

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STANDING ROCK SIOUX TRIBE,

Plaintiff,

and

CHEYENNE RIVER SIOUX TRIBE,

Plaintiff-Intervenor,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant-Cross  
Defendant,

and

DAKOTA ACCESS, LLC,

Defendant-Intervenor-  
Cross Claimant.

Case No. 1:16-cv-1534-JEB  
(and Consolidated Case Nos. 16-cv-1796  
and 17-cv-267)

**JOINT APPENDIX OF ADMINISTRATIVE RECORD CITATIONS**

Dated: April 14, 2017

/s/ Jan E. Hasselman

Patti A. Goldman, DCB # 398565  
Jan E. Hasselman, WSBA # 29107  
(Admitted Pro Hac Vice)  
Stephanie Tsosie, WSBA # 49840  
(Admitted Pro Hac Vice)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
Telephone: (206) 343-7340  
pgoldman@earthjustice.org  
jhasselman@earthjustice.org  
stsosie@earthjustice.org

*Attorneys for Plaintiff Standing Rock Sioux  
Tribe*

/s/ Robert D. Comer

Kimberley Caine  
William J. Leone  
Robert D. Comer  
Norton Rose Fulbright US LLP  
799 9<sup>th</sup> Street NW, Suite 1000  
Washington, D.C. 20001-4501  
(202) 662-0200

/s/ William Scherman

William S. Scherman  
David Debold  
Gibson, Dunn & Crutcher LLP  
1050 Connecticut Avenue, NW  
Washington, D.C. 20036  
(202) 955-8500  
wscherman@gibsondunn.com  
DDebold@gibsondunn.com

*Counsel for Dakota Access, LLC*

/s/ Rueben S. Schiffman

Jeffrey H. Wood  
Acting Assistant Attorney General  
Reuben S. Schiffman  
Amarveer S. BRar  
U.S. Department of Justice  
Natural Resources Section  
P.O. Box 7611  
Benjamin Franklin Station  
Washington, D.C. 20044  
(202) 305-4224 (Schifman)  
(202) 305-0479 (Brar)  
reuben.schifman@usdoj.gov  
amarveer.brar@usdoj.gov

Erica M. Zilioli  
U.S. Department of Justice  
Environmental Defense Section  
P.O. Box 761  
Washington, D.C. 20044  
(202) 514-6390  
Erica.Zilioli@usdoj.gov

*Attorneys for the United States Army Corps  
of Engineers*

DESCRIPTION	AR PAGE NOS.
February 8, 2017 Easement	USACE_ESMT000001-42 <sup>1</sup>
Email exchanges between USACE and Energy Transfer, dated February 7-8, 2017	USACE_ESMT000086-88
2/7/2017 Lamont Memo	USACE_ESMT000100-102
2/7/2017 Letter to Federal Register Withdrawing EIS NOI	USACE_ESMT000103-104
February 7, 2017 Congressional Notifications	USACE_ESMT000105-120
Memorandum from K. Jack Haugrud, Acting Secretary of the Interior, to Acting Solicitor, dated February 6, 2017	USACE_ESMT000167
February 3, 2017 Memorandum	USACE_ESMT00224-359
January 24, 2017, Presidential Memorandum	USACE_ESMT00463-465
USACE Memorandum re: Implementation Guidance for the Assistant Secretary of the Army for Civil Works Memorandum on the Proposed Dakota Access Pipeline Crossing at Lake Oahe, North Dakota, dated December 22, 2016	USACE_ESMT000534-536
December 4, 2016 Memorandum	USACE_ESMT00602-605
EarthFax Report	USACE_ESMT000611-651
December 3, 2016 Memorandum	USACE_ESMT000652-700
12/2/2016 Email re: further Corps meetings with SRST	USACE_ESMT000849-850
November 2016 document provides additional information regarding landslide risks in the vicinity of Oahe	USACE_ESMT000936-947
November 22, 2016 Letter	USACE_ESMT0000969
11/22/2016 Email re: protests at DAPL	USACE_ESMT000970-971
11/14/2016 Letter from Darcy to Archambault, Warren and Mahmoud	USACE_ESMT001000-1001

<sup>1</sup> The U.S. Army Corps of Engineers notes that certain documents appear multiple times in the administrative record, and parties may have cited different page ranges in their briefs than those produced in this Joint Appendix.

DESCRIPTION	AR PAGE NOS.
November 14, 2016 Army and DOI Statement Regarding DAPL	USACE_ESMT001002
Analysis of Kuprewicz Report	USACE_ESMT001005-1007
Letter from Dave Archambault, II, Chairman, Standing Rock Sioux Tribe, to Jo-Ellen Darcy, USACE, dated October 28, 2016; Accufacts Report	USACE_ESMT001067-1093
October 20, 2016 Memorandum	USACE_ESMT001213-1249
List of Incidents	USACE_ESMT001255-1256
Pipeline Incidents by System Type: Significant	USACE_ESMT001257-1258
Hazardous Liquid Pipeline Miles and Tanks by Commodity	USACE_ESMT001259
Letter from Douglas Hayes, Honor the Earth, Sierra Club Indigenous Environmental Network, to Jo-Ellen Darcy, Chip Smith, Lowry Crook, John Henderson, USACE, dated October 10, 2016	USACE_ESMT001262-1292
Letter from Dave Archambault, II, Standing Rock Sioux Tribe, to Jo-Ellen Darcy, Assistant Secretary of the Army, dated October 3, 2016 [Not all exhibits included]	USACE_ESMT001300-1325
9/9/2016 Joint Statement Regarding SRST v. Corps	USACE_ESMT001484-1485
Congressional Research Service, DOT's Federal Pipeline Safety Program: Background and Key Issues for Congress, Paul W. Parfomak, dated May 20, 2016	USACE_ESMT002259-2295
Dakota Access, LLC/Company Affiliates, Pipeline Leaks or Losses of Structural Integrity Since 2012	USACE_ESMT0002904-2906
Dakota Access Pipeline Project, North Dakota Public Service Commission Combined Application for Certificate of Corridor Compatibility and Route Permit, dated December 2014 [Excerpts]	USACE_ESMT003524, 3530-3534, 3550-3553
Notes for 18-19 Feb. 2016 Tribal Meeting in Niobrara, NE	USACE_DAPL0004777-4778
Letter from Kraig McPeck and Scott Larson, U.S. Department of the Interior, Fish and Wildlife Service, to Martha Chieply, U.S. Army Corps of Engineers, dated May 2, 2016	USACE_DAPL0005570-5588

DESCRIPTION	AR PAGE NOS.
Email exchange between Martha Chieply, Amy Kenke, Gary Lez and Danny McClendon, dated May 20, 2016	USACE_DAPL0005729
Letter from Lawrence Roberts, Acting Assistant Secretary, U.S. Department of the Interior, to Brent Cossette, U.S. Army Corps of Engineers, dated March 29, 2016	USACE_DAPL0005750-5751
Letter from Sara Childers, Tribal Historic Preservation Office, to Lt. Gen. Thomas Bostick, U.S. Army Corps of Engineers, dated May 23, 2016	USACE_DAPL0006056-6058
Email from Sara Lake to Patrick Murphy, and exchange between Todd Semonite, Patrick Murphy, Jo Ellen Darcy, Donald Jackson, and others with U.S. Army Corps of Engineers, dated July 27, 2016 to August 5, 2016	USACE_DAPL0006423-6426
4/28/2016 Memo re: spill frequency considerations	USACE_DAPL0012395-12397
Nationwide Permit 12 Decision Document	USACE_DAPL0016861-16910
Memorandum for Record (Mar. 16, 2012)	USACE_DAPL0063839-63874
7/11/2016 SRST Letter re: nationwide permits consultation	USACE_DAPL0064004
6/22/2016 Henderson Letter providing Q&A Summary	USACE_DAPL0064062
6/13/2016 Letter providing Q&A Summary	USACE_DAPL0064120-64132
6/3/2016 CRST Letter re: consultation	USACE_DAPL0064137-64139
Responses to Questions, (June 2, 2016)	USACE_DAPL0064143-64152
Email string regarding archeological and cultural sites dated May 19, 2016 to May 20, 2016	USACE_DAPL0064200-64203
5/19/2016 CRST Comments	USACE_DAPL0064221-64224

DESCRIPTION	AR PAGE NOS.
5/11/2016 SRST Letter re: not to send lawyers to meet Henderson	USACE_DAPL0064280-64281
5/9/2016 Email re: CRST	USACE_DAPL0064289
5/6/2016 Henderson Letter to Tribes	USACE_DAPL0064300
Letter from Jan Hasselman and Stephanie Tsosie, Earthjustice, to Col. John Henderson and Lowry A. Crook, dated April 26, 2016 [Excerpts from attachments]	USACE_DAPL0064441-64572; 64830-64862; 64870-65019; 65286-65302; 65320-65343; 65380-65396
Letter from Chairman Robert Flying Hawk, Yankton Sioux Tribe, to John W. Henderson, U.S. Army Corps of Engineers, dated April 13, 2016	USACE_DAPL0065507-65513
Appendix I to July 25, 2016 Environmental Assessment (EA)	USACE_DAPL0066105-66145
Letter from Dave Archambault, II, Tribal Council, Standing Rock Sioux Tribe, to Lowry A. Cook and Col. John Henderson, P.E., U.S. Army Corps of Engineers, dated March 24, 2016	USACE_DAPL0066166-66221
Letter from Doug Hayes, Sierra Club, to Col. John W. Henderson, Col. Craig Baumgartner, Col. Anthony Mitchell, and Ed. Rodriguez, U.S. Army Corps of Engineers, and Kraig McPeck, U.S. Fish and Wildlife Service, dated March 21, 2016	USACE_DAPL0066240-66257
Letter from Philip S. Strobel, U.S. EPA, Region 8, to U.S. Army Corps of Engineers, dated March 11, 2016	USACE_DAPL0066288-66292
3/7/2016 Email re: phone call	USACE_DAPL0066310-66311
2/29/2016 SRST Invitation to Henderson	USACE_DAPL0066360-66363
2/12/2016 SRST Comments	USACE_DAPL0066476-66483
1/27/21016 SRST Letter	USACE_DAPL0066548-66551

DESCRIPTION	AR PAGE NOS.
Letter from Dave Archambault, II, Chairman, Standing Rock Sioux Tribe, to Brent Cossette, U.S. Army Corps of Engineers, dated January 8, 2016	USACE_DAPL0066765-66780
12/10/2015 Memo to CRST Agency	USACE_DAPL0066801-66806
Letter from Kelly Morgan, Ph.D., Tribal Historic Preservation Office, Standing Rock Sioux Tribe, to Martha Chieply, U.S. Army Corps of Engineers, dated December 8, 2015	USACE_DAPL0066811-66813
11/20/2015 Letter notifying CRST of consultation meeting	USACE_DAPL0066820-66821
Standing Rock Sioux Tribe Endangered/ Threatened Species Cannonball River	USACE_DAPL0066902-66906
Letter from Waste Win Young, Tribal Historic Preservation Office, Standing Rock Sioux Tribe, to Eric Stasch, Army Corps of Engineers, dated August 21, 2015	USACE_DAPL0066988-66989
Letter from Waste Win Young, Tribal Historic Preservation Office, Standing Rock Sioux Tribe, to Martha Chieply, Army Corps of Engineers, dated April 8, 2015	USACE_DAPL0067021-67034
Letter from Waste Win Young, Standing Rock Sioux Tribe, to Martha Chieply, Army Corps of Engineers, dated February 25, 2015	USACE_DAPL0067074-67075
10/24/2014 DAPL Geotech PA Info Letter	USACE_DAPL0067130-67136
Email exchanges between Waste Win Young, Standing Rock Sioux Tribe, and U.S. Army Corps of Engineers Staff, dated September 16-29, 2014	USACE_DAPL0067145-67151
Email from Joel Ames to Julie Price, dated September 24, 2014	USACE_DAPL0067157
12/4/2013 Letter re: EA	USACE_DAPL0067166-67168
7/25/2016 Proposal to discharge fill material into WOUS	USACE_DAPL0067246-67341

DESCRIPTION	AR PAGE NOS.
Nationwide Permit Verification	USACE_DAPL0067342-67367
Memorandum for Record: Department of the Army Memorandum Documenting Nationwide Permit/Regional General Permit Verification, dated July 25, 2016	USACE_DAPL0067368-67381
Memorandum for Record (July 25, 2016)	USACE_DAPL0067382-67391
7/6/2016 CRST Response to USFWS	USACE_DAPL0067565-67567
5/20/2016 CRST Letter	USACE_DAPL0067923-67926
5/2/2016 CRST Comments	USACE_DAPL0068220-68222
Email "Quick summary of conference call with EPA," dated February 25, 2016	USACE_DAPL0068891
Letter from Dave Archambault, II, Chairman, Standing Rock Sioux Tribe, to Brent Cossette, U.S. Army Corps of Engineers, dated January 8, 2016	USACE_DAPL0069152-69169
9/3/2015 Henderson Letter re: consultation	USACE_DAPL0069758-69787
8/12/2015 SRST Request for Meeting	USACE_DAPL0069809-69812
8/17/2015 CRST Comment on DAPL	USACE_DAPL0069815-69817
3/23/2015 Corps Email re: CRST	USACE_DAPL0070574-70575
2/17/2015 Letter re: consultation	USACE_DAPL0070663-70664
10/2/2014 Email re: alignment	USACE_DAPL0071114-71117



DESCRIPTION	AR PAGE NOS.
July 25, 2016 Finding of No Significant Impact (FONSI)	USACE_DAPL0071174-71179
Section 408 Permission Package: Operations Division Real Estate Routing and Review, dated May 26, 2016	USACE_DAPL0071180-71214
July 25, 2016 Environmental Assessment (EA) with Appendices C, D, E, F, G, H, J, K, L, M	USACE_DAPL0071220-71990
ProjNet: Environmental Review of DAPL – Comments and Resolutions	USACE_DAPL0072161-72270
5/25/2016 Summary of EA Comments	USACE_DAPL0072424-72436
Dakota Access Pipeline (DAPL) Regulatory	USACE_DAPL0072442-72447
Summary of Comments on EA	USACE_DAPL0072463-72475
Memorandum from Brent Cossette and Jonathan Shelman, USACE, to Tom Siguaw, Dakota Access, and Steve Rowe, HDR Engineering, “DAPL – Route Comparison and Environmental Justice Considerations,” dated April 12, 2016	USACE_DAPL0073033-73043
Draft EA	USACE_DAPL0073062-73183
EA Comment Matrix	USACE_DAPL0073611-73620
Letter from Doug Hayes on behalf of Sierra Club Chapters to Ed Rodriguez, USACE, re: Comments on the Proposed Dakota Access Pipeline Project, Public Notice No. OD-R-15-009, dated February 5, 2016	USACE_DAPL0073854-73880
Letter from Philip Strobel, US EPA Region 10, to Brent Cossette, USACE, dated January 8, 2016	USACE_DAPL0074021-74024
Energy Transfer Company, Dakota Access Pipeline Project, North Dakota Missouri River Crossing Spili [sic] Modei [sic] Discussion [SEALED]	USACE_DAPL0074092-0074110

DESCRIPTION	AR PAGE NOS.
Appendix B to July 25, 2016 Environmental Assessment (EA)	USACE_DAPL0074227-74581
Lake Oahe Crossing Spili [sic] Modei [sic] Discussion [SEALED]	USACE_DAPL0074713-74729
Geographical Response Plan, Pipeline Crossing at the Missouri River, Emmons County, North Dakota, Version 1, August 2015	USACE_DAPL0074733-74746
Appendix A to July 25, 2016 Environmental Assessment (EA)	USACE_DAPL0074980-75099
Draft Request for Consent to Easement	USACE_DAPL0075355-75358
Letter from Lance M. Foster, Tribal Historic Preservation Office, Iowa Tribe of Kansas and Nebraska, to John M. Fowler, Advisory Council on Historic Preservation, dated March 22, 2016	USACE_DAPL0080015-80017
7/13/2016 Letter to participate in tribal monitoring	USACE_DAPL0086333
12/23/2014 Letter from Noel to Howard	OAHE0000016 <sup>2</sup>
Metes & Bounds of Easement	OAHE0000028
10/21/2014 DA Request for Pipeline Easement	OAHE0000034-36
DA Application for Transportation System on Federal Land	OAHE0000202-213
9/10/2015 Email sending congressional notification letters	OAHE0000246-249
Congressional notification letters	OAHE0000250-255
6/21/2016 Email Sending Draft Easement	OAHE0000464-469
Draft Easement	OAHE0000470-482
6/15/2015 Email from Simpson to Howard	OAHE0000625-626

<sup>2</sup> The Corps notes that the OAHE Bates-labeled documents were cited in briefs before the production of the easement administrative record on March 21, 2017. The Corps is evaluating whether certain documents should be part of the administrative record.

DESCRIPTION	AR PAGE NOS.
8/5/2015 Email Re Congressional Notification	OAHE0001138-1140
Map of Proposed Easement	OAHE0001227

**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2017, I electronically filed the foregoing *Joint Appendix of Administrative Record Citations* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Jan E. Hasselman

Jan E. Hasselman