
John Hoeven

202 • 224 • 2551

**Dakota Access Pipeline Remarks
Senator John Hoeven (R-ND)
December 7, 2016**

I rise today to speak again about the Dakota Access Pipeline issue in North Dakota. And I want to emphasize that we need to focus on the facts, and understand what is really going on there.

On Sunday, the Obama administration announced its refusal to issue the final easement for the Dakota Access Pipeline to cross a narrow section deep underneath the Missouri River. This easement is required to finish the 1,172-mile long pipeline, which is already 98 percent complete in North Dakota, and 86 percent complete overall.

Unfortunately, this latest Obama administration decision fails to follow the rule of law, it fails to resolve the issue, and it perpetuates an extremely difficult situation for North Dakotans.

Furthermore, it is estimated that over five thousand protestors are still unlawfully gathered on federal Corps of Engineers land in our state. They are there in direct violation of the Army Corps' December 5th eviction notice, as well as an evacuation order from North Dakota's governor.

However, now that the Obama administration has made its decision, protestors should move from their unlawful site on Army Corps of Engineers land. Even Standing Rock Sioux Chairman David Archambault has finally said that protestors need to leave and return home. And the Obama Administration needs to do the same. The Administration needs to call on protestors to leave their illegal site as well.

As I said, the Dakota Access Pipeline issue has been difficult for the people of North Dakota. In recent months, protestors have trespassed on private property. They have blocked state highways and damaged bridges. They have committed acts of vandalism to construction equipment by cutting hydraulic hoses, breaking windows, filling gas tanks with gravel, and setting equipment on fire. Protesters have blocked intersections in Bismarck and Mandan. They have disrupted area businesses, and farmers and ranchers in the area have reported instances of trespassing and butchered livestock.

The rule of law matters in this country. But by committing acts of lawlessness at this construction site as a proxy for changing broader environmental policies, the rule of law is undermined. Just as the pipeline company must follow the law, the protestors themselves need to follow the law as well. By continuing to remain in the camp, the protestors are defying federal and state orders to leave. They are subjecting residents in the area to additional weeks of disruption and hardship. They also require our law enforcement to continue their around-the-clock presence – 24 hours a day, seven days a week. The protestors need to follow the law – just like everyone else. I repeat – its time, it's past time – to leave the illegal camp site.

[Law Enforcement Resources](#)

And I'd like to address the dedication of our state and local law enforcement officers. The professionals who make up the North Dakota Highway Patrol, our sheriffs and deputies from around the state, members of the North Dakota National Guard, and other first responders have acted with professionalism and diligence to maintain peace and order under very difficult circumstances. They continue to protect the public, especially now with the onset of challenging winter conditions.

In my ten years as Governor, I spent a lot of time working with our law enforcement officers to prepare for weather emergencies. I know the preparation that these situations require. Even today, our law enforcement and state Department of Transportation crews are working to keep evacuation routes open, rescuing people stranded on the highways, and providing assistance to many from out of state who are unprepared to deal with the weather.

The men and women in law enforcement are doing their best to protect everyone, including the protestors. We owe our law enforcement a debt of gratitude for their diligence, dedication, and professionalism. But, North Dakota's law enforcement's resources are severely strained. I have repeatedly called on the U.S. Department of Justice to provide additional funding and law enforcement officers to ensure public safety. Our state has requested federal assistance and was assured by the Attorney General that we would be given expedited consideration, but that has not been the case. Our Byrne grant application for federal assistance has still not been approved by the Attorney General.

I will continue to call on the U.S. Department of Justice, the U.S. Department of the Interior, and the Corps to provide additional federal resources, including funding and law enforcement personnel, to assist our state and local law enforcement officers, and ensure public safety.

As I have said before, everyone has a right to be heard, but it must be done lawfully and peacefully – whether that is during the permitting process with its opportunities for public comment, or else through the court system. And I emphasize through the court system. That is the established method in our country for dispute resolution.

So it is time – it is past time – for the protestors to stand down. And to recognize that the Courts – and the next Administration – will resolve the issue.

It is also important to recognize that this pipeline is not a unique or unusual infrastructure project. There are more than 38,000 crude oil pipeline river and waterbody crossings in the United States, including more than 1,000 in North Dakota. These crossings range from rivers, streams, and lakes, to ponds, canals, and ditches. Also it's important to understand the oil is already being transported across the river, on rail and trucks across bridges.

Additionally, the pipeline company has modified the route on its own 140 times in North Dakota alone, to avoid any important or cultural resources.

In July 2016, the Army Corps issued its final Environmental Assessment, which concluded with the "Finding of No Significant Environmental Impact" and "No Historic Properties Affected" determinations. Those determinations have been upheld not once, but twice by federal courts.

As for the way forward through this difficult issue, we need to look at the facts at hand. In the midst of the ongoing news coverage, it can seem that heated rhetoric leaves little room for good-faith efforts to find

common ground. But I want to highlight that there continues to be attempts at finding consensus among the key stakeholders, even as recently as last Friday.

To that point, in a meeting I had yesterday with Army Corps Northwestern Division Commander Brigadier General Scott Spellmon, he stated that last Friday – on December 2, 2016 – the Army Corps' Omaha District Commander John Henderson convened representatives from the pipeline company, the Standing Rock Sioux Tribe, and Army Corps officials.

They met in Bismarck for five hours. The meeting included tribal staff and the company's engineering and technical experts who came together for the sole purpose of reviewing Standing Rock's 19 specific safety and environmental concerns raised in the Tribe's October 2016 letter to the Corps.

In this meeting, the pipeline company, Tribe, and Army Corps discussed all 19 concerns raised by Standing Rock and they considered 36 potential terms and conditions that could further reduce the risk of a spill or pipeline rupture. Again, let me repeat, in order to directly address the river crossing concerns raised by the Tribe and the protestors, the pipeline company was willing to consider more than 36 additional safeguards for the Lake Oahe crossing.

Friday's meeting actually resulted in a "revised proposed easement", which was presented to Assistant Secretary of the Army Jo-Ellen Darcy the next day – on Saturday, December 3, 2016.

However, the following day – on Sunday, December 4th – Assistant Secretary Darcy promptly rejected the revised easement and instead required more “broad public input and analysis”.

So clearly, the Obama administration is not interested in finding a way forward based on the merits of the project, even in light of two federal court rulings upholding the Army Corps' reviews and even with subsequent attempts by the company to specifically address the Tribe's remaining environmental concerns.

In recent days, I have met directly with President-elect Trump's transition team and conveyed the importance of bringing this situation to a resolution. I have also spoken directly on the matter to Vice President-elect Mike Pence and to our next Attorney General, Jeff Sessions. President-elect Trump has now publically communicated his support for the project as well as for providing federal assistance, including additional resources and law enforcement personnel.

Infrastructure Certainty

This project should be decided on the merits and in accordance with the law. Failure to do so will cast new uncertainty on all future infrastructure projects – from pipelines that carry oil, gas, and other liquids to transmission lines carrying both traditional and renewable energy. If companies and individuals cannot rely on a system that follows the rule of law, nobody will risk making future investments in our country's vital infrastructure. That will make our nation less safe, less secure, and less competitive.

Think about it, if we can't build new infrastructure, then we will continue to use old infrastructure which is less safe and less environmentally secure.

To avoid this situation in the future – the kind of standoff we have with the Dakota Access Pipeline – we need to focus on ways to improve the permitting process. We need to improve the process, so we can make sure all people's voices are heard and to provide regulatory certainty to companies willing to invest in large

infrastructure projects. This should be done prospectively – not retroactively – looking for ways to better streamline procedures, reduce duplicative hurdles, and improve methods for public input.

This pipeline can be built safely, and include necessary protections for both the Tribe and all others downstream. The fact is, our country needs energy and we can't have it without energy infrastructure – pipelines, transmission lines, roads, rail, and bridges – to move both traditional and renewable energy from where it's produced to where it's consumed. Move it both safely and efficiently. Let's all work together to make that happen.

- ###-