



TISHMAN CENTER · JUNE 16, 2017

# A Victory for Standing Rock

On Wednesday, June 14th the United States District Court for the District of Columbia ruled that the permits authorizing the Dakota Access Pipeline to cross the Missouri River upstream from the Standing Rock Reservation violate the law.

Judge James Boasberg wrote:

Now that the Court has rejected [previous claims], Standing Rock and Cheyenne River here take their third shot, this time zeroing in on DAPL's environmental impact. They seek summary judgment on several counts related to the Corps' alleged failure to comply with the National Environmental Policy Act. In particular, the Tribes believe that the Corps did not sufficiently consider the pipeline's environmental effects

before granting permits to Dakota Access to construct and operate DAPL under Lake Oahe, a federally regulated waterway. This volley meets with some degree of success. Although the Corps substantially complied with NEPA in many areas, **the Court agrees that it did not adequately consider the impacts of an oil spill on fishing rights, hunting rights, or environmental justice, or the degree to which the pipeline's effects are likely to be highly controversial.** [emphasis added]

To remedy those violations, the Corps will have to reconsider those sections of its environmental analysis upon remand by the Court. Whether Dakota Access must cease pipeline operations during that remand presents a separate question of the appropriate remedy, which will be the subject of further briefing.

The Court ordered the Corps to prepare a new report on the risks of the pipeline, but did not order the pipeline to be shut off until a new environmental review is conducted.

This ruling represents a victory for the Standing Rock Sioux and the Cheyenne River Sioux, but not the end of the fight to stop the Dakota Access Pipeline. Now more than ever, it is important that we continue to stand in solidarity with Standing Rock, to support tribal sovereignty, to advocate for environmental

justice, and to preserve the rules and regulations in place in this country that require environmental impact assessments for projects like the pipeline.

This is a moment to celebrate, then to return to vigilant resistance against the rollback of protective environmental rules like the [National Environmental Policy Act](#) and the [1994 Executive order on Environmental Justice](#), which both came into play in this decision. As the current administration pushes for deregulation and [budget cuts](#) in the environmental arena we must fight to keep the EPA funded and functioning so that the Agency can fulfill its mission to protect human health and the environment.



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