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It is also notable that pipeline contractors excavated and destroyed 23 burial sites along the pipeline route, near the Lake Oahe crossing. Consequently, pipeline operator Energy Transfer is not eligible for a permit or easement for DAPL under section 110(k) of the National Historic Preservation Act. Energy Transfer is not eligible for a permit or easement to cross Lake Oahe, due to the anticipatory demolition of burial sites in violation of National Historic Preservation Act, section 110(k). In the EIS, the Corps must select the alternative requiring permanent shutdown of DAPL and removal of the pipeline from underneath the Tribe's riverbed.

A new and valid EIS would adequately assess the pipeline's compliance with NEPA and with each of these legal parameters — and provide alternative solutions. This draft EIS does not. Therefore, I demand the U.S. government follow the law by shutting down the Dakota Access pipeline, invalidate ERM's EIS, reinstate the EIS process with an impartial party to oversee it, and address all concerns put forward by Standing Rock and other tribal nations affected by the Lake Oahe crossing.