



April 1, 2011

Attorney General Steve Bullock (via email)

Chief Counsel Tim Reardon  
MDT Legal Services (via email)

Re: Kearl Module Transport Project  
Missoula County et. al. vs. MDT, Fourth Judicial Dist. Cause No. DV-11-424

Dear Attorney General Bullock and Chief Counsel Reardon,

Enclosed please find a courtesy copy of a Complaint which has been filed challenging the sufficiency of the Environmental Assessment and Finding of No Significant Impacts for the Kearl Module Transport Project (KMTP). This litigation has been brought by Missoula County, National Wildlife Federation, Montana Environmental Information Center, and Montana Chapter of the Sierra Club. If you are open to acknowledging service of process, please let us know who it will be best to coordinate with. We intend to seek a preliminary injunction in the near future, so we will appreciate your prompt response.

We will appreciate you providing Missoula County and its citizens reasonable advance notice of any meetings to be held by or among State officials and/or yourselves or members of your staff with respect to this litigation. The Montana Supreme Court has made it clear that the citizens of the State of Montana have an absolute constitutional right to attend and observe a meeting held by a public body or state agency which is held to discuss litigation strategy to be used in litigation between state governmental entities. *The Associated Press v. Board of Pub. Educ.*, 246 Mont. 386, 804 P.2d 376 (Mont. 1991). The Supreme Court's holding is particularly appropriate when applied to the present litigation, which addresses the adequacy of the public process leading to MDT's decision with respect to the KMTP. We anticipate that citizens of Missoula County will have an interest in attending your meetings.

Missoula County will, of course, also give public notice of all meetings between the County Commissioners and our office relating to this matter. Please let us know if you desire specific notice of our meetings.

Finally, please note that while Missoula County has a difference of opinion with MDT on this matter, we enjoy our productive working relationship with MDT and look forward to continuing good relations between the County and MDT in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. James McCubbin'. The signature is written in a cursive, flowing style.

D. James McCubbin  
Deputy County Attorney

cc: Missoula County Commissioners  
Counsel for co-plaintiffs