

PRERAK SHAH  
JEAN E. WILLIAMS  
Deputy Assistant Attorneys General

BENJAMIN J. GRILLOT  
BRIDGET KENNEDY MCNEIL  
KRISTOFOR R. SWANSON  
Environment & Natural Resources Division  
U.S. Department of Justice

[contact information in signature block]  
*Attorneys for Federal Defendants*

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

**Northern Plains Resource Council, et  
al.,**

Plaintiffs,

v.

**U.S. Army Corps of Engineers, et al.,**

Defendants,

and

**TransCanada Keystone Pipeline, LP,  
et al.,**

Defendant-Intervenors.

Case No. 4:19-cv-44-BMM

**Federal Defendants' Notice of  
Appeal**

Pursuant to Federal Rules of Appellate Procedure 3 and 4 and 28 U.S.C. § 1292(a)(1), notice is hereby given that the United States Corps of Engineers (“Corps”) and Lieutenant General Todd T. Semonite, in his official capacity as U.S. Army Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers, hereby appeal the Court’s April 15, 2020 Order, Dkt. #130 and the Court’s May 11, 2020 Order, Dkt #151. This appeal is taken to the United States Court of Appeals for the Ninth Circuit.

Date: May 13, 2020

MARK STEGER SMITH  
Assistant U.S. Attorney  
Office of the United States Attorney  
2601 Second Ave. North, Suite 3200  
Billings, MT 59101  
Tel: (406) 247-4667  
Fax: (406) 657-6058  
mark.smith3@usdoj.gov

PRERAK SHAH  
JEAN E. WILLIAMS  
Deputy Assistant Attorneys General

s/ Kristofer Swanson  
KRISTOFOR R. SWANSON  
(Colo. Bar No. 39378)  
Senior Attorney  
Natural Resources Section  
Envt. & Natural Resources Div.  
U.S. Department of Justice  
P.O. Box 7611  
Washington, DC 20044-7611  
Tel: (202) 305-0248  
Fax: (202) 305-0506  
kristofor.swanson@usdoj.gov

s/ Benjamin Grillot  
BENJAMIN J. GRILLOT  
(D.C. Bar No. 982114)  
Environmental Defense Section  
Envt. & Natural Resources Div.

U.S. Department of Justice  
P.O. Box 7611  
Washington, DC 20044-7611  
Tel: (202) 305-0303  
Fax: (202) 305-0506  
benjamin.grillot@usdoj.gov

/s/ Bridget K. McNeil  
BRIDGET KENNEDY MCNEIL  
Senior Trial Attorney  
Wildlife & Marine Resources Section  
Env't. & Natural Resources Div.  
U.S. Department of Justice  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
303-844-1484  
bridget.mcneil@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2020, I filed the above pleading with the Court's electronic case management system, which caused notice to be sent to all parties.

*Bridget McNeil*  
Bridget Kennedy McNeil