million American jobs.

IPAA would like to specifically emphasize the critical importance of maintaining the existing pipeline crossing as defined in Alternative Three. This alternative has the least environmental and safety impact, is the most economic, and provides the most energy security for consumers, landowners, and tribal communities.

The existing DAPL crossing is a critical linchpin in the nation's energy infrastructure. It has been constructed with meticulous attention to safety and environmental considerations. Maintaining this crossing is crucial for ensuring safe, efficient, and uninterrupted transportation of crude oil. Altering the operations of the pipeline as suggested in several of the alternatives would not only impose significant financial and logistical burdens on the industry and the region, but also undermine the years of planning and investment that have gone into developing this critical energy asset. The strategic importance of this crossing is demonstrated by its robust construction, adherence to the highest safety standards, and its

minimal environmental footprint. Maintaining the existing route and continued uninterrupted operation guarantees the least ecological impact while offering maximum efficiency.

The continued and uninterrupted operation of DAPL under Alternative Three has far-reaching positive impacts on the regional and national economy. By facilitating a steady flow of energy resources, it helps maintain competitive oil prices, supports thousands of jobs, and contributes significantly to local, state, and tribal nation revenues. Any disruption of DAPL may risk these economic gains, potentially leading to job losses, decreased investment, and a slowdown in regional economic growth.

The existing pipeline route, as maintained under Alternative Three, minimizes environmental risks and maximizes safety. This route was chosen after extensive environmental assessments and public consultations, ensuring minimal impact on sensitive ecological areas and communities. The technology and monitoring systems in place along the current route are state-of-the-art, ensuring early detection and rapid response to any potential incidents. This level of safety and environmental consideration is unmatched by any alternative routes or methods of transportation.

Alternatives One, Two, and Five in the DEIS pose significant risks and challenges. These alternatives involve altering or rerouting the pipeline, which could lead to substantial financial and operational burdens and potentially compromise the economic stability of the region. Any disruption in the existing supply chain would also likely result in increased transportation costs, heightened safety risks, and potential new and unnecessary environmental hazards. These alternatives may not offer the same level of environmental safeguards as the current route and may also lead to increased reliance on other modes of transport¹ that are less efficient than a safely operating pipeline. The increased reliance on less efficient transportation methods like rail or truck could increase unnecessary risks while driving up prices and constricting critical supplies and affecting other industries in the region.

As described in the DEIS, Alternative Four suggests extra safety measures that appear unnecessary upon closer examination. DAPL has already consistently demonstrated a commitment to safety and environmental responsibility, with a proven track record that speaks to the efficacy of existing protocols. The imposition of new conditions, as suggested by Alternative Four, must be evaluated against a rigorous cost-benefit analysis, which we believe will reveal that the marginal gains in risk mitigation do not proportionately align with the additional financial and operational burdens.

In an era of increasing energy demands and global market fluctuations, the importance of DAPL in ensuring energy security cannot be overstated. The pipeline facilitates the efficient transport of domestic crude oil, reducing reliance on foreign oil and strengthening national energy independence. Endorsing Alternative Three is the only decision that best serves the national interest.

Alternative Three is a commonsense approach that best balances economic, environmental, safety, and community factors. This balance helps keep the U.S. oil market supplied with environmentally responsible resources that support good paying jobs and steady income for state, local, and tribal governments to support better schools, health care centers, and more for historically impoverished or underserved communities.

In stark contrast, the other alternatives pose significant risks and uncertainties. IPAA urges the USACE to consider the full spectrum of implications associated with the alternatives to the current DAPL

operation. It is imperative that the final decision reflects a comprehensive understanding of these factors and supports the continued operation of DAPL as currently routed.

In conclusion, IPAA strongly supports maintaining the existing DAPL crossing as outlined in Alternative Three. This choice represents the most judicious balance between the needs of the oil and gas industry, the welfare of local communities, environmental stewardship, and national energy security. I trust that the USACE will recognize the many benefits of this alternative and will duly reflect this in its decision.

Thank you for your consideration of these critical issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Eshelman', with a long horizontal flourish extending to the right.

C. Jeffrey Eshelman
President & CEO
Independent Petroleum Association of America