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18 [Additional counsel listed at end]

19 **UNITED STATES DISTRICT COURT**
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

21 PEOPLE OF THE STATE OF
22 CALIFORNIA, *ex rel.* BILL LOCKYER,
23 ATTORNEY GENERAL; STATE OF
24 NEW MEXICO, *ex rel.* PATRICIA A.
25 MADRID, ATTORNEY GENERAL;
26 STATE OF OREGON, by and through
THEODORE KULONGOSKI,
GOVERNOR,

Plaintiffs,

STATE OF WASHINGTON, by and
through CHRISTINE O. GREGOIRE,
GOVERNOR,

Intervenor,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE; MIKE JOHANNIS,
Secretary of the Department of
Agriculture; MARK REY, Under
Secretary for Natural Resources and
Environment of the Department of
Agriculture; UNITED STATES FOREST
SERVICE; DALE BOSWORTH, Chief
of the United States Forest Service,

Defendants.

NO. 05-03508-EDL

**STATE OF WASHINGTON'S
MOTION FOR LEAVE TO
INTERVENE AS A PLAINTIFF**

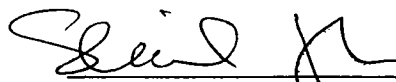
(Administrative Procedure Act,
5 U.S.C. § 701 *et seq.*; National
Environmental Policy Act,
43 U.S.C. § 4321 *et seq.*)

1 The State of Washington hereby moves the Court for leave to intervene as a plaintiff,
2 pursuant to FRCP 24(a) and (b). The undersigned attorney(s) certify that they have contacted
3 the attorneys for all parties to this litigation regarding their position with respect to the motion.
4 Plaintiffs do not oppose the motion. Defendants do not oppose the motion as long as
5 Washington does not expand the issues in this case or delay the litigation of this matter by its
6 intervention. Defendants further reserve their right to seek modification of the existing
7 briefing schedule to account for the existence of a plaintiff-intervenor if such modification
8 becomes necessary.

9 This motion is based on FRCP 24(a) and (b), the supporting legal memorandum, and
10 the declarations of Governor Christine O. Gregoire, Jeff Koenings, Stephen Bernath. The State
11 of Washington will join in the briefs filed by the states of California, New Mexico, and Oregon
12 according to the schedule issued by this Court on August 30, 2005.

13 DATED this 21st day of February, 2006.

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15 ROB McKENNA
Attorney General

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18 MARY SUE WILSON, WSBA #19257
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ADDITIONAL COUNSEL

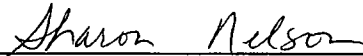
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 21, 2006, I sent by overnight mail the foregoing
3 State of Washington's Motion for Leave to Intervene as Plaintiff to the following:

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