

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

BILLINGS COUNTY, a municipal entity, *et al.*,)

Plaintiffs,)

v.)

MIKE JOHANNNS, in his official capacity as the)
Secretary of the Department of Agriculture, *et al.*,)

Defendants,)

and)

NATIONAL WILDLIFE FEDERATION, *et al.*,)

Defendant-Intervenors.)

STATE OF NORTH DAKOTA,)

Plaintiff,)

v.)

MIKE JOHANNNS, Secretary, United States)
Department of Agriculture; *et al.*,)

Defendants,)

and)

NATIONAL WILDLIFE FEDERATION, *et al.*,)

Defendant-Intervenors.)

Civ. No. A1-01-045 (lead case)

Civ. No. A1-01-087
(consolidated case)

PLAINTIFFS' AND FEDERAL DEFENDANTS' JOINT MOTION TO DISMISS

Plaintiffs and Federal Defendants (collectively, "the settling parties") hereby jointly move this Court for an order dismissing the above-captioned consolidated cases. The settling parties premise this motion on a settlement agreement, which is attached hereto as Exhibit A.

DATED this 11th day of August, 2006.

Respectfully submitted,

DAVID PETERSON
Acting United States Attorney
CAMERON HAYDEN
Assistant United States Attorney
District of North Dakota
P.O. Box 699
Bismarck, ND 58502-0699
(701) 530-2420

SUE ELLEN WOOLDRIDGE
Assistant Attorney General



ANDREA L. BERLOWE
BARCLAY T. SAMFORD
Attorneys
U.S. Department of Justice
Environment and Natural Resources Division
Law and Policy Section
P.O. Box 4390
Washington, D.C. 20044-4390
(202) 305-0478

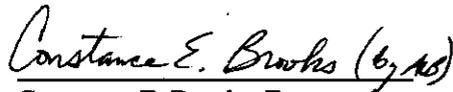
Attorneys for Defendants

WAYNE STENEHJEM
Attorney General

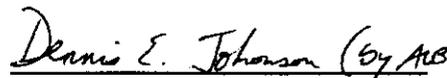


CHARLES M. CARVELL
Assistant Attorney General
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509

Attorneys for the State of North Dakota



Constance E. Brooks, Esq.
Michael B. Marinovich, Esq.
C.E. BROOKS & ASSOCIATES, P.C.
999 18th Street, Suite 1605
Denver, CO 80202



Dennis E. Johnson, Esq.
JOHNSON & SUNDEEN, LTD.
P.O. Box 1260
Watford City, ND 58854

Attorneys for Billings County, et al.

Certificate of Service

The undersigned hereby certifies that she is an employee of the United States Department of Justice, and is a person of such age and discretion as to be competent to serve papers. The undersigned further certifies that on August 11, 2006, she caused a copy of the **JOINT MOTION TO DISMISS, with Exhibits**, to be served on the below-named counsel via FEDEX overnight delivery:

Todd D. True, Esq.
EARTHJUSTICE LEGAL DEFENSE FUND
705 Second Avenue, Suite 203
Seattle, WA 98104

Michael A. Saul, Esq.
NATIONAL WILDLIFE FEDERATION
2260 Baseline Road, Suite 100
Boulder, CO 80302

and to be served on the below-named counsel via first class, United States mail, postage pre-paid, at their last known addresses:^{1/}

Constance E. Brooks, Esq.
Michael B. Marinovich, Esq.
C.E. BROOKS & ASSOCIATES, P.C.
999 18th Street, Suite 1605
Denver, CO 80202

CHARLES M. CARVELL
Assistant Attorney General
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509

Dennis E. Johnson, Esq.
JOHNSON & SUNDEEN, LTD.
P.O. Box 1260
Watford City, ND 58854


ANDREA L. BERLOWE

^{1/} Counsel listed here are already in possession of the map provided as Exhibit 1 to the Settlement Agreement. Consequently, we did not serve another copy on them.