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FEATURED

Plain Talk: Farmers fight back on DNR blacklist

DAVE ZWEIFEL | Cap Times editor emeritus 2 hrs ago



Lynn and Nancy Utesch are small beef farmers near Kewaunee, straight east of Green Bay along the shores of Lake Michigan. It's an area that's had a disturbing problem with its groundwater in recent years.

An inordinate number of wells have been contaminated by runoff that many blame on the 15 concentrated animal feeding operations (CAFOs) relatively new to the area. CAFOs rely on the economies of bigness to turn a profit.

Consequently, Kewaunee County is one of only four Wisconsin counties that have experienced an increase in livestock the past few decades. There are more than 20,000 more animals there today than there were back in the 1980s — roughly 60,000 then to about 80,000 now. It's estimated that the livestock generate enough waste every year to approximate the waste produced by a city of 900,000 people.

So when private wells began showing signs of pollution, local folks demanded answers and action. The Utesches were among them.

One of the actions they took was to monitor just how vigilant the Wisconsin Department of Natural Resources — the Wisconsin agency charged with safeguarding the state's water supply — was in finding the causes of the problem. So the Utesches and others in the area filed numerous open records requests to see for themselves. They and others showed up at hearings and meetings and demanded answers.

Many were convinced the DNR had not done enough to enforce measures to prevent manure runoff and hadn't dug deeply enough to answer questions about why their water supplies were contaminated. And the locals made sure the DNR knew their concerns.

The deep concern of Kewaunee County residents about water contamination from animal waste and the lack of action by the DNR is underscored in a report just out from the Wisconsin Center for Investigative Journalism, complete with maps and charts of polluted wells and CAFOs all around Wisconsin.

It goes without saying that the whole water dilemma in Kewaunee County has been a divisive one for years now, involving local governments, the state DNR and the federal Environmental Protection Agency. Polluted water wells do not make for happy campers.

But what came next was completely unexpected. The Milwaukee Journal Sentinel matter-of-factly reported earlier this year that the Wisconsin DNR had established a "do not respond" list and Lynn and Nancy Utesch were right there on top. In other words, their efforts to hold the DNR's feet to the fire made them persona non grata.

The blacklist was reminiscent of the late President Richard Nixon's infamous enemies list. By implication, the people on it were to be treated with caution and kept at arm's length by the administration. The DNR's "do not respond" list, which included Patricia Randolph, a fierce

anti-hunting activist who writes a column that runs online on The Cap Times twice a month, essentially told DNR staffers they could ignore open records requests and other inquiries from the people on it — people who were obviously viewed as pests.

Revelations of the list appeared to embarrass DNR brass, including DNR Secretary Cathy Stepp, who quickly announced the list had been rescinded, even though her office had been listed as contributing to the list. And the DNR's respected communications chief, George Althoff, insisted that while the list existed, it was never used to deny or ignore open records requests.

The Utesches, however, aren't mollified by Stepp's change of heart. Recently the Kewaunee farm couple had a lawyer demand an apology from the DNR and an outline of what the DNR is going to do to abide by the open records law, which the couple firmly believes it violated when it compiled the "do not respond" list.

The law, after all, doesn't allow taxpayer-financed government agencies to ignore requests for information simply because it views the requestor as a "pest."

"In recent years, my clients have had several requests that DNR has denied or to which DNR never responded," wrote attorney Elisabeth Holmes.

She included several examples of open records requests the Utesches had filed but received no answer and then found the information they were seeking in subsequent news articles in the local press.

"DNR's blacklist of my clients has materially affected their rights," she added.

The attorney also wants to know how the DNR is going to implement Gov. Scott Walker's recent directive that open records requests be addressed in a timely manner, an edict he handed down during Sunshine Week in March.

This, of course, is but the latest of dust-ups that have confronted the DNR in recent years. Environmental regulations have been loosened, scientists have been fired and the agency under Walker-appointee Stepp has been accused of favoring developers and corporate farmers over conservationists.

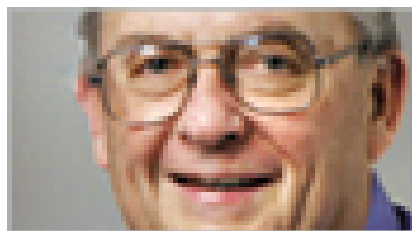
Lynn and Nancy Utesch are making it clear they aren't going to take it anymore.

Dave Zweifel is editor emeritus of The Capital Times. dzweifel@madison.com and on Twitter [@DaveZweifel](https://twitter.com/DaveZweifel)

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Dave Zweifel is editor emeritus of The Capital Times. dzweifel@madison.com and on Twitter [@DaveZweifel](https://twitter.com/DaveZweifel)

About the columnist



Dave Zweifel

Editor Emeritus Dave Zweifel has been with The Capital Times since he graduated from UW-Madison in 1962, serving as the paper's editor in chief from 1983 to 2008. He was president of the Wisconsin Freedom of Information Council for 15 years, served as a Pulitzer Prize judge in 2000 and 2001, and named to the Wisconsin Newspaper Hall of Fame in 2011. A native of New Glarus, Wis., where he grew up on a farm, he serves on several non-profit boards and is a military veteran, having served on active duty as a field artillery officer in the early 1960s and for 26 years in the Wisconsin Army National Guard where he retired as a colonel in 1993.



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