

subsequent Order signed by the Court on March 22, 2019, or pursuant to Wis. Stat. § 806.07(1) to grant relief from the Order, that ordered DNR to propose a site-specific phosphorus criterion (SSC) for Lac Courte Oreilles (LCO). Specifically, Respondents request that the Court find that DNR made a good faith effort to develop a phosphorus SSC for LCO but was unable to do so because the facts and the law do not support such a criterion; to find that to the extent that any part of the Stipulation may require DNR to take an action that is not authorized under Wis. Stat. § 281.15(2)(c) and Wis. Admin. Code § NR 102.06(7), that part of the Stipulation is void; and to determine that DNR complied with the Stipulation to the extent that it was able to do so under Wis. Stat. § 281.15(2)(c) and Wis. Admin. Code § NR 102.06(7).

The grounds for this Motion are that the Court in its ruling questioned the effect of contract law on the case, but the parties had not briefed that issue. When the principles of contract law are applied to the questions before the Court, a different outcome is indicated, as described in the brief that accompanies this Motion.

Based on the above grounds, and as supported in the accompanying brief, Respondents request that the Court find that DNR made a good faith effort to develop a phosphorus SSC for LCO but was unable to do so because the facts and the law do not support such a criterion; to find that to the extent that any part of the Stipulation may require DNR to take an action that is not authorized under Wis. Stat. § 281.15(2)(c) and Wis. Admin. Code § NR 102.06(7), that part of the Stipulation is void; and to determine that DNR complied with the Stipulation to the extent that it was able to do so under Wis. Stat. § 281.15(2)(c) and Wis. Admin. Code § NR 102.06(7).

Dated this 11th day of April, 2019.

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