



National Indigenous Women's Resource Center

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FOR IMMEDIATE RELEASE
March 26, 2020**

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**NIWRC Supports Federal Court Decision Ordering Army Corps of Engineers to
Conduct a Full Environmental Impact Statement on Dakota Access Pipeline**

(Washington, D.C.)—The [National Indigenous Women's Resource Center](#) (NIWRC) applauds the [decision](#) made yesterday by Judge James E. Boasberg of the United States District Court, District of Columbia in *Standing Rock Sioux Tribe v. United States Army Corps of Engineers* (D.D.C.), in which he remanded the case back to the Corps to prepare a full environmental impact statement (EIS) to address the health, safety, and treaty concerns of the Dakota Access Pipeline. The federal court found the Corps violated the National Environmental Policy Act when it approved federal permits for the pipeline in 2016, a decision affirming concerns raised by Tribal Nations and Native organizations for the Corps' decision to allow Dakota Access LLC to build a pipeline less than a mile from the [Standing Rock Sioux](#) reservation in North Dakota.

“This is a huge victory for Tribal Nations and the Native women who need safety and protection from the devastating impacts that would result from this pipeline project moving forward,” said NIWRC Executive Director Lucy Simpson, a citizen of the Navajo Nation. “Prior to this latest decision, the Army Corps' abrupt termination of the environmental impact process, coupled with the simultaneous granting of the easement requested by the Dakota Access Pipeline, threatened to drastically increase the number of domestic violence and sexual assault crimes committed against Native women and children living in the Bakken region of North Dakota.”

In February 2017, NIWRC [filed an amicus brief](#) in the litigation in support of the Standing Rock Sioux Tribe's motion for summary judgment challenging the Corps' decision to proceed with permitting the pipeline without preparing a full environmental impact statement. NIWRC's *amicus* brief was [joined by 118 additional organizations and Tribal Nations that share NIWRC's commitment](#) to ending violence against Native women.

Prior to filing its *amicus* brief, NIWRC formally submitted comments to the Corps in January 2017, eight days after the Corps initiated the EIS comment period and thirteen days before the Corps terminated the EIS process on February 8, 2017. In its submitted comments, NIWRC provided the Army Corps with its views on:

the unconsidered risks that would result from the Army Corps granting the easement without adequately considering the public interest implications of the proposed pipeline. Specifically, the Army Corps must consider the increased

levels of violence Native women and children in the Bakken region will face if the pipeline is permitted to cross the Missouri River at Lake Oahe and commence operations.

“We are already in crisis,” said Carmen O’Leary, NIWRC Board Member and Executive Director of the [Native Women’s Society of the Great Plains](#). “Since 2005, when the Bakken oil boom first began, rates of violence, sexual assault, and sex trafficking against our Native women and children in North Dakota have skyrocketed. The Army Corps of Engineers should have considered these impacts before green-lighting the pipeline.”

Now, Judge Boasberg has ordered the Army Corps to prepare an environmental impact statement, explained Mary Kathryn Nagle, partner at [Pipestem Law](#) and counsel to NIWRC.

“The pipeline’s effects on the quality of the human environment are likely to be highly controversial,” said Nagle, quoting from Judge Boasberg’s Memorandum and Opinion issued in conjunction with the Court’s Order. “As NIWRC’s *amicus* brief explains, the impacts on the human environment from the pipeline—namely, the fact that increased oil production in the Bakken will bring an increase in violent crimes being committed against Native women and children living in the region—is a factor the Corps must consider with in depth analysis in the EIS it has been ordered to prepare.”

The NIWRC plans to take an active role in engaging with the Corps during the EIS preparation process, including formally submitting updated comments on the public health, safety, and welfare concerns the Dakota Access Pipeline project presents for Native women in the region.

The federal government, including the Army Corps of Engineers, maintains trust duties and obligations to Tribal Nations, explained Sarah Deer, Professor, [University of Kansas School of Law](#), and co-author of the NIWRC *amicus* brief.

“The Army Corps’ decision on February 8, 2017, to truncate the EIS process and grant Dakota Access its requested easement, with no consideration of the increased levels of violence and sexual assault Native women and children will likely face, violated federal law, threatened the public interest, and undermined the United States’ role as trustee to Tribal Nations and their citizens,” Deer said.

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About the National Indigenous Women’s Resource Center:

The National Indigenous Women’s Resource Center, Inc. ([NIWRC](#)) is a Native-led nonprofit organization dedicated to ending violence against Native women and children. NIWRC provides national leadership in ending gender-based violence in tribal communities by lifting up the collective voices of grassroots advocates and offering culturally grounded resources, technical assistance and training, and policy development to strengthen tribal sovereignty. The filing of the *amicus* brief was made possible through NIWRC’s VAWA Sovereignty Initiative, a project focusing on the defense of the constitutionality and functionality of all VAWA tribal provisions, as well as the inherent authority of Indian Nations to protect Native women. Donate to the VAWA Sovereignty Initiative [here](#).