

that the majority of lands that would be the subject of the proposed temporary restraining order, including the site described in the Mentz declaration, are not within the Corps' jurisdiction.

Nonetheless, the Corps is aware that Dakota Access, LLC's work near Lake Oahe has been the subject of several recent confrontations. The Corps acknowledges that the public interest would be served by preserving peace near Lake Oahe until the Court can render its well-considered opinion on Plaintiff's Motion for Preliminary Injunction.¹ The Corps therefore does not oppose this short and discrete temporary restraining order.

Dated: September 5, 2016

Respectfully submitted,

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¹ Intervenor-Plaintiff Cheyenne River Sioux Tribe also moves for a temporary restraining order to prevent Dakota Access from "engaging with or antagonizing" protestors. ECF No. 31 at 1. Although this matter is outside the scope of this lawsuit, the Corps would not oppose a temporary restraining order on this basis in the interest of public safety.

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CERTIFICATE OF SERVICE

I hereby certify that, on the 5th day of September, 2016, a copy of the foregoing was filed through the Court's CM/ECF management system and electronically served on counsel of record.

/s/ Erica Zilioli
Erica M. Zilioli