

RECEIVED

STATE OF NORTH DAKOTA

IN DISTRICT COURT

APR 25 2011

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

**PUBLIC SERVICE COMMISSION**

Dakota Resource Council, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 North Dakota Public Service Commission, )  
 McLean County, North Dakota, )  
 Department of Transportation, and )  
 North Dakota Game and Fish Department )  
 And Falkirk Mining Company, )  
 )  
 Defendants. )

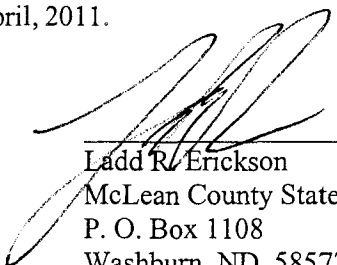
Civil No. 08-10-C-02329  
 Agency Case No. RC-08-640  
 OAH File No. 2010-0122

**BRIEF OF INTERVENER  
McLEAN COUNTY**

McLean County (the County) is an intervener in the action before the Court. As such, the County will leave the bulwark of the legal arguments to the main parties. The County has supported the establishment of the Coal Lake Wildlife Management Area from its planning stages through its current status. The County appeared and offered testimony before the Public Service Commission (PSC) in support of the project.

As an intervener, the County's interests are protected by the Court upholding the order of the PSC that allows this project to reach completion. To the contrary, because the completion of the Coal Lake Project will allow the removal of "no-mow" highway acres in McLean County it would be detrimental to the County's interests to have the PSC's ruling overturned. As the Court may be aware, counties concern themselves with "no-mow" highway right-a-ways because they adversely impact snow removal and conceal critters from oncoming traffic - which can lead to wildlife/vehicle accidents. Therefore, the County respectfully requests the Court deny the appeal, and we incorporate and support all the arguments of Falkirk Mining Company and the other appellees to reach that end.

Dated this 21 day of April, 2011.




---

Ladd R. Erickson  
 McLean County State's Attorney  
 P. O. Box 1108  
 Washburn, ND 58577  
 Telephone: (701) 462-8541

CERTIFICATE OF SERVICE

I hereby certify that on the 21<sup>st</sup> day of April, 2011, I served a true and correct copy of the attached **BRIEF OF INTERVENER McLEAN COUNTY** upon the following named parties by placing a true and correct copy thereof in an envelope addressed as follows:


Derrick Braaten  
Attorney at Law  
222 North 4<sup>th</sup> Street  
Bismarck, ND 58501

Zachary B. Smith  
Assistant Attorney General  
600 E. Boulevard Ave., Dept 125  
Bismarck, ND 58505-0040

Brian R. Bjella  
Attorney at Law  
P. O. Box 2798  
Bismarck, ND 58502-2798

Mark Gruman  
Attorney at Law  
ND Public Service Commission  
600 E. Boulevard Ave., Dept 408  
Bismarck, ND 58505-0480

Dated this 21<sup>st</sup> day of April, 2011.

  
Marcella Albers