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EPA--REGION 10

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6 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

7 REGION 10

8 In the matter of )  
9 DOUG BLOSSOM ) Docket No. CWA-10-2002-0131  
10 Respondent. )  
11 \_\_\_\_\_ )

12 MOTION FOR SITE VIEW

13 COMES NOW the Respondent, by and through counsel, Arthur  
14 S. Robinson, and moves for permission to make a site view of the  
15 Blossom property during the hearing currently scheduled to begin  
16 the week of May 3, 2004. Arrangements can be made by Respondent  
17 for the transportation of the Administrative Law Judge, attorneys  
18 for the parties, and the clerk/court reporter for such a visit.

19 A view of the site is absolutely necessary for the  
20 Administrative Law Judge to have a first-hand view of the site in  
21 question to put the alleged violation in context. A view of the  
22 site would provide a physical context for location and size of area  
23 under review and provide a clearer understanding of the issues and  
24 evidence presented at the hearing regarding the nature of the land  
25 and its proximity to navigable waters.

26 A motion for view of the site was not made earlier  
27 because at the time the hearing was set for both dates, including  
28 the May date, the Respondent did not believe that enough snow would

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1 have melted by then for viewing to be meaningful. However, despite  
2 the very heavy snowfall from the past winter, a great deal of snow  
3 has melted in the area that would now make the viewing feasible and  
4 useful for the judge to have an understanding of facts surrounding  
5 the circumstances of the alleged violation. Normally, by the first  
6 week of May in the area in question there would be too much snow  
7 still to make site view useful.

8 The location of the Blossom property is approximately 30  
9 minutes' drive from the location of the hearing in Kenai. The view  
10 itself would take approximately 45 minutes. There should be no  
11 need for continuation of the hearing to take less than a half day  
12 to view the site.

13 A site view was proposed during the April 22 prehearing  
14 conference and Mr. Kopf indicated that a motion would have to be  
15 made first requesting a site view.

16 This motion is supported by the accompanying affidavit of  
17 counsel.

18 Respectfully submitted this 28<sup>th</sup> day of April, 2004.

19 ROBINSON & ASSOCIATES  
20 Attorneys for Doug Blossom

21 By: Arthur S. Robinson  
22 Arthur S. Robinson  
23 Alaska Bar No. 7405026

24  
25  
26 I HEREBY CERTIFY that the foregoing Motion For Site View, and  
27 attachments, were served on the following persons on April 28,  
2004, by fax:

1 Carol Kennedy, Regional Hearing Clerk  
2 U. S. Environmental Protection Agency, Region 10  
3 1200 Sixth Avenue, Mail Stop ORC-158  
4 Seattle, Washington 98101

5 The Honorable Susan L. Biro  
6 Chief Administrative Law Judge  
7 Office of Administrative Law Judges  
8 U. S. Environmental Protection Agency  
9 Mail Code 1900L  
10 1200 Pennsylvania Avenue N.W.  
11 Washington, D.C. 20460

12 Jeffrey Kopf, Esq.  
13 U.S.E.P.A. Region 1 Mail Code SEL  
14 One Congress Street, Suite 1100  
15 Boston, MA 02114-2023

16 Mark A. Ryan, Esq.  
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20 By: Bohannan Burger  
21 For: Arthur S. Robinson

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