



OIL & GAS

DAPL: Army Corps Easement Announcement Coming “In a Matter of Days”

Today U.S. District Court Justice James Boasberg held a status hearing to discuss the Dakota Access Pipeline lawsuit, *Standing Rock Sioux v. U.S. Army Corps of Engineers*. We were in attendance.

The big news of the meeting came from Army Corps counsel Matthew Marinelli who said that the Corps “will announce next steps or a path forward” on the easement “within a matter of days.” When pressed about whether that would be a yes/no decision on the easement by Boasberg, Marinelli declined to elaborate, keeping open in our minds the possibility that the government may require a further review process, such as a supplemental Environmental Assessment or a full blown Environmental Impact Statement.

Depending on the content of the forthcoming announcement from the Corps, Standing Rock attorney Jan Hasselman of Earthjustice alerted Boasberg that a request for preliminary injunction might be forthcoming.

Earlier in the week the Army Corps issued a [statement](#) again requesting that Dakota Access voluntarily halt construction at the site of the Lake Oahe crossing after Energy Transfer announced that they would be commencing with construction at the horizontal directional drilling (HDD) boreholes on either side of the lake within two weeks. The request was denied.

Based on comments from this morning’s earnings call, Energy Transfer continues to believe that the easement will be granted “in a timeframe that will not result in significant delays for horizontal directional drilling” and consequently continues to project an in-service date in the first quarter of 2017. At the hearing however Dakota Access attorney William Leone noted that to drill, complete, and test the HDD segment will take 60 days, meaning DAPL will miss its initially contracted supply delivery date of January 1st.

As for the schedule of the case the parties will now take 30 days to consider the

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8,700-page administrative record of the Army Corps' review, and will meet back for a status hearing on December 9th to set forth a briefing schedule.



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