



## WISCONSIN LEGISLATIVE COUNCIL

### GREAT LAKES WATER RESOURCES COMPACT

Room 411 South  
State Capitol

September 4, 2007  
9:00 a.m. – 4:40 p.m.

[The following is a summary of the September 4, 2007 meeting of the Special Committee on Great Lakes Water Resources Compact. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

#### Call to Order and Roll Call

Chair Kedzie called the meeting to order. The roll was called and it was determined that a quorum was present.

**COMMITTEE MEMBERS PRESENT:** Sen. Neal Kedzie, Chair; Sens. Robert Cowles, Mary Lazich, and Robert Wirch; Reps. Jon Richards, John Steinbrink, and Karl Van Roy; and Public Members Ann Beier, Dan Duchniak, Hallet Harris, Andrew Lisak, William Mielke, Matthew Moroney, Keith Reopelle, Jodi Habush Sinykin, James Surfus, and Edward Wilusz.

**COMMITTEE MEMBERS EXCUSED:** Rep. Scott Newcomer; and Public Member Kevin Crawford.

**COUNCIL STAFF PRESENT:** John Stolzenberg, Chief of Research Services; and Rachel Letzing, Senior Staff Attorney.

**\*ATTENTION:** This was the final meeting of the Special Committee on Great Lakes Water Resources Compact. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

## **Approval of the Minutes of the August 21, 2007 Meeting**

During the committee's review of the minutes of the committee's August 21, 2007 meeting, Mr. Harris indicated that his reference to a threshold for withdrawals or consumptive uses being subject to decision-making standard being "conservative" in the second full paragraph on page 3 in these minutes was meant to indicate that the number chosen would be low enough to "trigger" review and assess cumulative effects in a timely manner to avert exponential rate of change in the ratio of net basin supply and consumptive use.

Mr. Reopelle requested that the minutes be clarified to indicate that a show of hands meant that only a majority of the committee members approved the measure and does not imply that the entire committee approved the measure, as he was not in favor of the number of the proposals adopted at the August 21 meeting. He also indicated that Ms. Habush Sinykin had stated her opposition to both of the committee's decisions to apply the threshold only to consumptive use and to establish that threshold at two million gallons per day prior to the committee making those decisions.

Senator Lazich requested that the minutes reflect her concern that the compact's definition of "community within the straddling county" would exclude Mukwonago as that city is not wholly within Waukesha County, a straddling county under the compact.

*The minutes of the committee's August 21, 2007 meeting, as amended, were approved by unanimous consent.*

### **Description of Materials Distributed**

Mr. Stolzenberg described the following materials that were distributed to committee members:

- WLC: 0141/P3, relating to ratifying and implementing the Great Lakes-St. Lawrence River Basin Water Resources Compact.
- WLC: 0150/1, an amendment to WLC: 0141/P3. [Staff amendment with corrections and minor additions.]

Mr. Stolzenberg requested that the committee consider WLC: 0150/1, a staff amendment to WLC: 0141/P3, as being incorporated in WLC: 0141/P3 during its review of WLC: 0141/P3 since the provisions in the amendment were inadvertently not included in WLC: 0141/P3 due to the limited time available to prepare and distribute that draft. Chair Kedzie indicated that the committee would consider the amendment as part of WLC: 0141/P3.

### **Review of New Language and Related Comments on Significant Provisions in WLC: 0141/P3**

During its discussion of WLC: 0141/P3, as amended by WLC: 0150/1, the committee accepted the following provisions in WLC: 0141/P3 without change:

- Consumptive use determinations on page 57, lines 1 to 14.
- Water supply permits on page 81, line 2 to page 82, line 11.

By consensus, or a show of hands, the committee made the following changes in the text of WLC: 0141/P3, as amended by WLC: 0150/1, during its review of this bill draft:

- Amend the approvals required on page 70, lines 1 to 8, to apply to a withdrawal that results in a consumptive use of waters of the basin averaging more than two million gallons per day in any 90-day period; reconcile other provisions in the bill draft identified by staff with this change; and add a note following these provisions that the regulation of new or increased withdrawals under these provisions were established through a “considered process.”
- In the definition of “community within the straddling county” on page 44, line 6, delete “wholly” and substitute the requirement that the majority of water users in the community based on their water use must lie within a county that lies partly within the basin.
- In the definition of “straddling community” on page 51, lines 9 and 10, delete the phrase “based on its boundary existing as of the compact’s effective date” and substitute the corresponding language on the effective date of the boundary in the compact’s definition of “straddling community” on page 8, lines 4 and 5.
- Delete the provisions on page 60, lines 8 to 13, that only that person owning or operating the public water supply system that receives water from a new or increased diversion may apply for a diversion under the bill draft, thus not specifying who may apply for such a diversion, as was the case in the application language on page 59, lines 11 to 16, in WLC: 0141/P2.
- Delete the standards on page 61, lines 6 to 15, for determining the application of straddling community diversion requirements in sub. (4) (c) and community within a straddling county diversion requirements in sub. (4) (e) to a diversion proposal serving multiple public water supply systems and substitute standards that apply the straddling community diversion requirements to the individual communities receiving water under the proposal that are straddling communities and the community within a straddling county diversion requirements to the individual communities receiving water under the proposal that are communities within a straddling county.
- In the provisions on the determination of baseline volumes, add a new sentence at the end of page 55, line 5, that directs the Department of Natural Resources (DNR) to estimate the baseline volume for consumptive use, to the extent feasible and to the extent that the department has the necessary data, on the historic maximum consumptive use in the 10-year period before the compact’s effective date.
- In the provisions on the determination of baseline volumes on page 55, line 2, delete “maximum hydraulic capacity of the most restrictive component in the water supply system” and substitute “maximum withdrawal capacity of the intake facility in the water supply system.”

*Mr. Duchniak moved that “or the equivalent thereof” be inserted after “town” in the definitions of “community within a straddling county” and “straddling community” on page 44, line 5, and page 51, line 9. The*

*motion carried by a vote of Ayes, 11 (Sens. Kedzie, Cowles, Lazich, and Wirch; Rep. Van Roy; and Public Members Duchniak, Lisak, Mielke, Moroney, Surfus, and Wilusz); Noes, 6 (Reps. Richards and Steinbrink; and Public Members Beier, Harris, Reopelle, and Sinykin); and Absent, 2 (Rep. Newcomer; and Public Member Crawford).*

### **Other Business**

Senator Lazich requested that a letter she had written to Michigan State Senator Birkholz and Great Lakes legislators, dated August 24, 2007, be distributed to the committee.

### **Plans for Future Meetings**

The next meeting will be at the call of the chair. [Note: Chair Kedzie subsequently adjourned the committee, and, thus, this was the last meeting of the committee.]

### **Adjournment**

The meeting was adjourned at 4:40 p.m.

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