

EXHIBIT 5

Standing Rock Sioux Tribe v. United States Army Corps of Engineers

Case No. 1:16-cv-1534 (JEB)

United States Army Corps of Engineers' Memorandum in Support of its Motion to Dismiss and
in Opposition to Dakota Access, LLC's Motion for Summary Judgment



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
INSTALLATIONS, ENERGY AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

SEP 03 2015

The Honorable Rob Bishop
Chairman, Committee on Natural Resources
United States House of Representatives
123 Cannon Building
Washington, D.C. 20515

Dear Chairman Bishop:

Pursuant to the Mineral Leasing Act of 1920, as amended (30 U.S.C. §185 (w)), the Army is providing notice that Dakota Access LLC, a Delaware limited liability company, with its principal office located at 3738 Oak Lawn Ave, Dallas, Texas, operating as a subsidiary of Energy Transfer Partners and authorized to do business in the State of North Dakota, has filed an application with the Army for an easement. The applicant is requesting to cross approximately 7.51 acres of Government land located at Lake Oahe Dam and Reservoir, North Dakota for the installation, construction, operation, maintenance, and repair of a 30-inch diameter underground light crude oil pipeline. A large portion of the line would be buried under Lake Oahe. A license may also be granted for construction purposes.

A similar letter is being sent to the Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources, House of Representatives; the Honorable Lisa Murkowski, Chairman, Committee on Energy and Natural Resources, United States Senate; and the Honorable Maria Cantwell, Ranking Member, Committee on Energy and Natural Resources, United States Senate.

If you have questions on this action, LTC Rance Lee, Office of the Chief of Legislative Liaison, may be reached at 703-697-2417.

Sincerely,

A handwritten signature in black ink, appearing to read "P. D. Cramer", is positioned above the typed name.

Paul D. Cramer
Deputy Assistant Secretary of the Army
(Installations, Housing and Partnerships)

Enclosure