

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Falkirk Mining Company  
Revision 13, Permit NAFK-9601  
Approval**

**Case No. RC-08-640**

**ORDER GRANTING INTERVENTIONS**

**June 16, 2010**

On June 10, 2010, McLean County filed a Petition to Intervene in the captioned proceeding.

The petition states that McLean County supports the inclusion of cropland in this project and asks that the project be kept intact as proposed and that the cropland is not severed from the rest of the project. McLean County intends to call one witness at the hearing.

On June 15, 2010, the North Dakota Department of Transportation (NDDOT) and the North Dakota Game and Fish Department (NDGFD) filed a Petition to Intervene in the captioned proceeding.

The NDDOT and NDGFD petition states that under federal law, NDDOT must dedicate, for wildlife habitat purposes, a certain amount of highway rights-of-way as No-Mow. NDDOT is awaiting the pending transfer to it of 86 acres (Acreage) from the Falkirk Mining Company as part of a larger plan to eliminate No-Mow lands within highway rights-of-way.

The NDDOT and NDGFD petition also states that NDGFD has agreed to manage the Acreage on behalf of the NDDOT after it has been transferred from Falkirk to NDDOT. The petition states further that this case directly relates to the interest of the NDDOT and NDGFD as the pending recipient and manager of the Acreage.

The Commission finds McLean County, NDDOT, and the NDGFD each have an interest in this matter and the participation of each will not unduly broaden the issues or delay the proceeding.

**Order**

The Commission orders:

1. The Petition to Intervene of McLean County is GRANTED.
2. The Petition to Intervene of North Dakota Department of Transportation is GRANTED.
3. The Petition to Intervene of North Dakota Game and Fish Department is GRANTED.
4. Admission as an intervenor shall not be construed as recognition by the Commission that an intervenor might be aggrieved by an order of the Commission in this case.

**PUBLIC SERVICE COMMISSION**

  
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**Tony Clark**  
Commissioner

  
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**Kevin Cramer**  
Chairman

  
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**Brian P. Kalk**  
Commissioner