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McHENRY COUNTY LAND OWNER TO GIVE 104 ACRES OF WETLANDS TO FOX WATERWAY AGENCY AND PAY U.S. \$15,000 TO SETTLE CLEAN WATER SUIT

CHICAGO — A federal judge today approved a consent decree settling a wetlands protection lawsuit that calls for a McHenry County property owner to give two parcels of wetlands totaling 104 acres to the Fox Waterway Agency (FWA), which manages the Fox River and Chain O'Lakes in McHenry and Lake counties, and also pay \$15,000 to the United States. The civil settlement resolves a lawsuit that the United States filed in 2007 on behalf of the U.S. Army Corps of Engineers against Michael P. Trinski, of McHenry, and Michael G. Hogan, of Ringwood, alleging that the defendants violated the Clean Water Act by causing fill or dredged material to be discharged into wetlands adjacent to Nippersink Creek near Route 12 and Fox Lake Road.

The consent decree provides that within three months, Trinski will deed 16 acres where the alleged violation occurred, south of Route 12 and east of Fox Lake Road, and an additional 88 acres on Pistakee Lake, south of Fortress Drive and west of Monterey Terrace in McHenry, to the FWA for public use. In addition, Trinski will pay a \$15,000 civil penalty to the United States within six months. Hogan, who performed the wetland filing and dredging work for Trinski, will provide 80 hours of grading, clearing and/or excavating services for the FWA on the 16-acre parcel.

U.S. District Judge Gary Feinerman approved the consent decree today in Federal Court. The defendants agreed to the settlement without admitting any liability. The settlement was announced by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois.

In 2006, the Corps of Engineers inspected a 27-acre site owned by Trinski and found that the defendants, without a permit, had deposited dredged or fill material into wetlands adjacent to Nippersink Creek or on wetlands adjacent to the creek, a tributary of the Fox River and Pistakee Lake.

The government was represented by Assistant U.S. Attorney Kurt Lindland.

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