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On September 16, the U.S. Court of Appeals for the District of Columbia Circuit ordered a complete freeze on construction of the Dakota Access Pipeline near Lake Oahe, North Dakota.

The decision in the case, *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers* (16-cv-1534), comes in the wake of unrest over the pipeline's presence near the Standing Rock Sioux Tribe's land, where it passes through land which the tribe claims is home to sacred sites and burial grounds, and its crossing of the Missouri River, a main source of fresh water for the tribe. The tribe also argues that it was not properly consulted during the permitting process.

According to Dakota Access LLC, a subsidiary of Energy Transfer LLC and developer of the pipeline, the pipeline would transport domestically produced crude oil from the Bakken and Three Forks Formations and run 1,100 miles from North Dakota to Patoka, Illinois. Dakota Access LLC has defended the route, saying that it has been surveyed in advance to assure that the pipeline avoids culturally significant land and overlies an area previously approved for a different natural gas pipeline.

The future of the pipeline's construction is dependent on the possibility of a future emergency injunction decision. If the pipeline is found to be damaging to cultural land, its construction would be in violation of the National Historic Preservation Act (NHPA), which could lead to an extended or indefinite injunction. While the current work freeze may be a victory for opponents of the pipeline, a previous ruling by U.S. District Judge James E. Boasberg concluded that "the [U.S. Army Corps of Engineers] has likely complied with the NHPA."

Update: As of October 9, 2016, the U.S. Court of Appeals has ruled to dissolve the injunction.

Sources: E&E News Energywire,, Earthjustice.org, Government Printing Office

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