



## ENERGY TRANSFER

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November 11, 2016

Russell Carter, Russell Carter Artist Management  
Amy Ray, Indigo Girls  
Emily Saliers, Indigo Girls  
Jackson Browne  
Joan Osborne  
Todd Snider  
Glen Phillips and Dean Dinning, Toad the Wet Sprocket  
Bruce Hornsby  
Keb 'Mo'  
Shawn Mullins  
Shawn Colvin  
Josh Ritter  
Parker Millsap  
Jess Klein  
Brett Dennen

I received your October 26, 2016 letter concerning the Dakota Access Pipeline Project (DAPL) and, specifically, my involvement as the Chairman of Energy Transfer Partners (ETP). Please allow this letter to serve as my response to the concerns you expressed and to provide some information that I believe is important to understanding the true facts concerning DAPL. It is my sincere hope you will take the time to look more deeply into the facts concerning DAPL. Before I address DAPL, let me state that I am glad you share my appreciation for the good works and charitable pursuit of the Cherokee Creek Music Festival.

Your letter reinforces the reality that DAPL has become a source of contention among some of the Native American community and environmental activists. However, the deliberate misinformation that has been disseminated via online outlets and social media and by those speaking to the media without regard for the truth is very troubling. This misinformation intentionally omits the real facts about DAPL, the approval and careful permitting processes over the last four years and the significant efforts undertaken by ETP to be good stewards of natural resources.

Your letter references violation of the Standing Rock Sioux Nations' treaty rights. I assume you are insinuating that DAPL encroaches on lands of Standing Rock Sioux. This is not true. The DAPL line traverses a path through private property and does not cross, at any point, the tribe's reservation. In addition, almost the entirety of the nearly 1,200 mile pipeline route has been reviewed and approved by applicable state and federal agencies, including the Army Corp of Engineers. DAPL and its proposed route was subject to an extensive consultation process that involved nearly 400 meetings with over 50 Native American tribes. During the planning process for the project, the Standing Rock Sioux Tribe rejected numerous overtures from a number of agencies and from Energy Transfer to directly participate in dialogue concerning DAPL, however, the tribe did meet with the Army Corp on a number of occasions and ultimately a route was chosen to specifically avoid the tribe's land in North Dakota. It is also critical to

understand that the segment of the pipeline's route near Lake Oahe is being constructed within the same corridor that was graded and trenched in connection with the construction of a natural gas pipeline in the same easement in 1982 as well as a high voltage electric transmission line.

Another point that has been raised by opponents with respect to DAPL's route is that it traverses areas of cultural and/or sacred significance for the tribe containing artifacts and/or burial grounds. This is also not true. Multiple archaeological studies conducted by the North Dakota state historic preservation office, including as recently as last month, found no archaeological or cultural sites within the route for DAPL. If any potential archeological or cultural sites had been identified, changes to the route would have been made to avoid these sites, as evidenced by the 140 changes which were made to other sections of the route through North Dakota. Accordingly, the route for DAPL was carefully selected in the area near the Standing Rock Sioux reservation to not disturb any land not previously disturbed.

The next point raised in your letter discussed the impact of the project on the Missouri River and, I am assuming by extension, on the water supply for the Standing Rock Sioux Nations. With respect to the Missouri River, I would note that the river is currently crossed by at least 8 existing pipelines that safely carry hundreds of thousands of barrels of energy product every day. In addition, DAPL will be a significantly safer and more efficient method of transporting crude oil than the alternatives being used today, namely rail and truck.

With respect to the Standing Rock Sioux Tribe water supply, the DAPL pipeline crosses 90 to 115 feet below Lake Oahe with heavy wall pipe, which will be inspected, tested and re-tested prior to being placed into service to ensure its long-term integrity. In addition, the tribe's intake from the Missouri River is being moved prior to the end of 2016 to Mobridge, South Dakota which is about 70 miles south of the DAPL Missouri River crossing.

Your letter also makes some overarching comments about your general concerns for the environment and your concerns that DAPL will threaten ecosystems. As noted above, ETP strives to be a good steward of our national resources and the DAPL pipeline will be a state-of-the-art system offering a safer and more efficient method of transporting crude oil than the alternatives being used today. On a personal level, while I am proud to serve as the Chairman of ETP and to be part of our country's oil and gas industry, I am also committed to protecting the environment. I continue to be saddened that there are those who think these are mutually exclusive.

In fact, the Standing Rock Sioux Tribe has embraced crude oil production by agreeing to lease its land for the drilling of oil wells that currently provide significant royalty revenue for the tribe. The Native American tribes have voluntarily agreed to allow more than 225 oil wells on their lands in North Dakota, and those wells produce approximately 73 million barrels of oil per year, resulting in more than \$500 million in annual royalty payments to those tribes. The Standing Rock Sioux Tribe has also authorized a railway line to cross its reservation that transports crude oil from North Dakota oil wells to other parts of the country. Finally, the Chairman of the Standing Rock Sioux Tribe, Dave Archambault, owns a gas station on the reservation.

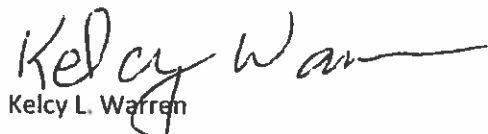
I understand by the tone of your letter that you may not simply accept the factual information and assertions contained in this letter. I hope, however, that my letter, at a minimum, spurs you to do more research to verify the pertinent facts about DAPL and its impact on the Standing Rock Sioux Nation and the environment. I also encourage you to review the Memorandum Opinion and Order issued by Judge Boasberg of the United States District Court for the District of Columbia on September 9, 2016, which

outlines the factual findings concerning DAPL. Here is a link to the Memorandum Opinion for your review [https://ecf.dcd.uscourts.gov/cgi-bin/show\\_public\\_doc?2016cv1534-39](https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2016cv1534-39).

Many Americans don't understand the extent to which our lives are intertwined with the oil and gas industry; something our industry needs to do a better job of explaining. It's much more than just the fuel for our cars and buses, and heating and cooling our homes. It is piano keys, drum sets and nylon guitar strings that are made from refined petroleum products. It is also the toothbrushes we use every day, our prescription medications and the paint on the walls and the shingles on the roofs of our homes. It is cosmetics, clothing, and backpacks carried by so many. The list goes on and on.

I hope that we all can see what is happening in North Dakota through a clear lens and not through the purposefully distorted view of those deliberately providing misinformation.

Sincerely,

  
Kelcy L. Warren