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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

NORTHERN PLAINS RESOURCE
COUNCIL, *et al.*,

Plaintiffs,

vs.

UNITED STATES ARMY CORPS OF
ENGINEERS, *et al.*,

Defendants.

TRANSCANADA KEYSTONE PIPELINE,
LP, *et al.*,

Defendant-Intervenors.

CV 19-44-GF-BMM

NOTICE OF APPEAL

Notice is hereby given that Defendant-Intervenors TransCanada Keystone Pipeline, LP and TC Energy Corporation (TC Energy) hereby appeal to the United

States Court of Appeals for the Ninth Circuit from (1) this Court's April 15, 2020 Order granting partial summary judgment to Plaintiffs, in which the court vacated Nationwide Permit 12 and enjoined the U.S. Army Corps of Engineers from authorizing any dredge or fill activities under Nationwide Permit 12 (Doc. 130), and (2) the Court's May 11, 2020 Order Amending Summary Judgment Order and Order Regarding Defendants' Motions for Stay Pending Appeal (Doc. 151). These interlocutory orders are appealable pursuant to 28 U.S.C. § 1292(a) as they grant or modify an injunction.

This notice of appeal is filed within 60 days after the date of the Orders; therefore, it is timely pursuant to Federal Rule of Appellate Procedure 4(a)(1)(B). A Representation Statement is attached hereto pursuant to Ninth Circuit Rules 3-2(b) and 12-2.

Dated: May 13, 2020

Respectfully submitted,

/s/ Peter Whitfield

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served today via the Court's CM/ECF system on all counsel of record.

/s/ Jeffery J. Oven