

STATE OF WISCONSIN
SPECIAL INSPECTION WARRANT

Office of Circuit Court
BAYFIELD COUNTY
SEP 25 2009
Mary B. Ross

Bayfield County

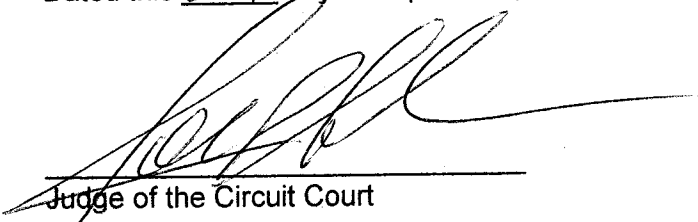
In the Circuit Court of the County of Bayfield

THE STATE OF WISCONSIN, to DNR conservation warden Patrick Quaintance, DNR water resources engineer Bruce Moore, and DNR water management specialist John Spangberg:

WHEREAS, Bruce Moore, has this day complained in writing to said court upon oath that on 24th day of September 2009, in said County, in and upon certain premises located in the Town of Russell and more particularly described as follows; E ½ S 33 T 51N, R 4W Bayfield County, Wisconsin, there exists now a necessity to inspect the entire premises including buildings, records, vehicles, containers, to take photographs and measurements, to take samples of waste, soil, vegetation and surface water to ensure compliance with s. 281.36. Stats.: Ch. NR 299. Wis. Adm. Code.: s. 30. Stats.: s. 283.33. Stats.: and Ch. NR 216. Wis. Adm. Code.

NOW, THEREFORE, in the name of the State of Wisconsin, Patrick Quaintance, Bruce Moore, and John Spangberg are commanded forthwith to search the said premises for said purposes.

Dated this 24 day of September, 2009

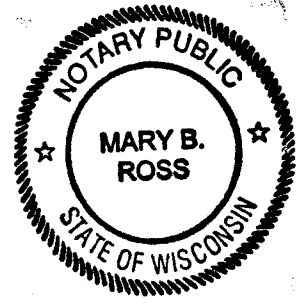


Judge of the Circuit Court

ENDORSEMENT OF WARRANT

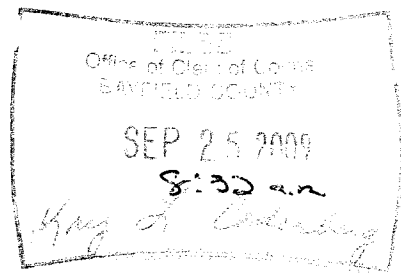
Received by me, B. Moore on 24 September, 2009 at 4:23 o'clock a.m. (p.m.)

Mary B. Ross



STATE OF WISCONSIN

AFFIDAVIT



Bayfield County

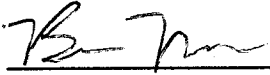
Bruce Moore having been duly sworn, says that on the 24th day of September in said County, in and upon certain premises in the Town of Russell and more particularly described as follows; the E ½ S 33 T 51N, R 4W there now exists a necessity to determine if said premises comply with ch. NR 216, Wis. Adm. Code, s. 281.36, Stats.; ch. NR 299, Wis. Adm. Code; s. 30, Stats; and s. 283.33, Stats.

The facts tending to establish the grounds for issuing a special inspection warrant are as follows:

1. Bruce Moore is employed by the Wisconsin Department of Natural Resources as a Water Resources Engineer. One of Moore's duties is to monitor land-disturbing activities that result in the exposure of more than one acre of land disturbance, in compliance with ch. NR216, Wis. Adm. Code.
2. John Spangberg is employed by the Wisconsin Department of Natural Resources as a Water Management Specialist. One of Spangberg's duties is to monitor activities affecting wetlands to determine compliance with ch. 281, Stats. and ch. NR 299, Wis. Adm. Code.
3. Land-disturbing activities on one or more acres are regulated by erosion control and stormwater requirements under ch. NR216, Wis. Adm. Code. Activities related to agriculture or silviculture are exempt from this regulatory program.
4. On September 18, 2009, Moore received site photos from DNR Warden Patrick Quaintance that suggest that earth-moving well in excess of one acre had occurred. The photos suggest that the nature of the land disturbance suggests is not for the purpose of supporting silviculture or agriculture.
5. On July 22, 2009, Moore and Spangberg contacted the landowner-designated spokesperson, Attorney Christopher J. Dolan of Fredrikson & Byron P.A., to request permission to enter the property. They explained DNR's concerns of wetlands being filled on the property. Spangberg asked if any wetland dredging or filling was occurring and, if so, did the landowner obtain Department permits or approvals for this activity. Dolan did not respond to Spangberg's questions and refused to grant access when Spangberg requested permission to meet with landowner representatives during reasonable hours and at their convenience to inspect the property.
6. On September 21, 2009, Moore contacted the office of the landowner-designated spokesperson, Attorney Christopher J. Dolan of Fredrikson & Byron P.A., to request permission to enter the property. To date, Moore has received no reply from Mr. Dolan or the landowner.
7. On and before September 21, 2009, Spangberg reviewed Department files concerning the potential for wetlands on said premises. Spangberg found that the Wisconsin Wetland Inventory map identifies the presence of wetlands on the property. Spangberg found no record of the Department issuing a Water Quality Certification pursuant to ch. NR 299, Wis. Adm. Code for this location. In addition, Spangberg reviewed a preliminary wetland determination report prepared by Natural Resources Consulting, Inc. that verified the presence of the wetlands noted on the Wisconsin wetland Inventory Map. Areas that appear to have been graded, based on photo review, appear to have included wetlands.
8. On and before September 21, 2009, Moore reviewed Department stormwater permit files and found that DNR has received no application for permit coverage, and that no stormwater permit exists for said premises.

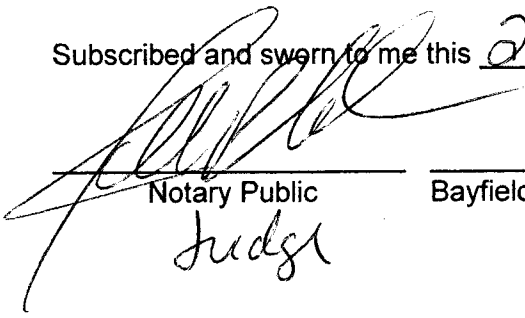
9. Moore has the authority to inspect sites for compliance with s. 283.33, Stats., and NR 216, Wis. Adm. Code. pursuant to s. 283.55, Stats.)
10. Spangberg has the authority to inspect sites where wetland alterations are occurring pursuant to s. 281.36 (9), Stats and to inspect for compliance with s. 30, Stats pursuant to 31.02(3), Stats.

Wherefore, said Moore prays that a special inspection warrant be issued to search such premises for said purpose.



Bruce Moore, DNR Water resources engineer

Subscribed and sworn to me this 24 day of Sept 2009 (month) (year)



Notary Public

Judge

Bayfield County, WI

Perman

My commission expires