



State Senator

**Neal J. Kedzie**

11th Senate District

September 10, 2007

State Senator Fred Risser  
Co-Chair Joint Legislative Council  
Room 220 South, State Capitol  
Madison, WI

State Representative Steve Wieckert  
Co-Chair Joint Legislative Council  
Room 16 West, State Capitol  
Madison, WI

Co-Chairs Risser and Wieckert,

As Chair of the Study Committee on the Great Lakes-St. Lawrence River Basin Water Resources Compact, I must regretfully report that consensus on the implementing and ratifying legislation of the Compact has not been reached. Therefore, the Study Committee is effectively adjourned and dissolved.

Before I expound on the details and issues surrounding this committee process and Compact, I feel it necessary to extend my deepest gratitude and appreciation to the men and women I have had the privilege to serve with on the Study Committee, as well as officials with the Department of Natural Resources. I believe the Study Committee was fortunate to have such talent and expertise around the table and each member should be proud of the service they have offered over the last year to the State of Wisconsin. The members of the Committee sacrificed hundreds of hours of their time and energy to this process and even though the end result may be viewed as unsuccessful, we all achieved a level of success through this committee process.

I would also like to extend my gratitude on behalf of the entire Study Committee to the staff of the Wisconsin Legislative Council – John Stolzenberg and Rachel Letzing. These two very talented individuals carried a burden to aid and assist the Chair and committee members wherever possible and dedicated a considerable amount of their professional time to the Study Committee process. We were most fortunate to have them as our counsel.

As I reported to the Joint Legislative Council committee on June 12, 2007, the Study Committee first met in September, 2006 and since that time, has examined, debated, and explored a myriad of significant issues relating to the Compact and the subsequent and parallel enabling legislation, which we have all labored over for quite some time. It was our task to determine the feasibility of Wisconsin entering into the regional agreement among the eight Great Lakes basin states and how such an untested and unprecedented piece of environmental policy would work in our state.

To be certain, I believe each member of the committee embraces the theory of the Compact. But where theory ends and reality begins has been the challenge for each and every member of the committee, including myself. It is often times effortless to embrace an ideal; however, it requires a significant effort to craft sound public policy based on that ideal. This is the point where theory ends and reality begins. And while a great deal of agreement and progress has been made over the last year, the members of the Study Committee ultimately could not meet at an identical point on this paramount legislation.

There were, and still remain, a number of unresolved or controversial issues surrounding the Great Lakes Water Resources Compact. The Compact itself is a contract, of sorts, unifying each of the basin states with a shared and vested interest in protecting the quantity of our greatest freshwater source. But because a Compact of this magnitude has never been attempted, one which does not allow for any substantive changes, trepidation and uncertainty was most prevalent. By a specified process mandated in the Compact, each state will effectively cede some of its sovereignty to the other seven states.

Certainly, states currently have similar agreements or reciprocal arrangements with neighboring states and Compacts themselves are not unusual. But in the matter of such an enormous water resource and decisions of who may and may not utilize the resource, there is a tremendous amount of apprehension as to who should ultimately be vested to make those decisions. Wisconsin's use of Great Lakes water could be contingent on the approval of one basin state, just as one basin state would similarly look to Wisconsin for its approval of the water.

But Wisconsin is in a rather unique position among the states, as more than one-third of its land mass lies within the basin and more than two-thirds of its population resides within that area. It is a regional leap of faith that only time will tell if a Compact such as this one before us is a viable solution to protecting and preserving the Great Lakes basin, or if it is simply an ideal we all hold, but may not necessarily be able to achieve.

A number of other issues have been raised during this process which still remain undetermined or unknown. The committee explored matters relating to the Public Trust Doctrine and its relationship to the Compact; the ability for communities nearly outside of the basin to receive water; the potential for communities to annex in the future and the impact – either adverse or otherwise – the Compact would have on those communities; the relationship between the state implementing legislation and the federal ratification of the Compact and which document takes precedence; the powers of the Great Lakes Council, which would be the decision-making body for the basin states; and, as described previously, the requirement that all eight states grant unanimous approval of certain requests for Great Lakes water – commonly known as the “one state veto authority.”

All of those issues, and perhaps dozens more, were raised during this process. Yet to date, the Committee has not reached a final conclusion of how those issues will be addressed. Perhaps in time some of those items could be resolved, but others may hang over the state for many years to come. It should be noted, the effort by the Governors of the eight states to create the Compact took more than five years to complete, while the time granted to craft the necessary legislation to implement the Compact here in Wisconsin was only one year.

The committee has made substantial and significant strides in that short period of time, but the mandate placed on the Study Committee to finish its work by September 15, 2007 may be remembered as a critical factor in effectively ending the Study Committee process. In my June 12<sup>th</sup> status report to the Joint Committee, I had requested an extension to the end of this year, as I believed more time was needed.

As I have stated several times before, I firmly believe the success of the Great Lakes Water Resources Compact in Wisconsin is directly tied to the success of the Study Committee. Furthermore, I now believe the future of the Compact as a whole and within the Great Lakes basin will be tied to its success or failure here in the state of Wisconsin. Soon, I anticipate new legislation based mainly on the work of the Study Committee will likely be introduced into the Legislature in an attempt to ratify and implement the Compact. While I do not know the context or constraint of that document at this time, it is my belief this effort may not succeed, as partisan and political expediency will overshadow sound and scientific public policy, as utilized by the Study Committee.

It is unfortunate the amiable and respectful process we have been engaged in for the last year may eventually turn to partisanship and rhetoric. I only hope any subsequent legislation to implement and ratify the Compact continues in the spirit of the Study Committee process and upholds an ideal to protect and preserve our most valuable water resource, while at the same time, maintains a sense of what, in reality, can be accomplished for the state of Wisconsin. It is my understanding Legislative Council staff will provide a report of the work of the Study Committee to the Joint Committee, which may include draft legislation incorporating all the work up to the final meeting held on September 4, 2007.

In closing, I would like to thank the Co-Chairs and the members of the Joint Legislative Council committee for this opportunity to participate on this important legislative Study Committee. I consider it an honor and a privilege to have served in this capacity.

Respectfully submitted,



**Neal Kedzie**

Chair, Special Committee on Great Lakes Water Resources Compact  
State Senator  
11<sup>th</sup> Senate District

CC: Members, Joint Legislative Council Committee  
Mr. Terry Anderson – Director, Wisconsin Legislative Council  
Members, Special Committee on Great Lakes Water Resources Compact

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