To: Gogal, Danny[Gogal.Danny@epa.gov]; Buzzelle, Stanley[Buzzelle.Stanley@epa.gov]
From: Tejada, Matthew
Sent: Mon 5/9/2016 5:59:29 PM
Subject: FW: Letter regarding Dakota Access' Bakken pipeline and Environmental Justice
Environmental Justice and Dakota Access letter.pdf

Ex. 5 - Deliberative Process

Matthew Tejada

Director - Office of Environmental Justice

Environmental Protection Agency

202-564-8047

From: Carolyn Raffensperger Ex. 6 - Personal Privacy
Sent: Monday, May 09, 2016 11:31 AM
To: Tejada, Matthew <Tejada.Matthew@epa.gov>
Cc: Dallas Goldtooth Ex. 6 - Personal Privacy
Subject: Letter regarding Dakota Access' Bakken pipeline and Environmental Justice

Dear Matthew,

it was a pleasure meeting you in Michigan ten days ago. As promised, here is a letter from environmental justice leaders asking you to intervene in the permitting process of the Dakota Access crude oil pipeline. If you need any other information, either I or Dallas Goldtooth can help. Dallas is cced here. He coordinated the letter with other indigenous colleagues and has been instrumental in the struggle. He was one of the intervenors in the South Dakota Public Utility Commission's hearings on the pipeline.

Thanks for whatever you can do to help.

Carolyn Raffensperger

Science and Environmental Health Network and the Bakken Pipeline Resistance Coalition

May 9, 2016

Matthew Tejada

Director, Office of Environmental Justice

1200 Pennsylvania Ave. NW

MC-2201A, WJC South, Rm 2226

Washington DC 20460

Dear Mathew Tejada:

We write today asking you to address the environmental injustices that arise in the siting of pipelines, specifically the Dakota Access pipeline that is slated to go through North Dakota, South Dakota, Iowa and Illinois.

It must be stated that the now rejected Keystone XL pipeline would have had only 875 miles of pipe in the United States and received a full EIS, meanwhile the Dakota Access pipeline will be 1100 miles and no full EIS has been conducted. This pipeline, like others crossing several other states threatens the waters, land, sacred sites and future generations of indigenous communities in its path. For these reasons, the Standing Rock Sioux Tribe has opposed the pipeline.

The express injustices arise in part from the criteria used for permitting pipelines. Specifically, pipeline corporations are held to a lower standard in areas that are designated low consequence areas. Tribal lands are almost all located in areas of low consequence and then are not afforded the same protections that areas of high consequence are granted. For instance, in areas of high consequence the pipeline company is obligated to have detailed emergency response plans and also required to have integrity management plans that include preventive actions, constant monitoring and maintenance. Because tribes are located in areas that do not qualify as high consequence, they are denied the essential protections of these precautionary requirements. This *automatically* builds in higher risk for environmental justice communities.

In addition, climate change resulting from this massive increase in oil infrastructure threatens environmental justice communities more than privileged communities. The pipeline is designed to have an extended life span and will carry up to 570,000 barrels of oil a day. In order for the United States to meet its obligations under the Paris Accord, this oil must stay in the ground.

Accordingly, we are asking you to do four things:

1. Insist the Army Corps of Engineers consult with the tribes affected by the pipeline in a meaningful way, as established in the Council on Environmental Quality Guidance on Implementation of EO 12898 in NEPA Reviews.

2. Intervene with the Army Corps of Engineers and insist that they do a full

Environmental Impact Statement and not simply grant a nationwide permit for Dakota Access (or any other pipeline).

3. Require the Army Corps to commit to doing a robust alternatives assessment in the EIS as a matter of environmental justice and

    a. choose the best environmental alternative;
    b. the environmental alternative must take into account the Paris Accord and not increase the threat of climate change;
    c. address the cumulative impacts of all the pipelines and fracking in the region and on the Missouri and Mississippi Rivers.

4. Review the standards for high and low areas of consequence and guarantee that tribes are given the same protections that other communities designated high consequence areas are given, regardless of population density. Tribal lands should be considered areas of high concern as a matter of justice.

USEPA, the Dept. of Interior and the Advisory Council on Historic Preservation have written to the Army Corps of Engineers and recommending the Corp performs a full EIS. We ask you to add your voice and raise the specific concerns the tribes and environmental justice community have about the Dakota Access Pipeline as well as the other pipelines crossing the Midwestern states.

More information can be found at the following links:

http://indigenousrising.org/wp-content/uploads/2016/04/Dakota-Access-2nd-DEA-cmts-3-11-16.pdf

http://thehill.com/blogs/congress-blog/energy-environment/278203-standing-rock-sioux-to-federal-government-halt-the

https://efs.iowa.gov/cs/groups/external/documents/docket/mdax/ntq3/~edisp/1547747.pdf

Sincerely,

Joye Braun, Community Organizer, Camp of the Sacred Stones "Iyan Wakanya Gaghapi Oti"

Dallas Goldtooth, Indigenous Environmental Network

Tara Houska, Honor the Earth

Carolyn Raffensperger, Bakken Pipeline Resistance Coalition and the Science and Environmental Health Network

Ed Fallon, Bold Iowa