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FOR IMMEDIATE RELEASE

March 21, 2016

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Milwaukee Riverkeeper files third lawsuit against Milwaukee County in continued effort to remove Estabrook Dam

Lawsuit challenges County's appropriation of public funds for a private purpose

MILWAUKEE – On Monday, March 21, 2016, Milwaukee Riverkeeper filed a third lawsuit against Milwaukee County as part of an on-going, 10-year effort to remove the Estabrook Dam. The lawsuit challenges the appropriation of public funds by the County to repair the Estabrook Dam for a private purpose.

Milwaukee County is using public funds to repair the Estabrook Dam and create an impoundment – a large pool of water upstream from the Dam – so that a select group of private riparian property owners can use the impoundment for motorized boating and other private recreational activities and uses. There is no public benefit that will be achieved through the repair of the Dam. Absent a public benefit, the costs for repair of the Dam, because it provides a private benefit for upstream private property owners, should be funded through the imposition of a special assessment upon those benefitted private property owners.

However, removal of the Dam is better for the health of the Milwaukee River, is the cheapest option, and will also lower the risk of flooding upstream from the Dam, which confers a larger benefit to a larger number of citizens. There are nearly 300 residences in the 100-year floodplain that would benefit from dam removal.

"If repaired, Milwaukee County residents will be footing the bill for this structure for the next 20 years, and maybe even beyond that, for the benefit of a few homeowners. With such a high price tag, we need to make sure that this is a project that truly benefits the public and the taxpayer. So far, repair plans have shown that a few homeowners will benefit from use of the resulting impoundment recreationally, yet Milwaukee County has yet to demonstrate how the public will realistically be able to access and use the impoundment with motor boats. We continue to believe the best decision for all Milwaukee County residents is to remove the Estabrook Dam," said Cheryl Nenn, Riverkeeper at Milwaukee Riverkeeper.

The current proposal to repair the Dam will cost county taxpayers more than \$6 million. This figure includes yearly operations and maintenance for the 20 year expected lifetime of the Dam should it be repaired, which is estimated to cost Milwaukee County taxpayers at least \$160,000 per year. If the Dam is repaired, the County will likely face additional costs of dredging in the next 10 years that could add up to more than \$2 million. After 20 years, the Dam would need to be removed and possibly rebuilt, again, at great additional cost to Milwaukee County taxpayers. Dam removal is estimated at \$1.7 million or a third of the cost of dam repair.

The Wisconsin Department of Natural Resources is holding a public hearing on March 22, 2016 at Glen Hills Middle School in Glendale at 6:00 pm regarding its draft Environmental Impact Statement (EIS) on Milwaukee County's plans to repair the Dam. The doors will open at 5:30 pm. The public comment period on the draft EIS will continue through April 6, 2016 at 4:30 pm. The draft EIS can be found at dnr.wi.gov/topic/eia/estabrook.html.

Milwaukee Riverkeeper:

Milwaukee Riverkeeper's mission is to protect, improve and advocate for water quality, riparian wildlife habitat, and sound land management in the Milwaukee, Menomonee, and Kinnickinnic River Watersheds. We envision a future in which people from all walks of life can enjoy the healthy waterways of the Milwaukee River Basin.

Milwaukee Riverkeeper advocates for compliance with environmental laws and is licensed by the Waterkeeper Alliance, a network with over 282 organizations worldwide dedicated to clean water and healthy communities. For more information about Milwaukee Riverkeeper, visit: www.milwaukeekeeper.org