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**Yankton Sioux Tribe Secures Victory Against U.S. Army Corps of Engineers;  
Corps Must Prepare Environmental Impact Statement for Dakota Access Pipeline**

**Mar. 26, 2020** — In a sweeping victory in the Yankton Sioux Tribe’s years-long battle against the Dakota Access Pipeline, the United States District Court for the District of Columbia, Judge James E. Boasberg presiding, granted in part the tribe’s and Tribal Chairman Robert Flying Hawk’s motion for summary judgment and ordered the U.S. Army Corps of Engineers to prepare a full environmental impact statement for DAPL in *Standing Rock Sioux Tribe, et al. v. U.S. Army Corps of Engineers, et al.* The Court’s decision also granted in part motions for summary judgment filed by the Oglala Sioux Tribe, the Cheyenne River Sioux Tribe, and the Standing Rock Sioux Tribe.

The Yankton Sioux Tribe’s interests in DAPL are grounded in its 1851 Fort Laramie Treaty, its historical and current subsistence use of the land and water at issue, and its cultural and spiritual ties to the land and water threatened by DAPL that the tribe maintains to this day. The tribe has a long-standing history of defending its treaty and historical lands and waters against energy infrastructure project threats like DAPL and the proposed Keystone XL pipeline, which the tribe views as unlawful intrusions that jeopardize its spiritual, cultural, and subsistence practices.

“We are deeply grateful for this partial victory on DAPL,” said Jason Cooke, vice chairman of the Yankton Sioux Tribe. “Hopefully the Corps’ easement is vacated, so we can stop the flow of oil and protect our people.”

The Yankton Sioux Tribe initiated its action against the Corps in September 2016, following the Corps’ release of an environmental assessment and finding of no significant impact, which means the Corps deemed it unnecessary to prepare a full environmental impact statement. The tribe took issue with the Corps’ conclusions, which were reached without the federally mandated tribal consultation and without taking the requisite “hard look” required by the National Environmental Policy Act. From the time it first learned of DAPL, the tribe took the position that the Corps must prepare an environmental impact statement to fulfill its NEPA duties; in its ruling, the Court agreed.

In June 2017, the U.S. District Court remanded the matter to the Corps to conduct further analysis of three specific issues. The Corps concluded its review in February 2019, finding that its original decision was proper. The plaintiff tribes then filed amended complaints based on the remand, followed by motions for summary judgment.

“The Court said in its opinion that its decision to require the Corps to prepare an environmental impact statement is grounded in its finding that the pipeline’s ‘effects on the quality of the

human environment are likely to be highly controversial,” said Jennifer Baker, an attorney with Fredericks Peebles & Patterson LLP.

“In reaching this decision, the Court relied largely on agency comments and expert opinions expressing grave concerns regarding the ineffectiveness of the leak detection system; the pipeline operator’s abysmal safety record; the impact of harsh winter conditions; and the Corps’ ‘worst-case-discharge’ estimate for DAPL,” she continued. “The Court found it had no need to reach a decision on the tribe’s preserved and new consultation claims, as a favorable outcome on those claims would not change the result of the case, which is to remand to the Corps to prepare an environmental impact statement.”

The Court has ordered the parties to brief the issue of remedies to determine whether or not the easement granted by the Corps for DAPL should be vacated while Corps prepares the environmental impact statement.

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