

CITY OF WAUKESHA

WAUKESHA, WISCONSIN 53188



November 16, 2010

Matthew J. Frank
Secretary
Wisconsin Dept. of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921

Dear Secretary Frank:

Re: City of Waukesha Great Lakes Water
Diversion Application (the "Application")
Proposed Meeting of November 18, 2010

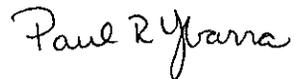
At the request of your September 20, 2010 letter to me, a meeting was scheduled with City representatives for November 18, 2010 at the WDNR offices. Your letter contemplates a one on one meeting between the City and the WDNR to discuss legal issues related to the Application, including the completeness of the Application. Subsequent to your letter, the WDNR granted access to our meeting to a special interest group. The City does not believe that it is appropriate to review the legal sufficiency of an application and other legal issues with a third party present. The City feels that the presence of a special interest group in this meeting will have a chilling effect on an open dialog regarding the legal aspects and the completeness of the Application and will unfairly compromise the Application. In addition, the plain language of the statute does not contemplate, much less provide for such a format.

What the statutes do provide are ample accommodations for public comment and public hearings throughout the permitting process, as well as public access to information regarding the Application. It is appropriate to provide for input from the public through such comments and hearings. This statutory process provides for the public, including any and all special interest groups, to obtain information and creates a record of their particular concerns and responses to those concerns. The WDNR's current position to permit third party special interest groups to attend legal discussions between the WDNR and the applicant hinders meaningful discussion between the applicant and the WDNR.

We believe the City, as the applicant, should be provided the opportunity meet one on one with the WDNR to discuss legal issues. Therefore on the advice of legal counsel we are cancelling the Thursday, November 18, 2010 meeting.

We look forward to a discussion of the Application and rescheduling the meeting between the City as applicant and the WDNR without the inclusions of third party special interest groups.

Yours very truly,



Paul R. Ybarra
President
Waukesha City Council

cc Mr. Bruce Baker
Judith Ohm, Esq.
Mr. Eric Ebersberger
Michael Lutz, Esq.
Mayor Jeff Scrima
City Common Council
Ms. Lori Luther
Members, Waukesha Water Commission
Curt Meitz, City Attorney
Don Duchniak
Bill McClenahan, Esq.
Don Gallo, Esq.