From:	Glen Goebel
To:	Elmer, Linda
Cc:	"mailto:Russell.Stamper@milwaukee.gov"; Coggs, Milele; Bohl, James; Rainey, Khalif; Murphy, Michael (Alderman); Kovac, Nik
Subject:	please include in Zoning, Neighborhood, and Development Committee records for 160339 substitute A
Date:	Monday, October 24, 2016 11:08:37 PM
Attachments:	MMSD SAMPLES 2002-2014 RI 2,3 & 4.xls Darling Oct 24 Estabrook Dam letter.pdf MMSD owned dam not eligible for grant.pdf

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Dear Ms. Elmer and members of the Zoning, Neighborhood, and Development Committee,
Please include my comment into the records for this item.

I urge the committee to not pass zoning amendment 160339 substitute A. Statements made in the amendment are not true. This is a Milwaukee County issue and City of Milwaukee involvement could needlessly imperil the City in costly legal issues. I make this statement based on the following 7 reasons:

1. The attempt to sidestep the state legislature in rezoning and sale of Estabrook Park by the county executive is **not legal**. The City Milwaukee should not attempt to circumvent the law, nor the 8 years of work by the Milwaukee County Board of Supervisors in this matter.
2. Milwaukee River Preservation is actively involved in a $12,000,000.00 cross claim in the alternative suit against Milwaukee County, the owner of Estabrook Dam, in Milwaukee County Circuit Court. **Actions by the City could entangle the City of Milwaukee into this or other related legal actions.**
3. **The amendment misstates** that dam removal is only option to permanently abate the public nuisance. **The court allows that either repair or removal would abate the public nuisance** and satisfy the requirement.
4. The PCBs referred to in the amendment have already been remediated at a cost of $34,000,000.00 The dam does not affect or manufacture PCBs. Most days the reach of water upstream of the dam is already swimmable and fishable by DNR standards.
5. Dam removal, from this point forward would cost more than dam repair
    1. **The dam owner already paid most of its share of the dam repair costs.** Those costs can never be recovered regardless of the outcome. Phase I and II of the Milwaukee River PCB cleanup as well as engineering costs have already paid. Grants cover much of the balance. Grant providers agreed to make more money available to cover the additional unnecessary options that Parks department added to the design during the bid process. If the county executive requests the funds, they are guaranteed.
    2. **Grant funding as well as bonding are not available** if the dam would be removed. Removal costs would impact the owners current budget significantly more than removal.
    3. Operation and Maintenance cost portrayals were inflated to make repair appear unrealistic. To drive costs up, items were added that no other dam in the US has including heating the dam, cleaning debris 4-8 times per year and keeping a full time dam attendant on

hand. (the dam was cleaned once each year or less to this point)

6. The county executive is a director and past chairman of Milwaukee River Revitalization Foundation, and has influenced the **manipulation of reported water quality, flood potential and cost figures through the Milwaukee County Parks Department and its contractors.** The county executive felt so strongly against this dam that he used it in a campaign advertisements *(including video that supposedly depicted the impoundment while actually showing an affluent out-of-state resort area)* All department employees report to the director and the director reports solely to the county executive.
    a. **Water quality has not improved by opening the dam over the last 8 years**. This fact is proven because low water conditions, similar to dam removal have been present because of the 8 year draw-down. MMSD tested at timed intervals from multiple locations since before 2002. The EIS did not use MMSD data but rather used sporadically sampled data, taken at opportune times, by civilian volunteers and administered through the Milwaukee Riverkeeper. **Professional water quality tests conducted by MMSD does not agree** with the claims made in the Estabrook Dam Environmental Impact Statement. (Riverkeeper)
    b. Flooding was overstated and an updated Hydraulic report will likely reverse the flood damage probability of reservoir restoration compared to dam removal.
        i. MMSD submitted a document to circuit court stating that differences between dam operation and removal **would not remove any structures from the floodplain**. (attached)
        ii. According the SEWRPC Hydraulic Analysis, the most flood prone stretch, near Silver Spring would vary less than 5" in a 100 year flood. We believe that is overstated.
        iii. SEWERPC hydraulic modeling is being reviewed. **Likelihood of flooding with dam removal is now expected to be substantially higher** compared to full pond dam operation due to the inappropriate application of shoreline conditions obstacles to flow and engineering calculations in the SEWRPC model. The dam was originally installed as a flood protection program and those conditions continue now.
7. Dam repair preserves the only natural navigable inland lake in the county. Yes it is a natural lake and has been present since the last ice age. *(nearly every lake in southeastern Wisconsin is controlled by a dam)* 74% of the water frontage is county and state owned and these parks (Lincoln, Kletzsch, Estabrook and Milwaukee River Parkway) serve a primarily minority community. As former state representative Sandy Pasch once said, "This just wouldn't be happening if this was Whitefish Bay.

I urge you to not approve amendment 160339 substitute A. I welcome any questions in this matter and would be delighted to supply documentation of my above statements.

Thank you.

Glen Goebel
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(414) 339-0853

Attachments: (MMSD water samples:2002-2014, MMSD flood statement submitted to

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