From: Steve
To: DNR Racine Diversion Comments
Subject: Written comment on the diversion application in reply to DNR email of 1/31/2018
Date: Wednesday, March 14, 2018 9:56:22 AM

Protecting the Lake, the public and even Foxconn from the DNR

This is in reply to the DNR email of 1/31/2018 soliciting comments regarding the city of Racine's Lake Michigan water diversion application.
The following represent my opinions and beliefs:
I believe the application should be denied, I feel this way because I've seen the DNR refuse to protect Lake Michigan fisheries from nets resulting in their destruction and so I fear not only for Lake Michigan, our water and the people of SE Wisconsin but also for Foxconn. I've provided some examples from history to support my contentions. Documentation is available on request.
First, any deal made with the DNR isn't worth the paper it's written on. For example, https://docs.legis.wisconsin.gov/code/misc/chr/lrb_scanned/cr_96_098_final_rule_filed_with_lrb promised that in exchange for $1.4 million of public dollars the Lake Superior commercial lake trout harvest would be reduced by over 50%. What happened was the trout limit was raised instead.
I believe that history shows that the past and current DNR culture is one of, whatever it takes to forward special interests or their own interests, no matter law, ethics, cost and or science. The DNR has shown they are willing to obfuscate, lie, violate law, refuse to answer questions and ignore science, economics and public demands. Public records contain plenty of examples.
Wisconsin law makers also play their role. With most netted fisheries down ~90%, in 2011, AB176 repealed the commercial fishing minimum harvest requirement, which was instituted to protect full time fishers and fisheries. After any water diversion, what other law(s) might be repealed possibly harming not only Foxconn but Wisconsin citizens? 25 years ago, commercial fishing was no longer able to comply with the law demanding it be 'economically viable and stable'. The latest numbers, the DNR took ~$700,000/year of sport license money to pay for services to an industry paying less than ~$70,000/year in licenses and fees while receiving ~$5 million/year on average (for a total of over $100 million in today's dollars) in free public fish, to mostly benefit ~6 fishers, while harming competing businesses, a violation of economic common sense. The Legislation has known of this problem for years yet refuse to act, refuse to change the law and refuse to make the DNR obey the law of not taking someone else's money to subsidize, for profit private businesses. In effect the Legislature is allowing the DNR to tax sportsmen to subsidize netters while denying the sportsmen/public a detailed accounting of all commercial costs. Hence I fear the same will happen tomorrow, with nonusers being forced to foot part or the entire bill for water diversion and or clean up, while denying the public an accounting of all the costs, all with the blessing of lawmakers, to become another DNR tax.
I believe the DNR culture that I've dealt with has organized to lie, misinform, misinterpret, misreport, and withhold information, to hide the laws broken, the harm done and being done to fisheries. It appears to be a culture of where if one DNR official lies, another will swear to it. I fear it's not much of a leap to go from lowering numbers in fish data, to lowering the amount of water removed data, or heavy metals or other pollutants introduced, or being denied data for years with the excuse of 'lack of time'.
I fear the legal ramifications and possible public liability of a situation where Foxconn unknowingly harms the environment/water/Lake but doesn't stop or make corrections because the DNR chose to

hide the problem from Foxconn until being caught doing so sometime in the future. Fish have taught us the best way to protect our water, is don't let it be exploited for business in the first place and to prevent DNR involvement.

The democratic process is also one of laws, so that everyone, including business, knows exactly where they stand now and in the future. I believe the DNR's culture of doing as they please, replaces the democratic process and laws with chaos. The DNR have proven with fish that they chose when and which laws to obey, leaving the public, business and future generations to suffer the consequences and cost. Since that DNR culture is still in place, I believe the DNR will not act in the best interest of the public, that they will not obey laws to protect our water, those animals and plants dependent on the Lake, that they will not protect it from increased pollution, nor will they hesitate to lie about any damage done or the public cost to divert any water. Those that don't learn from history are doomed to repeat it, and we can't afford to see our Lake harmed by diversion, like the Lakes' fisheries were harmed by nets. And just like fish, I fear that instead of protecting our water, the DNR will instead act to prevent the public from protecting it.

Steven Alt
Milwaukee County