

February 23, 2017

Noah Perch-Ahern Interviewed for Article Regarding Ongoing Dakota Access Pipeline Battle

Related Attorneys: **Noah Perch-Ahern**

Related Practices: **Environmental & Energy**

Glaser Weil Partner Noah Perch-Ahern was recently interviewed by *Planet Experts* to provide an update on the Dakota Access Pipeline controversy.

Mr. Perch-Ahern provided additional legal commentary on the continuing battle over the Dakota Access Pipeline in the February 18, 2017 article, “Pipeline or Roller Coaster? A Timeline of DAPL’s Dizzying Developments.” In this follow-up to the December 13, 2016 article, “Digging Deeper Into DAPL After Last Week’s Double Whammy,” where he was also extensively quoted, Mr. Perch-Ahern explains the arguments fueling both sides of this case now that the U.S. Army Corps of Engineers (Army Corps) has reversed its decision to prepare an Environmental Impact Statement (EIS).

In providing insight into the merits of the National Environmental Policy Act (NEPA) claim, Mr. Perch-Ahern ultimately concludes that it is a “close call.” Explaining that there may be a somewhat heightened form of judicial review, the plaintiffs have an argument that the agency action as based on political whim and not reasoned evidence. However, given the lengthy administrative record and “topsy-turvy” history of the proper scope of environmental review, the court may ultimately defer to the agency.

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