

Section VI:

**Additional Named Defendants;
Once Halted, DAPL was Re-Approved Illegally,
Again Violating the Same U.S. Codes
Violated by Colonel Henderson (*pages 44-50*)**

1-24-2017: President Trump Directs U.S. Army Corps Officers Jo-Ellen Darcy & Todd Semonite, to “Review & Approve to the Extent Permitted by Law” requests for approvals to construct & operate DAPL:

According to the Presidential Memorandum Regarding Construction of the Dakota Access Pipeline issued by President Donald J. Trump on January 24, 2017, her Honorable Jo-Ellen Darcy, *Assistant Secretary of the Army (Civil Works)*, and Lieutenant General Todd T. Semonite, *Commanding General and Chief of Engineers*, were assigned the following tasks:

“The Secretary of the Army shall instruct the Assistant Secretary of the Army for Civil Works & the U.S. Army Corps of Engineers (USACE), including the Commanding General & Chief of Engineers, to take all actions necessary & appropriate to:

- (i) review & approve in an expedited manner, to the extent permitted by law & as warranted, & with such conditions as are necessary or appropriate, requests for approvals to construct & operate the DAPL, including easements or rights-of-way to cross Federal areas under section 28 of the Mineral Leasing Act, as amended, 30 U.S.C. 185; permits or approvals under section 404 of the Clean Water Act, 33 U.S.C. 1344; permits or approvals under section 14 of the Rivers & Harbors Act, 33 U.S.C. 408; and such other Federal approvals as may be necessary;
- (ii) consider, to the extent permitted by law & as warranted, whether to rescind or modify the memorandum by the Assistant Secretary of the Army for Civil Works dated December 4, 2016 (Proposed Dakota Access Pipeline Crossing at Lake Oahe, North Dakota), & whether to withdraw the Notice of Intent to Prepare an Environmental Impact Statement in Connection with Dakota Access, LLC's Request for an Easement to Cross Lake Oahe, North Dakota, dated January 18, 2017, & published at 82 Fed. Reg. 5543;
- (iii) consider, to the extent permitted by law & as warranted, prior reviews & determinations, including the Environmental Assessment issued in July of 2016 for the DAPL, as satisfying all applicable requirements of the National Environmental Policy Act, as amended, 42 U.S.C. 4321 et seq., & any other provision of law that requires executive agency consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973, 16 U.S.C. 1536(a));
- (iv) review and grant, to the extent permitted by law and as warranted, requests for waivers of notice periods arising from or related to USACE real estate policies and regulations; and
- (v) issue, to the extent permitted by law and as warranted...”⁵⁸

58 The White House, Office of the Press Secretary, “*Presidential Memorandum Regarding Construction of the Dakota Access Pipeline*”: www.whitehouse.gov/the-press-office/2017/01/24/presidential-memorandum-regarding-construction-dakota-access-pipeline

Additional Named Defendants:

Honorable Jo-Ellen Darcy

Assistant Secretary of the Army (Civil Works)⁵⁹



Lieutenant General Todd T. Semonite

Commanding General and Chief of Engineers⁶⁰



Both Officers commit the same violations as John W. Henderson, as explained throughout pages *pages 44-50*.

⁵⁹ US Army, Honorable Jo-Ellen Darcy, *Assistant Secretary of the Army (Civil Works)*:

<http://asacw.hqda.pentagon.mil/Darcy.aspx>

⁶⁰ Lieutenant General Todd T. Semonite, *Commanding General and Chief of Engineers*:

www.usace.army.mil/About/Leadership/Bio-Article-View/Article/776561/lieutenant-general-todd-t-semonite/