



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, OMAHA DISTRICT**  
**1616 CAPITOL AVENUE**  
**OMAHA NE 68102-4901**

November 25, 2016

District Commander

Chairman Dave Archambault II  
Standing Rock Sioux Tribe  
Bldg. #1, North Standing Rock Avenue  
P.O. Box D  
Fort Yates, North Dakota 58538

Dear Chairman Archambault:

Pursuant to 36 C.F.R. § 327.12, I am closing the portion of the Corps-managed federal property north of the Cannonball River to all public use and access effective December 5, 2016. This decision is necessary to protect the general public from the violent confrontations between protestors and law enforcement officials that have occurred in this area, and to prevent death, illness, or serious injury to inhabitants of encampments due to the harsh North Dakota winter conditions. The necessary emergency, medical, and fire response services, law enforcement, or sustainable facilities to protect people from these conditions on this property cannot be provided. I do not take this action lightly, but have decided that it is required due to the concern for public safety and the fact that much of this land is leased to private persons for grazing and/or haying purposes as part of the Corps' land management practices. To be clear, this means that no member of the general public, to include Dakota Access pipeline protestors, can be on these Corps' lands.

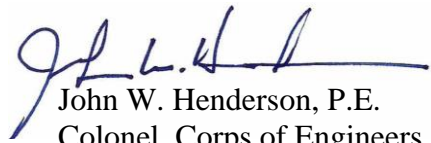
The Corps of Engineers has established a free speech zone on land south of the Cannonball River for anyone wishing to peaceably protest the Dakota Access pipeline project, subject to the rules of 36 C.F.R. Part 327. In these areas, jurisdiction for police, fire, and medical response is better defined making it a more sustainable area for visitors to endure the harsh North Dakota winter. For your reference, please find enclosed a map, marked as Exhibit A, which delineates this free speech zone area, as well as shows the Corps' lands north of the Cannonball River that will be prohibited from public use. Any person found to be on the Corps' lands north of the Cannonball River after December 5, 2016, will be considered trespassing and may be subject to prosecution under federal, state, and local laws. Furthermore, any person who chooses to stay on these Corps' lands north of the Cannonball River does so at their own risk, and assumes any and all corresponding liabilities for their unlawful presence and occupation of such lands. There currently are many Title 36 violations occurring on the Corps' lands north of the Cannonball River, including, but not limited to, unauthorized structures, fires, improper disposal of waste, and camping. Additionally, any tribal government that sponsors such illegal activity is assuming the risk for those persons who remain on these lands. *See* 36 C.F.R. § 327.

As I have publically stated, I am asking you, as a Tribal leader, to encourage members of your Tribe, as well as any non-members who support you who are located in the encampments north of the Cannonball River on Corps' lands to immediately and peacefully move to the free

speech zone south of the Cannonball River or to a more sustainable location for the winter. I am genuinely concerned for the safety and well-being of both the members of your Tribe and the general public located at these encampments.

Please do not hesitate to contact me with any questions or concerns regarding this information.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.W.H.", with a long horizontal flourish extending to the right.

John W. Henderson, P.E.  
Colonel, Corps of Engineers  
District Commander