

**DAKOTA ACCESS PIPELINE UNIT: RESOURCE SET 5: HANDOUT 4**

**STANDING ROCK SIOUX TRIBE VS. U.S. ARMY CORPS  
OF ENGINEERS: COURT DOCUMENT**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STANDING ROCK SIOUX TRIBE  
P.O. Box D  
Building No. 1., North Standing Rock Avenue  
Fort Yates, ND 58538,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS  
441 G Street NW  
Washington, DC 20314-1000,

Defendant.

Case No.

COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF

**INTRODUCTION**

This Standing Rock Sioux Tribe is using this court document to stop the construction of the DAPL.

1. This is a complaint for declaratory and injunctive relief. The Standing Rock Sioux Tribe (“Tribe”) brings this action in connection with federal actions relating to the Dakota Access Pipeline (“DAPL”), a 1,168-mile-long crude oil pipeline running from North Dakota to Illinois.

The Tribe, a federally recognized American Indian Tribe with a reservation in North Dakota and South Dakota, brings this case because defendant U.S. Army Corps of Engineers (“Corps”) has taken actions in violation of multiple federal statutes that authorize the pipeline’s construction and operation. The construction and operation of the pipeline, as authorized by the Corps, threatens the Tribe’s environmental and economic well-being, and would damage and destroy sites of great historic, religious, and cultural significance to the Tribe.

2. This complaint involves two kinds of claims. First, the Tribe brings an as-applied challenge to Nationwide Permit 12 (“NWP 12”), issued by the Corps in 2012 pursuant to the federal Clean Water Act (“CWA”) and Rivers and Harbors Act (“RHA”). DAPL crosses hundreds if not thousands of federally regulated rivers, streams, and wetlands along its route. The discharge of any fill material in such waters is prohibited absent authorization from the Corps.

The pipeline will cause problems for the environment. It will also damage important cultural sites in Standing Rock reservation.

The U.S. Army has not been taking the proper steps to make sure that the pipeline does not damage important cultural sites in Standing Rock.

Federal authorization under these statutes, in turn, triggers requirements under the National Historic Preservation Act (“NHPA”), intended to protect sites of historic and cultural significance to Tribes like Standing Rock. In issuing NWP 12, however, the Corps authorized discharges into federal waters without ensuring compliance with the NHPA. In essence, in enacting NWP 12, the Corps pre-authorized construction of DAPL in all but a handful places requiring federal authorization without any oversight from the Corps. In so doing, the Corps abdicated its statutory responsibility to ensure that such undertakings do not harm historically and culturally significant sites.

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3. Second, on July 25, 2016, the Corps issued multiple federal authorizations needed to construct the pipeline in certain designated areas along the pipeline route. One such authorization allows DAPL to construct the pipeline underneath Lake Oahe, approximately half a mile upstream of the Tribe’s reservation.

The pipeline will go under a lake that is very close to the reservation. If there is an oil spill it will contaminate the drinking water.

Others authorize the DAPL to discharge into waters of the United States at multiple locations in the Tribe’s ancestral lands. The Tribe brings this challenge because these authorizations were made in violation of the CWA and its governing regulations and without compliance with NHPA, and the National Environmental Policy Act (“NEPA”).

4. The Tribe seeks a declaration that the Corps violated the NHPA in issuing NWP 12, and an injunction preventing the Corps from using NWP 12 as applied to DAPL and directing the Corps to ensure full compliance with § 106 at all sites involving discharges into waters of the United States.

The Standing Rock Sioux Tribe wants the court to declare that the U.S. Army Corps did not follow the proper rules and safety measures.

The Tribe further seeks a declaration that the July 25, 2016 authorizations were made in violation of the CWA, NEPA, and NHPA, and an order vacating all existing authorizations and verifications pending full compliance with the CWA, NEPA, and NHPA.