

Pages 1255—1261:

Colonel Henderson's Signature (page 5) served to Federally-Approve two State-issued “Sovereign Land Permits” issued on 4-1-2016 by former State Engineer Todd Sando:

Excerpt from page 1255:

APPENDIX M

State of North Dakota

Sovereign Land Permits for Lake Oahe and Missouri
River Crossings

Issued 2016-04-01

Excerpt from page 1256:

Sovereign Land Permit No. S-1951

Permittee: **Dakota Access, LLC**
1300 Main Street
Houston, TX 77002

Location: **N ½ of Section 10 and N ½ of Section 11, Township 134 North, Range 79 West, Morton and Emmons Counties.**

Project Description:

The Permittee is hereby authorized to install a welded steel crude oil pipeline beneath the bed of Lake Oahe (Missouri River) in Morton and Emmons Counties via horizontal directional drilling (HDD).

The project will involve installing approximately 8,250 lineal feet of 30-inch diameter welded steel pipe beneath Lake Oahe (horizontal distance: 7,500 feet) via HDD. Approximately 1,150 lineal feet of the bore will occur a minimum of 92 feet below the bed of the Missouri River within Lake Oahe. The beginning and end points of the bore will be located on private land approximately 960 feet and 1,170 feet from the east and west full pool (1,620 feet msl) shore line of Lake Oahe respectively. Block valves will be installed on each side of the crossing.

Within *each* of the two *Sovereign Land Permits*, there are 16 *identical* “General Conditions” mandated upon the “Permittee”, which they must adhere to in order to remain in lawful compliance with in The Permits; *some are shown below*:

Screenshot from page 1257:

General Conditions

1. Authorization of this undertaking is a privileged use of a public resource and does not constitute a property right. The public use and enjoyment of the Missouri River is of high priority.
11. Prior to or during construction, if items of substantial archeological value are discovered or a deposit of such items is disturbed, the Permittee shall cease construction activities in the area so affected. The State Engineer shall be promptly notified of the discovery, and construction will not resume until the State Engineer gives written permission.

Screenshot from page 1259:

14. The State Engineer or the State Engineer’s representative shall have access to inspect the authorized project during construction and associated activities and for the life of the project to ensure that it is being or has been accomplished and maintained in accordance with the terms and conditions of this Authorization.
15. The Permittee is responsible for obtaining any other local, state, or federal permits or approvals that may be necessary prior to construction.
16. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Todd Sando
State Engineer

Date: 4/1/16

Screenshot from page 1259 (second permit):

Sovereign Land Permit No. S-1952

Permittee: **Dakota Access, LLC**
1300 Main Street
Houston, TX 77002

Location: **NW ¼ of Section 29 and NE ¼ of Section 30, Township 152 North, Range 103 West, Williams and McKenzie Counties.**

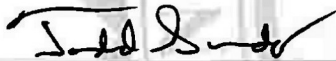
Project Description:

The Permittee is hereby authorized to install a welded steel crude oil pipeline beneath the bed of the Missouri River in Williams and McKenzie County via horizontal directional drilling (HDD).

The project would involve installing approximately 2,780 lineal feet of 24-inch diameter welded steel pipe beneath the Missouri River (horizontal distance: 2,700 feet) via HDD. Approximately 900 lineal feet of the bore would occur a minimum of 36 feet below the bed of the Missouri River. The beginning and end points of the bore would be located on private land approximately 280 feet and 1,520 feet from the right and left banks of the Missouri River respectively. Block valves would be installed on each side of the crossing.

Screenshot from page 1261:

16. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Todd Sando
State Engineer

Date: 4/1/16

John W. Henderson was responsible for *federal oversight* in order to ensure the State's actions *and* the “Proposed Action” of the Permittee (*Dakota Access, L.L.C.*⁶, which is controlled, as a subsidiary, by *Energy Transfer Partners*, which is owned & controlled by Kelcy Warren) described within the Environmental Assessment upholds the Fiduciary Duty the United States government officials are sworn to uphold on behalf of Tribes (see associated booklet “*Summary Analysis of The Fiduciary ('Trust') Relationship Between Indigenous ('Indian') Tribes & The United States Government*”). However, while *aware* Tribes objected to the trajected location of DAPL (pages 4) due to health & safety concerns *and* concerns for the safety of their (equivalent of) cemeteries which *will be destroyed by of a pipeline rupture* caused by a system malfunction or Act of God (see attached booklet entitled “*Pipeline Bursts: Their Causations, and the Deaths, Bodily Injuries, & Economic and Ecological Damages they Inflicted 2009-2016*”), such as imminent *seismic activity*, Mr. Henderson, acting under Powers vested in him by the United States Government under his Constitutional Oath of Commissioned Officers⁷, he *violated* Article VI of The Constitution via breaching the *Fiduciary Duty* via by *Authorizing the flowage easements & the “Sovereign Land Permits” anyway*.

In addition, **under General Condition #1 of both Sovereign Land Permits** (pages 30-31), **“Authorization” of the “undertaking” is said to be a “privileged use” of a public resource, & that it does *not* constitute a “property right”.** **However, according to the definition of Artificial Person** (*Black's Law Dictionary Tenth Ed.*), **which *Dakota Access, L.L.C.* is defined as according to U.S. law, an Artificial Person is *not* a Citizen for purposes of the Privileges & Immunities Clauses in Article IV § 2 of The Constitution *or* according to the Fourteen Amendment.** *Dakota Access, L.L.C.* Was not due “privileged use of a public resource” as provided within the thereby illegal permits.

Photo of Todd Sando:

Photo Source:

Article: “Corps of Engineers' water plan illegal, state says”

*By LAUREN DONOVAN,
Bismarck Tribune, Feb 1, 2011:*

http://bismarcktribune.com/news/state-and-regional/corps-of-engineers-water-plan-illegal-state-says/article_dc967b92-2e55-11e0-ae94-001cc4c03286.html



⁶ *Dakota Access, L.L.C.*: www.energytransfer.com/ops_copp.aspx

⁷ *U.S. Army, Army Values, “Oath of Commissioned Officers”*: www.army.mil/values/officers.html

Notice:

Todd Sando announced his retirement 23 days prior to Authorizing the two *illegal* “Sovereign Land Permits”:



NEWS RELEASE

North Dakota State Water Commission

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850 • 701-328-2782 • www.swc.nd.gov

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For more information:

SWC Planning and Education Division

Jessie Wald (701) 328-2782

State Engineer Todd Sando announces retirement

North Dakota State Engineer Todd Sando announced today that he will retire by the end of June.

The North Dakota Water Commission appointed Sando State Engineer in July 2010. He began his career with the State Water Commission in 1985 as a water resource engineer. As State Engineer, Sando serves as Chief Engineer and Secretary to the State Water Commission.

“Todd Sando has done an outstanding job managing North Dakota’s tremendous water resources at a time of unprecedented growth across our state,” said Gov. Jack Dalrymple, chairman of the nine-member State Water Commission. “His commitment to the responsible management of our water will have a lasting impact on future generations. We thank him for his many years of dedicated public service and we wish him well in his retirement.”

Sando, North Dakota’s 17th State Engineer, has been instrumental in the management of North Dakota’s surface and ground water resources during a period of record growth and development across the state. Sando has played a key role in North Dakota’s flood response, recovery and prevention efforts, floodplain regulation, and he has directed the development of critical flood control and water supply projects throughout the state. Additionally, Sando has worked extensively to advance management practices involving interstate and international water resources.

“My time as State Engineer has been filled with phenomenal opportunities and monumental growth in water development, and successful management of water resources throughout the state,” said Sando. “Throughout my career, there have been many memorable projects and experiences. The record flooding events that took place in 2011, and the construction and operation of the Devils Lake outlets are certainly some of the highlights. I am immensely thankful to the State Water Commission and for the opportunity to serve our state and the citizens of North Dakota.”

The State Water Commission will conduct a national search to fill the position of State Engineer.