Chris Reagen in the Los Angeles Times: What's next for the Dakota Access pipeline

By Chris Reagen | December 6, 2016

RELATED PRACTICES Indian Law, Energy, Power and Natural Resources, Environmental, Midstream, Oil and Gas, Government and Public Policy

The controversial Dakota Access pipeline is in limbo after the U.S. Army Corps of Engineers on Sunday declined to approve a permit that the pipeline company, Energy Transfer Partners, needs in order to finish construction along the planned route.

It's hard to say. The pipeline has already largely been built save for a final section that was supposed to run underneath the Missouri River near the Standing Rock Sioux Reservation. Construction of that section is now stalled while the Army Corps of Engineers conducts a formal review of the environmental impact the pipeline would have. Once that's finished, the Army Corps of Engineers would come to a final decision about the pipeline, in light of its findings and public input.

In a statement Sunday, Energy Transfer Partners repeated its assertion that it was not open to alternative routes. The company is "fully committed to ensuring that this vital project is brought to completion and fully expect[s] to complete construction of the pipeline without any additional rerouting.… Nothing this administration has done today changes that in any way" ...

"It makes it much more tricky for a new [president] to come in and issue an executive order and just approve it," said Chris Reagen, an attorney with Haynes Boone specializing in natural resources development on Native American land. "Taking such action would open up the project to an array of potential litigation. Once this process is underway, I don't think he can just walk in and wave his hand and approve this."

Excerpted from the* Los Angeles Times*. To read the full article, please click here.

© 2026 Haynes and Boone, LLP