

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

IRON COUNTY

BAD RIVER BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS
72682 Maple Street
Odanah, Wisconsin, 54861

Petitioner,

-v.-

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES
101 S. Webster Street
Madison, Wisconsin, 53707

Case No:
Case Code: Administrative Agency
Review

Respondent.

PETITION FOR JUDICIAL REVIEW

The Bad River Band of Lake Superior Chippewa (“Band”), by and through its counsel Earthjustice, petitions this Court to review final actions of the Wisconsin Department of Natural Resources (“DNR”). Wis. Stat. §§ 30.209(3), 227.52, 227.53, 227.57, 281.36(3q). DNR, through an ALJ’s decision in a contested case hearing, improperly authorized Enbridge Energy, LP (“Enbridge”) to build a new 41-mile segment of the Line 5 petroleum pipeline through waterways and wetlands around the Band’s Reservation (“Project”). If constructed, the Project will surround the Band on three sides—all directly upstream of the Reservation—and will jeopardize territory adjoining the Reservation and the Band’s interests therein. If DNR’s authorizations stand, Project construction risks significant impacts to over 100 acres of wetlands, hundreds of waterways, and countless species and areas of unique importance to the Band.

DNR's approval of the Project's waterway, wetland, and stormwater construction permits, water quality standards compliance certification, and the associated Final Environmental Impact Statement ("FEIS") violates Wisconsin's environmental laws. Wis. Stat. §§ 1.11 (Wisconsin Environmental Policy Act ("WEPA")); 30.12 (Structures and Deposits in Navigable Waters); 30.20 (Removal of Material from Bed of Navigable Waters); 30.123 (Bridges and Culverts); 281.34 (Groundwater Withdrawals); 281.36 (Permits for Discharge into Wetlands; Mitigation); 283.31 (Wisconsin Pollution Discharge Elimination System ("WPDES")). The Band now seeks judicial review of DNR's decision to authorize the Project because it violates statutory requirements.

PARTIES TO THE CONTESTED CASE

1. Petitioner Bad River Band of Lake Superior Chippewa is a federally recognized Tribal Nation with a Reservation in northern Wisconsin, spanning portions of Ashland and Iron Counties. The Band's Reservation is wholly within the Lake Superior Basin and partially within the watershed of the Bad River—"Mashkiiziibii"—the Band's namesake. The Bad River Reservation is also hydrologically connected to other watersheds flowing into Lake Superior, such as the Fish Creek Watershed. The Anishinaabe, of which the Bad River Band of Ojibwe is a part, have lived in this area for several hundred years, moving from the east as described in the Band's traditional migration to find the place "where food grows on water." The Bad River Reservation is directly adjacent to Lake Superior and includes the Kakagon and Bad River Sloughs, internationally recognized wetlands where the Band's members harvest wild rice (*manoomin*), fish, and other beings for subsistence. The Reservation was established in 1854 under the Treaty of LaPointe. Treaty of LaPointe, 10 Stat. 1109 (1854). The Band was a signatory to the earlier 1842 Treaty with the Chippewa, which ceded lands that became the State of Wisconsin while retaining off-reservation rights to use and access resources in the ceded territory. Treaty with Chippewa, 7

Stat. 591 (1842). The Band has a solemn responsibility and the legal right to preserve its homeland, environment, waters, culture, treaty-protected resources, and distinct lifeways.

2. Petitioners 350 Wisconsin, League of Women Voters Wisconsin, Sierra Club, Clean Wisconsin, and Midwest Environmental Advocates (“Environmental Petitioners”) are non-profit environmental groups in the State of Wisconsin. These groups advocate for clean water, air, and energy and work to ensure a safe, livable, climate future for Wisconsin. The members and supporters of these groups live, work, and recreate near the proposed Project route and other Line 5 segments.

3. Respondent DNR is an agency of the State of Wisconsin. Wis. Stat. § 15.34. DNR’s principal office is at 101 S. Webster Street, Madison, Wisconsin. DNR has the authority to issue or deny permits for construction and point source discharges in Wisconsin waterways and wetlands. Wis. Stat. §§ 30.12, 30.20, 30.123, 281.34, 281.36, 283.31. DNR must prepare an Environmental Impact Statement (“EIS”) whenever it takes a major action significantly affecting the quality of the human environment. Wis. Stat. § 1.11(2)(C). DNR is the agency that erroneously issued wetland and waterway permits, a water quality certification, stormwater discharge authorization, and associated FEIS for the Line 5 Project.

4. Enbridge Energy, LP (“Enbridge”) is the entity that owns and operates Line 5 and is seeking to construct the Project. Enbridge resides at 119 North 25th Street East Superior, Superior, WI.

5. The Wisconsin Division of Hearings and Appeals (“DHA”) is the agency that conducted a contested case hearing and provided a written opinion by an Administrative Law Judge (“ALJ”) in this matter. DHA’s principal office is at 4822 Madison Yards Way, Madison,

Wisconsin. The opinion of the ALJ is the final decision of DNR unless and until DNR appeals that opinion. Wis. Admin. Code NR § 2.155(1).

JURISDICTION AND VENUE

6. DNR’s adoption of the ALJ’s decision to uphold Enbridge’s Project authorizations and certifications is a final agency action reviewable by this Court. Wis. Stat. §§ 30.209(3), 227.52, 227.53, 281.36(3q).

7. Iron County is the appropriate venue because review of agency actions must be held in the county where the petitioner resides, and the Band’s Reservation is partially in Iron County, and its membership lives in Iron County. Wis. Stat. § 227.53(1)(a)3.

FACTS

8. Enbridge owns and operates Line 5, a 645-mile pipeline that transports crude oil and natural gas liquids (NGLs) from Superior, WI, to Sarnia, Ontario, Canada. Line 5 runs through northern Wisconsin, the Bad River Reservation, and the Upper and Lower Peninsulas of Michigan before entering Canada. The Lakehead Pipeline Company (“Lakehead”), Enbridge’s predecessor, built Line 5 in 1953.

9. Line 5 currently crosses approximately twelve miles through the Band’s Reservation. Historically, Lakehead and Enbridge operated Line 5 on the Reservation pursuant to easements issued by the Bureau of Indian Affairs (“BIA”) on the Band’s behalf but without the Band’s consent. Several of Enbridge’s easements with the Bureau expired in 2013. The Band did not consent to BIA’s renewal of these easements due to concerns regarding oil spills, climate change, and pollution.

10. Enbridge continues to operate the pipeline across the Reservation despite the expiration of the easements. The Band filed a federal action against Enbridge in 2019, seeking to remove the pipeline from the Reservation. On September 7, 2022, the United States District Court

for the Western District of Wisconsin ruled for the Band and found that Enbridge was operating Line 5 in illegal trespass. *Bad River Band of Lake Superior Tribe of Chippewa Indians of Bad River Rsrv. v. Enbridge Energy Co., Inc.*, 626 F. Supp. 3d 1030 (W.D. Wis. 2022). On June 16, 2023, the court ordered Enbridge to cease operating the 12-mile segment across the Reservation by June 16, 2026, among other remedies. *Bad River Band of Lake Superior Tribe of Chippewa Indians of Bad River Rsrv. v. Enbridge Energy Co., Inc.*, No. 19-CV-602-WMC, 2023 WL 4043961, at *1 (W.D. Wis. June 16, 2023). Enbridge and the Band appealed the decision to the United States Court of Appeals for the Seventh Circuit. The case is currently pending.

11. Enbridge's proposal to build a new segment of Line 5 that would maintain the flow of oil and NGLs off the Reservation is the subject of this petition. The Project's 41-mile proposed route surrounds the Reservation and is upstream of waters that flow through it or are hydrologically connected through Lake Superior.

12. On February 11, 2020, Enbridge submitted an application to DNR seeking permits to conduct construction activity in and near high-quality wetlands and rivers, springs, streams, and other water connected to its proposed route. To construct the proposed Project, Enbridge needs a Chapter 30 waterway permit, a Chapter 281 wetland permit, a water quality certification, and approval from DNR to discharge stormwater from the Project's construction activities.

13. Enbridge proposes to permanently alter at least 101.1 acres of high-quality wetlands and 186 waterways to build this new pipeline segment. These rich aquatic areas provide habitat for numerous plant and wildlife species. The majority of waters that the Project would cross and affect are directly connected to Lake Superior and the Kakagon and Bad River Sloughs—large, unique wetlands on the Reservation that support vast stands of manoomin, habitat for threatened and endangered plants and animals, and provide critical migratory bird habitat.

14. On June 8, 2020, DNR issued a Notice of Pending Application and intent to prepare Draft Environmental Impact Statement (“DEIS”) and FEIS for the Project. The notice discussed the authorizations required for building structures, dredging and filling, bridging, and the use of motor vehicles in waterways, as well as for filling, converting, and construction work in wetlands. DNR determined that its permitting decisions regarding the Project were major actions that significantly affected the quality of Wisconsin’s environment.

15. DNR sought public comment on the proposal and the scope of the EIS. The Band submitted comments on the notice of pending application on July 11, 2020.

16. DNR held a public hearing on its Notice of Pending Application on July 1, 2020. The agency received over 2,000 comments, many of which took issue with the completeness of Enbridge’s wetland and waterbody permit applications, public interest-related concerns, and the scope of DNR’s EIS.

17. The Band had the opportunity to review a draft of the DEIS. The Band submitted preliminary DEIS comments to DNR on December 10, 2021. The comments stated that DNR did not have adequate or up-to-date data to properly characterize the impacts of the Project and urged the agency to conduct additional review and consultation with the Band before publicly releasing the DEIS.

18. DNR issued the Project’s DEIS six days later on December 16, 2021. The agency held a virtual public hearing on February 2, 2022. The public comment period for the DEIS concluded on April 15, 2022. DNR received over 32,000 written comments on the EIS and 160 oral comments during a ten-hour virtual public hearing. The comments raised similar concerns about the public interest, completeness of Enbridge’s application, and the scope of the EIS.

19. The Band submitted comments on the DEIS on April 15, 2022. The Band raised concerns about the scope of the EIS, the inadequacy of baseline data, and DNR's analyses of environmental impacts, water quality, alternatives, wildlife, cultural resources, environmental justice, and public health. The Mashkiiziibii Natural Resources Department ("MNRD"), the Band's environmental agency, also prepared and attached a series of technical reports concerning these subjects.

20. In 2022, 2023, and 2024, MNRD and DNR held several technical meetings and consultations, and the Band submitted additional comments to DNR. During this period, DNR also repeatedly required Enbridge to submit additional information.

21. During public comments, MNRD raised concerns about the adequacy of baseline wetland and waterway data that DNR used to analyze the Project's impacts.

22. In comments, MNRD alerted DNR that functional values will be lost when Enbridge converts forested wetlands and other high-quality wetlands to low-quality, less ecologically diverse, emergent wetlands.

23. As part of the Project's permitting process, MNRD alerted DNR to disturbances caused by Enbridge's activities along Line 5's existing route within the Reservation. MNRD's comments describe its concerns, including that the existing Line 5 disrupts surface and groundwater flows, causing erosion and sedimentation and increasing pipeline failure risks—such as in 2019, when approximately forty-nine feet of Line 5 were exposed, and approximately forty feet were left unsupported from below. The existing pipeline is also placed near a natural meander of the Bad River. MNRD has repeatedly alerted DNR to the risks this poses to on-Reservation waters, communities, and Lake Superior. Additionally, MNRD staff have documented increases in the incidence and distribution of invasive species on the Reservation due to maintenance and

monitoring activity in the existing Line 5 corridor. The Band and MNRD raised these concerns to DNR on multiple occasions in comments, letters, and technical meetings between 2020 and 2024, noting that the proposed Project carries similar risks.

24. To build the new segment of Line 5, Enbridge will use trenching, blasting, Horizontal Direct Drilling (“HDD”), and direct boring. Trenching involves excavating spoils from the bed of a navigable water or wetland, storing the excavated material separated by soil type and other characteristics, placing the pipe into the trench, and then backfilling with the spoils.

25. Enbridge will also use blasting where determined necessary, such as when encountering boulders or bedrock. The total number of locations Enbridge will use blasting has yet to be determined. Blasting will reduce such features into finer material when backfilled into the trench.

26. Enbridge also proposes to use HDD at several river and stream crossings and direct bore at others. The HDD method drills a path beneath a waterway using a “reamer” accompanied by drilling fluid comprised of chemical additives, clay, and water pumped into the area displaced by the drill. If the pressure inside a drill path exceeds groundcover pressure, it will cause drilling fluid to seep through loose soil and geological crevices and discharge into surface waters and elsewhere in the landscape. Drilling fluid releases are also possible at the entry and exit points of the HDD path. In the findings of fact in the wetland and waterway permit, DNR states that “[i]t is likely that the Project will experience an inadvertent release (IR) during one or more of the proposed trenchless installations.” Wetland and waterway permit, FoF ¶ 60(j). MNRD and the Band’s comments also raised concerns related to the risk of drilling mud releases from HDD throughout this permitting process.

27. DNR released the FEIS on September 6, 2024, along with a determination of compliance with WEPA. Wis. Stat. § 1.11.

28. Regarding its analysis of wetland and waterway functional values and characteristics, the DNR states in the FEIS that the “available data were incomplete in the sense of a traditional baseline survey” and that “[t]he resulting modeled data layers were limited in accuracy by the quality and applicability of the model to the project area and by what data were used for the modeling exercise.” FEIS at 388.

29. The FEIS concludes that the impact of the Project on wetland functional values is temporary because converted and filled wetlands may be restored to their original quality in several decades.

30. DNR acknowledges in the FEIS that pipeline construction in waterways and wetlands may result in take of, or adverse effects to, two threatened species listed by DNR: Braun’s Holly Fern (*Polystichum braunii*) and Sweet Coltsfoot (*Petasites frigidus*). MNRD has repeatedly requested that DNR require Enbridge to avoid taking any endangered and threatened species, including these rare plant species. Enbridge acquired an incidental take permit for Braun’s Holly Fern on September 3, 2025—ten months after other Project authorizations—and still has not acquired an incidental take permit for Sweet Coltsfoot.

31. On November 14, 2024, DNR issued the Project’s wetland and waterway permit, water quality standards compliance certification, and a certificate of coverage under the Wisconsin Stormwater Discharge General Permit (“Stormwater GP”). *See* DNR Docket # IP-NO-2020-2-N0047 (wetland and waterway permit); Docket # IP-NO-2020-2-N00471 (water quality certification); WPDES Permit No. WI-S067831-6 (Stormwater GP). The wetland and waterway permit authorize Enbridge to dredge, fill, blast, convert, place structures in, and bridge those

aquatic resources. The water quality certification is a separate action DNR must take to certify that the wetland and waterway permits comply with Wisconsin's water quality standards before federal permitting may proceed. The stormwater discharge certificate of coverage affirms that Enbridge will follow the conditions of the state's Stormwater GP. The permit and water quality certification each contain conditions that DNR states will ensure that the Project's impacts remain within the limits set by DNR.

32. With respect to waterways, the permit states Enbridge will dredge and fill waterways during trench construction and backfilling. DNR also approved Enbridge's plans to place structures in waterways, such as dams, dewatering equipment, and staging areas necessary for construction. The permit states Enbridge will build and then remove bridges and roadways to move equipment to and from construction sites. DNR also permitted Enbridge's use of construction vehicles in waterways.

33. As for wetlands, the permit states Enbridge plans to place temporary matting, excavate and backfill trenches and bore pits in wetlands, place permanent fill in wetlands, and convert high-quality forested wetlands to low-quality emergent wetlands. Enbridge is also required to restore wetlands.

34. Enbridge plans to install the pipeline in trenches in the bed of waterways and wetlands that the company intends to excavate using conventional construction equipment, as well as blasting if bedrock is present.

35. Enbridge also plans to dewater waterways and wetlands using high-pressure pumps, sheet piling, and dams.

36. Enbridge also proposes using blasting to clear construction areas and trenches if conventional clearing is not possible.

37. In some areas, Enbridge intends to use Direct Bore and HDD methods to install the pipeline beneath a waterway or wetland, obviating the need for trenching. Enbridge proposes using HDD pipeline installation methods at waterway crossings along the Project route to cross underneath rivers and streams. In the wetland and waterway permit's findings of fact, DNR states that “[i]t is likely that the Project will experience an inadvertent release (IR) during one or more of the proposed trenchless installations.” Wetland and Waterway Permit, FoF at ¶ 60(j).

38. DNR also approved Enbridge's stormwater management strategy and requires the company to implement conditions and best management practices in the Wisconsin stormwater discharge general permit that aim to reduce runoff pollution from construction sites.

39. DNR's permits authorize Enbridge to alter wetlands and disturb waterways in the Iron County Forest, public land located in territory ceded by the Ojibwe Nations in Wisconsin. Pursuant to treaties with the United States, the Band and its members retain the right to engage in hunting, fishing, gathering, and cultural practices on public lands in the ceded territory, such as Iron County Forest.

40. Enbridge's approved wetland mitigation plan states the company will purchase wetland bank service credits to compensate for the loss of functional values in damaged wetlands that the company cannot practicably restore. The number of credits required to compensate for wetland losses is determined by wetland mitigation ratios. The ratio is higher for permanent impacts and lower for temporary ones. Similarly, ratios are higher for higher-quality wetlands. The FEIS and DNR permits, however, are based on wetland mitigation ratios that categorize decades-long losses of functional values as “temporary” impacts.

41. The FEIS and DNR permits combine wetlands with overall low and medium functional values into a single mitigation ratio, which fails to account for the higher functional

values that will be lost. Additionally, the overall functional value scores assigned to wetlands do not reflect the highest functional value within each wetland, improperly undervaluing many of the wetlands. DNR also allowed Enbridge to purchase mitigation credits outside of the affected Bad River and Fish Creek watersheds.

42. The Band challenged DNR's decision to issue Enbridge these authorizations in a contested case. Several non-profit environmental organizations also challenged DNR's authorizations. A consolidated hearing proceeded from August 12, 2025, to October 3, 2025. The ALJ received testimony from the public, lay witnesses, and experts in pipeline construction, water quality, and wetland science, among other subjects. Parties briefed the case between October 3, 2025, and November 24, 2025.

43. The record in this case consists of the record for the contested case hearing and includes information from DNR, Enbridge, the Band, the Environmental Groups, and the public.

GROUNDS FOR REVIEW

44. The ALJ issued a final decision on February 13, 2026, affirming DNR's authorization of the Project. That decision is the final decision of the DNR, unless and until DNR seeks judicial review of the decision. Wis. Admin. Code § NR 2.155(1). At the time the Band filed this petition, the DNR had not sought judicial review.

45. The ALJ's opinion, and by extension DNR's final agency action, is legally erroneous and arbitrary and capricious. The ALJ's opinion misinterpreted statutes and rules, fails to dispose of all factual disputes and legal issues, and rests several findings of fact on no evidence. Wis. Stat. § 227.57 (5), (6), (8).

46. DNR has not addressed the legal deficiencies related to the impacts of the Project and its consequences for environmental and water quality. The Band timely filed a petition for a contested case before DNR on December 12, 2024, challenging DNR decisions authorizing

construction activities associated with the Project. The ALJ reached her decision, and the Band now timely files for review of that decision as adopted by DNR. Wis. Stat. § 227.53(a)2.

47. DNR committed reversible error, misinterpreted the law, deviated from procedure, and abused its discretion by permitting Enbridge to build the Project through Wisconsin wetlands. Wis. Stat. § 281.36; Wis. Admin. Code § NR 300.07. DNR has not provided that “all practicable measures to minimize impacts to wetland functional values will be taken” and that “[t]he proposed project will not result in significant adverse impact to wetland functional values, in significant adverse impact to water quality, or in other significant adverse environmental consequences.” Wis. Stat. §§ 281.36(3n)(c)2, 281.36(3t)(d), (f); Wis. Admin. Code § NR 300.07. The ALJ’s decision misinterprets these laws and makes legal conclusions that are unmoored from evidence.

48. DNR committed reversible error, misinterpreted the law, deviated from procedure, and abused its discretion by authorizing Enbridge to place structures and deposit materials in waterways because the company is not a “riparian owner” of all necessary areas where it plans to undertake these activities, a basic requirement of authorizing the Project. Wis. Stat. §§ 30.12(1), (3m)(a); Wis. Admin. Code §§ NR 300.03(1), 329.03(13). The ALJ properly determined that Enbridge was not a riparian owner but misinterpreted the law in determining remedy.

49. DNR committed reversible error, misinterpreted the law, deviated from procedure, and abused its discretion by approving Enbridge’s plans to dredge waterways. Wis. Stat. §§ 30.20, 30.208; Wis. Admin. Code § NR 300.07. The ALJ improperly determined that DNR could permit 30.12 activities under 30.20.

50. DNR committed reversible error, misinterpreted the law, deviated from procedure, and abused its discretion by certifying that the Project complies with Wisconsin water quality standards. Wis. Admin. Code. §§ NR 299.04-05. This certification is based on a flawed

understanding of the Project's impacts to surface and wetland water quality. Wis. Admin. Code. §§ NR 102, 103. The ALJ opinion misinterprets water quality standards and does not provide a reasoned basis for its decision.

51. DNR committed reversible error, misinterpreted the law, deviated from procedure, and abused its discretion by considering the permit application complete and authorizing waterway disturbances without first requiring Enbridge to obtain a permit authorizing take of Braun's Holly Fern, Sweet Coltsfoot, and other potentially affected endangered and threatened species. Wis. Stat. § 29.604; Wis. Admin. Code §§ NR 320.06(3)(a)2¹, 329.04(3)(a)2, 345.04(3)(a)2. The ALJ committed legal error by misinterpreting the applicability of threatened species laws to Enbridge's permits and ignoring procedural requirements.

52. DNR committed reversible error, misinterpreted the law, deviated from procedure, and abused its discretion by determining that Enbridge is eligible for coverage under the Wisconsin General Stormwater permit and not requiring the company to obtain an individual stormwater permit. Wis. Stat. § 283.33; Wis. Admin. Code § NR 216.41. Enbridge is not eligible for coverage because this Project will contribute to violations of water quality standards. *See* Stormwater GP at § 1.2.2 (wetland water quality standards); § 1.2.5 (discharges violating water quality standards). The ALJ opinion does not properly interpret the requirements of the Stormwater General Permit.

53. DNR committed reversible errors, misinterpreted the law, deviated from procedure, and abused its discretion by determining that the FEIS prepared to evaluate the impact of DNR's permitting and certification decisions complied with WEPA. Wis. Stat. §§ 1.11, 227.57; Wis.

¹ Note that the ALJ's decision erroneously references § NR 320.06(5)(h), which is the provision related to threatened and endangered species that will go into effect on April 1, 2026, as part of a repeal and replacement of the entire NR 320 code chapter. See note at beginning of chapter, available here: https://docs.legis.wisconsin.gov/code/admin_code/nr/300/320/06 (last accessed Feb. 17, 2026).

Admin. Code §§ NR 150.20, 150.30. The ALJ's holding that the FEIS properly reviewed impacts is legally reversible because it relies on the ALJ's erroneous interpretations of Wisconsin's waterway and wetland protection laws.

54. A stay of DNR's permits is necessary here to "prevent significant adverse impacts or irreversible harm to the environment." Wis. Stat. §§ 30.209(1m)(c), 227.54, 281.36(3q)(d). While the factors governing stays under the Wisconsin Rules of Civil Procedure have limited applicability to this administrative proceeding, the Band will suffer irreparable harm if an injunction is not issued, the Band has no adequate remedy at law, an injunction is necessary to preserve the status quo, and the Band has a reasonable probability of success on the merits.

55. By authorizing Enbridge to construct the Project in waterways and wetlands surrounding and upstream of the Reservation and adversely affecting ecosystems, wildlife, aquatic organisms, cultural resources, and sacred spaces, DNR aggrieves the Band's substantial interests in preserving its homeland and sustaining its way of life.

PRAYER FOR RELIEF

WHEREFORE, the Band respectfully requests this court grant judgment in its favor as follows:

1. **STAY** the Project's wetland and waterway permit, water quality certification, and stormwater construction discharge authorization.
2. **REVERSE** DNR's decision to issue Enbridge a Ch. 30 permit to construct the Project through Wisconsin waterways.
3. **REVERSE** DNR's decision to issue Enbridge a Ch. 281 permit to construct the Project through Wisconsin wetlands.
4. **REVERSE** DNR's decision to issue a water quality certification for the Project.

5. **REVERSE** DNR's decision to issue a determination of compliance and final environmental impact statement for the Project under the Wisconsin Environmental Policy Act.

6. **REVERSE** DNR's decision to issue Enbridge a Certificate of Compliance under Wisconsin's Stormwater General Permit.

7. Such other relief as the Court may deem just and equitable.

Respectfully submitted this 19th day of February, 2026.

/s/Robert Lundberg

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Attorneys for Petitioner

***Application for Pro Hac Admission
Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on this day, the 19th of February 2026, I caused the above-captioned **PETITION FOR JUDICIAL REVIEW** to be filed with the Iron County Circuit Court through the Wisconsin Circuit Court eFiling System.

I hereby further certify that I served copies of the **PETITION FOR JUDICIAL REVIEW** on all parties/entities listed below via U.S. certified mail and/or electronic mail.

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