

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION

DAKOTA RESOURCE COUNCIL,	)	
	)	Case No. 1:12-cv-64
Plaintiff,	)	
v.	)	SECRETARY OF THE INTERIOR
	)	KEN SALAZAR’S
NORTH DAKOTA PUBLIC SERVICE	)	MOTION TO INTERVENE
COMMISSION,	)	
	)	
Defendant.	)	
	)	

The Secretary of the United States Department of the Interior Ken Salazar (“Secretary”), in his official capacity, moves this Court pursuant to Fed. R. Civ. P. 24(a)(1) of the Federal Rules of Civil Procedure to grant intervention as of right in this case. In the alternative, the Secretary moves to intervene permissively pursuant to Fed. R. Civ. P. 24(b)(2). The Secretary intends to intervene as a Defendant on all claims contained in the Complaint, on all relief requested in the Complaint, and intends to assert all available affirmative defenses to all claims contained in the Complaint. The grounds for this Motion are set forth in the Memorandum of Law in Support of Motion to Intervene filed contemporaneously with this Motion. A proposed Answer is also attached to the Memorandum, pursuant to Fed. R. Civ. P. 24(c).

THEREFORE, the Secretary respectfully requests this Court to grant leave to intervene in this matter as of right pursuant to Fed. R. Civ. P. 24(a)(1). In the alternative, the Secretary requests the Court to grant permissive intervention pursuant to Fed. R. Civ. P. 24(b)(2).

Counsel for the Secretary has conferred with counsel for NDPSC concerning this motion to intervene, and NDPSC has stated it does not oppose the motion. Counsel for the Secretary has also contacted counsel for Plaintiff concerning the motion, but as of the timing of filing has not received a response on Plaintiff's formal position.

Dated this 16th day of November, 2012.

IGNACIA S. MORENO  
Assistant Attorney General

By: /s/ Joanna K. Brinkman  
JOANNA K. BRINKMAN  
Trial Attorney  
U.S. Department of Justice  
Environment & Natural Resources Division  
Natural Resources Section  
P. O. Box 7611  
Washington, DC 20044  
(202) 305-0476  
IL Bar No. 6299174  
[joanna.brinkman@usdoj.gov](mailto:joanna.brinkman@usdoj.gov)  
Attorneys for [Proposed] Defendant-Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2012, the above-captioned document was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

Carrie La Seur  
Baumstark Braaten Law Partners  
2501 Montana Avenue, Suite 4  
Billings, MT 59101  
Tel: (406) 969-1014  
Fax: (877) 926-6998

Paul M. Seby  
Special Assistant Attorney General  
Marian C. Larsen  
Special Assistant Attorney General  
Moye White LLP  
1400 16th Street, Sixth Floor  
Denver, CO 80202  
Tel: (303) 292-2900  
Fax: (303) 292-4510

/s/ Joanna K. Brinkman  
Joanna K. Brinkman