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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.