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110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WI 53701-1688

TELEPHONE (608) 266-1880  
FACSIMILE (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

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**SUPREME COURT**

April 16, 2026

**To:**

Hon. Frank D. Remington  
Circuit Court Judge  
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

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No. 2024AP673      Sierra Club v. Wisconsin Department of Natural Resources,  
L.C. #2023CV2379

On March 24, 2026, petitioner-appellant-respondent, Wisconsin Department of Natural Resources (DNR), filed its opening brief in this court.

On April 6, 2026, petitioner-appellant-respondent, Sierra Club, filed a "Motion to Take Judicial Notice of Air Permit Preliminary Determinations." In its motion, Sierra Club asks the court to enter an order taking judicial notice of certain DNR preliminary determination documents, attached as exhibits to the motion, regarding eight specific projects. Sierra Club explains in its motion that the preliminary determinations "are created by DNR and set forth DNR's analysis and justification for issuing permits," and that DNR "maintains the preliminary determination documents as part of its official permit records in DNR's Air Management Program Permit Tracking Search database." Sierra Club further states that its request "is limited to the existence of the DNR permit determinations and the contents shown on the face of the official agency records."

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By order of April 9, 2026, this court required DNR to file a response to the motion. By letter filed April 10, 2026, the DNR states that it does not oppose the motion, and that it “will address any arguments based on the cited documents in its reply brief and, if necessary, at oral argument.”

IT IS ORDERED that Sierra Club’s “Motion to Take Judicial Notice of Air Permit Preliminary Determinations” is granted. *See generally* Wis. Stat. (Rule) § 902.01; *see also* *Sisson v. Hansen Storage Co.*, 2008 WI App 111, ¶11, 313 Wis. 2d 411, 756 N.W.2d 667 (“We may take judicial notice of matters of record in government files.”)

IT IS FURTHER ORDERED that, in light of the pendency of this motion, the following deadlines shall apply to the remainder of the briefing schedule in this court (*see* Wis. Stat. (Rule) § 809.14(3)(a)): By April 30, 2026, Sierra Club must file either a brief or a statement that no brief will be filed; and that if a brief is filed by Sierra Club, within 10 days of filing the DNR must file either a reply brief or a statement that no reply brief will be filed.

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Samuel A. Christensen  
Clerk of Supreme Court