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DAPL jeopardizes Standing Rock's rights to self-government and its hunting and fishing rights, as outlined in the 1868 Fort Laramie Treaty. The tribe's treaty rights include the permanent ability to divert as much water as needed for all beneficial uses on its reservation lands. Standing Rock's water rights extend to the Missouri River, its tributaries and the basin's groundwater. Any release of oil from DAPL will poison these waters, infringe on the property rights of the tribe, and jeopardize public health on the Standing Rock Reservation. The Corps of Engineers must account for this in DAPL's EIS.

It's unacceptable that the USACE tapped Energy Resources Management (ERM) — a member of the American Petroleum Institute, which filed a legal brief against the Standing Rock Sioux Tribe and in support of DAPL in *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers* — to produce the draft EIS. This is a clear conflict of interest. Unsurprisingly, the result presented by ERM prioritizes the interests of the fossil fuel industry over environmental ones. That runs counter to the intent of the process.

The D.C. Circuit Court of Appeals determined that DAPL should not be operational without an easement for federally-controlled land, a violation of the Mineral Leasing Act of 1918. DAPL also lacks a valid permit under section 10 of the Rivers and Harbors Act, as required to operate the pipeline in a flood control project.