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FUELING UTAH'S GROWTH & PROSPERITY

December 11, 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 Utah Petroleum Association (UPA) is comprised of companies from every segment of the petroleum industry who work cooperatively to resolve mutual problems and provide a unified voice for the advancement and improvement of the oil and gas industry in Utah. We join our industry associates in North Dakota in expressing our gratitude for the opportunity to provide comments on the Draft Environmental Impact Statement (D-EIS) for the Dakota Access Pipeline (DAPL). We join them in emphasizing the critical importance of maintaining the existing pipeline crossing as defined in Alternative Three. Alternative Three has the least environmental and safety impact, and provides the most economic, and energy security for consumers, landowners, and tribal communities.

We echo the sentiments of our colleagues in North Dakota in asserting that 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 unlikely to be matched by any alternative routes or methods of transportation.

Key Benefits of Alternative 3:

- **Environmental Security:** requires no new construction, thus significantly reducing environmental impact and maintaining a minimal carbon footprint, in harmony with environmental conservation objectives. Also fosters a lower carbon footprint than Alternatives One and Two, as most volume flowing on DAPL moves to rail and truck¹.
- **Economic and Operational Efficiency:** utilizes existing infrastructure, minimizing financial and operational challenges. It preserves economic stability in the oil and gas sector and sustains employment levels. It is the least-cost transportation alternative that supports highest netback for royalty owners and tribal communities; continued tax revenue for state and preservation of overall economic stability in the North Dakota region.
- **Safety and Reliability:** incorporates enhanced safety measures and monitoring systems to ensure the highest standards of operation. Pipelines have lower spills than alternative transport sources like rail and truck. DAPL was fully encased 95 feet below Lake Oahe and has robust monitoring and leak detection that surpasses regulatory requirements.
- **Support for Tribal Communities:** addresses the needs and concerns of tribal nations, especially the MHA Nation, by minimizing intrusion on sacred lands and fostering cooperative relationships. Current design goes above and beyond minimum standards to protect the environment. Delivers greatest financial value to support social services and employment.
- **Other Industries:** maintains supply chain stability and costs for regional agriculture industry by not competing for rail and trucking that is vital for the agriculture-to-market economy.

Alternatives One, Two, and Five 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

¹ Covert, T. R., & Kellogg, R. (2023). Environmental Consequences of Hydrocarbon Infrastructure Policy. NBER Working Paper No. 23855. Revised October 2023. Retrieved from [BFI_WP_2023-138.pdf \(uchicago.edu\)](https://www.nber.org/papers/w23855) on 11/9/2023.

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 Draft EIS, 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.

We know from where we sit in Utah, that 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, where ripples from this decision will be felt not only in the immediate area of the pipeline, but here in Utah, and extending to all corners of the country.

In conclusion, Utah Petroleum Association 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. The decision on DAPL's future will shape the economic and energy landscape of our region and country for years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Rikki Hrenko-Browning". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Rikki Hrenko-Browning
President
Utah Petroleum Association