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STANDING ROCK SIOUX TRIBE

PRESS RELEASE

Media Contact:

Isiah Buckley| Communications Director
701-854-8593 | isiah.buckley@standingrock.org

FOR IMMEDIATE RELEASE
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Standing Rock Sioux Tribe Files New Federal Lawsuit Against U.S. Army Corps of Engineers and PHMSA over Dakota Access Pipeline Record of Decision

Fort Yates, ND – Today, the Standing Rock Sioux Tribe filed a new federal lawsuit against the U.S. Army Corps of Engineers and the Pipeline and Hazardous Materials Safety Administration (PHMSA), challenging federal actions that allow the Dakota Access Pipeline (DAPL) to continue to be a threat to the Tribe's water source, unceded Treaty lands, cultural resources, and sovereignty.

The lawsuit follows nearly a decade of opposition by the Tribe to the pipeline's crossing beneath Lake Oahe, the Tribe's sole source of drinking water. After six years of environmental review, the Army Corps issued its Final Environmental Impact Statement (FEIS) on December 19, 2025. Yet the FEIS failed to resolve the substantive concerns the Tribe has repeatedly raised regarding DAPL's safety, spill response, threats to the Tribe's water and Treaty rights, and the federal government's obligations to the Tribe.

On May 21, 2026, the Army Corps issued its Record of Decision accepting the FEIS and authorizing a new easement across Lake Oahe. The decision allows continued operation of a pipeline originally designed to carry 574,000 barrels of oil per day at a capacity of up to 1.1 million barrels per day, nearly twice its original capacity, with the potential transportation of Canadian crude in addition to Bakken oil.

For Standing Rock, the fundamental issue remains unchanged: DAPL places the Tribe's sole source of drinking water at risk.

"For ten years, Standing Rock's concerns about this pipeline have not changed, and for ten years we have fought to protect our water, our Treaty rights, and our people. The Army Corps has now chosen to move forward without addressing those concerns. Until this pipeline is shut down, we will continue to defend what generations before us protected for our children," said Standing Rock Sioux Tribe Chairman Steve Sitting Bear.

The Tribe has raised concerns about DAPL since before construction began. Those concerns intensified after the pipeline was rerouted to cross the Missouri River at Lake Oahe, less than one-half mile upstream from the Standing Rock Reservation.

In 2020, a federal court found that the Army Corps' earlier environmental review was inadequate under the National Environmental Policy Act and vacated the Lake Oahe easement. The Corps was required to prepare the full Environmental Impact Statement that ultimately became the December 2025 FEIS.

Standing Rock participated extensively in that process and repeatedly raised concerns regarding pipeline safety, Energy Transfer's spill and enforcement history, emergency response planning, impacts to the Tribe's water supply, environmental impact, cultural resources, and the United States' Treaty and trust responsibilities to the Tribe.

The final analysis failed to adequately address those concerns.

The May 2026 Record of Decision adopted the FEIS and authorized a new easement with conditions related to monitoring, leak detection, water supply contingency planning, and other measures. Those measures do not remedy the fundamental deficiencies in the federal review or adequately protect Standing Rock from the catastrophic consequences an oil spill could have on the Tribe's sole source of drinking water.

The stakes are even greater than when DAPL was first proposed. The pipeline was originally designed to transport approximately 574,000 barrels per day. Its potential capacity has since grown to as much as 1.1 million barrels per day, nearly twice its original capacity, while the pipeline may also carry Canadian crude in addition to oil from the Bakken.

"Lake Oahe is our sole source of drinking water. When you've increased that capacity to 1.1 million barrels of oil a day beneath that water, there is no room for an inadequate emergency response plan, said Chairman Sitting Bear. We been waiting for years for the information to understand how a worst-case spill would actually be contained and cleaned up. We should not have to live with unanswered questions about the safety of our water."

Standing Rock has sought adequate information about how a worst-case oil discharge affecting Lake Oahe would be contained and cleaned up. The federal government has failed to provide the Tribe with an adequate emergency response plan demonstrating how its people and water would be protected in the event of a catastrophic spill. A spill would threaten the health and welfare of the Standing Rock community.

Today's lawsuit continues the legal struggle that began alongside the #NoDAPL movement ten years ago. The completion of an environmental review and issuance of an easement do not relieve the federal government of its obligations under federal law or its Treaty and trust responsibilities to the Standing

Rock Sioux Tribe. Standing Rock will not accept a federal process that places the interests of a pipeline above the safety of the Tribe's water, people, and future generations.

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