

Laurel D. Hauser

Sturgeon Bay, WI 54235

July 23, 2019

Honorable Judge Gill,

You have received letters from other elected and appointed citizens of Sturgeon Bay regarding the ordinary high water mark on the City's west waterfront. With the exception of Mayor David Ward, no one has held more elected or appointed positions related to the issue of the City's west waterfront than I, and I respectfully ask that you accept and consider my comments below.

I was elected to the City Council in April of 2017 and was appointed to its Waterfront Redevelopment Authority. I was also appointed as one of the City Council members, along with now-mayor Ward, to negotiate a settlement with the Friends of Sturgeon Bay Public Waterfront in the summer of 2017, a task we successfully accomplished after two days of talks. (Our settlement was approved by the City Council but ultimately failed when the Waterfront Redevelopment Authority voted against it.) I was more recently appointed by the City Council to co-chair the Ad Hoc West Waterfront Planning Committee, a group comprising 10 citizens charged with re-envisioning parcel 92 and its neighbor, parcel 100. Few lay people know more about the Public Trust Doctrine or have given more thought and attention to this issue than I.

Mr. Dan Williams and Mr. John Asher suggest or state in the letters they wrote that decisions made by the majority of the last city council were made hastily or unwisely with little thought. Nothing could be further from the truth. You would be hard-pressed to find a group of citizens more educated in the Public Trust Doctrine anywhere in the country than you have in Sturgeon Bay and you had on the council. I and my fellow council members gave much thought to our decisions and voted consistently and intentionally, time after time, to uphold the dictates of the Public Trust Doctrine.

One of the first things an elected official does when she takes office is promise to uphold the state and federal constitutions, both of which contain the Public Trust Doctrine. Our country and our state were founded with the idea that lakebed land is held in trust for its people – all its people.

Over and over, I witnessed the then-current leaders in the City of Sturgeon Bay attempt to ignore, shirk, skirt or otherwise deny their duty to adhere to our state constitution. *No city should act against the state-protected rights of its citizens in favor of the economic benefit of a few.*

The council I was part of – a council that had been studying the issue for two or more years – felt that the Wisconsin Department of Natural Resources' ruling of January, 2019, was reasonable, science-based, and well-defended.

There seems to be an underlying contention or fear from those opposed to the ruling that determinations like this will be detrimental to a community's economic development. This is a misguided and absolutely ludicrous assertion. A tour of Door County's bay- and lakefront communities shows exactly the opposite to be true. Every community north of Sturgeon Bay that is experiencing a reinvigorated economy first invested in its public space. It is apparent in Sister Bay, Egg Harbor, Baileys Harbor, Fish Creek and Jacksonport. Investing in public waterfront property makes good economic sense.

To underscore this point, the Ad Hoc West Waterfront Planning Committee I referenced earlier presented its plan to the City Council last week after 10 months and thousands of hours of work. The plan was well-received by the public and by the council. The plan is built around the OHWM as determined in the DNR's January, 2019, ruling. It calls for private development landward of the OHWM and public space below. The committee's report closes with the following statement:

"Regardless of the ultimate location of the ordinary high water mark, the redevelopment plan for the West Waterfront property should retain the large central public space. This space is essential to the overall redevelopment vision and shouldn't be unduly sacrificed for the needs of the private development. A proper balance between public space and private revenue-generating development should be maintained.

Sturgeon Bay is in the conundrum it is in because of old thinking. It is time for Sturgeon Bay to orient itself to the rights and desires of all of its citizens and to realize that, in doing so, it will share in the prosperity other communities are experiencing.

Thank you for considering this letter and for working to uphold our very venerable state constitution.

Sincerely,

Laurel D. Hauser