



# Dakota Access Pipeline

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## NEPA: National Environmental Policy Act

- NEPA requires certain procedures to be followed. It doesn't dictate results, rather the idea is to force agencies to think about environmental impacts, to subject actions with effects on the environment to public scrutiny so as to allow a handhold for political action, and to force agencies to state reasons.
- The NEPA process is triggered when an agency proposes to undertake a "major federal action."
- CATEX - A categorical exclusion (CATEX) allows the agency to avoid doing an EA.
- EA - Environmental Assessment. The agency does an EA to determine if there is a FONSI or a need for an EIS.
- FONSI - Finding of No Significant Impact. If the EA produces a FONSI, then an EIS need not be prepared.
- EIS - Environmental Impact Statement. If the EA concludes that there will be a significant environmental impact to the major federal action, then an EIS must be prepared.

## **EIS process** *(from EPA website)*

- An agency publishes a Notice of Intent in the Federal Register. The Notice of Intent informs the public of the upcoming environmental analysis and describes how the public can become involved in the EIS preparation. This Notice of Intent starts the scoping process, which is the period in which the federal agency and the public collaborate to define the range of issues and possible alternatives to be addressed in the EIS.
- A draft EIS is published for public review and comment for a minimum of 45 days. Upon close of the comment period, agencies consider all substantive comments and, if necessary, conduct further analyses.
- A final EIS is then published, which provides responses to substantive comments. Publication of the final EIS begins the minimum 30-day "wait period," in which agencies are generally required to wait 30 days before making a final decision on a proposed action. EPA publishes a Notice of Availability in the Federal Register, announcing the availability of both draft and final EISs to the public. Find EISs with open comments or wait periods.
- The EIS process ends with the issuance of the Record of Decision (ROD). The ROD:
  - explains the agency's decision,
  - describes the alternatives the agency considered, and
  - discusses the agency's plans for mitigation and monitoring, if necessary.

## **EIS document** *(from EPA website)*

An EIS includes:

- Cover sheet
- Summary
- Table of Contents
- Purpose and need statement: Explains the reason the agency is proposing the action and what the agency expects to achieve.
- Alternatives: Consideration of a reasonable range of alternatives that can accomplish the purpose and need of the proposed action.
- Affected environment: Describes the environment of the area to be affected by the alternatives under consideration.
- Environmental consequences: A discussion of the direct and indirect environmental effects and their significance.
- List of preparers: A list of the names and qualifications of the persons who were primarily responsible for preparing the EIS.
- List of agencies, organizations, and persons to whom the EIS were sent.
- Index: The index focuses on areas of reasonable interest to the reader.
- Appendices (if required): Appendices provide background materials prepared in connection with the EIS.

## Dakota Access Pipeline

### Technical:

- 30 inches in diameter
- listed capacity is 570,000 barrels of crude per day
- for comparison:
  - one railroad tanker car can carry 34,500 gallons
  - 62 gallons in one barrel, so
  - one tank care can carry 556 barrels
  - therefore, DAPL's claimed capacity is 1,025 tank cars per day



***Note: Additional slides were included in a PDF distributed directly to students by e-mail.***