



WISCONSIN LEGISLATIVE COUNCIL  
PROPOSED REPORT TO THE LEGISLATURE

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# SPECIAL COMMITTEE ON GREAT LAKES WATER RESOURCES COMPACT

October 5, 2007

PRL 2007-20



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# Special Committee on Great Lakes Water Resources Compact

Prepared by:  
John Stolzenberg, Chief of Research Services, and Rachel Letzing, Senior Staff Attorney  
October 5, 2007

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# PART I

## NO RECOMMENDATION

The Special Committee on Great Lakes Water Resources Compact has permanently adjourned. The Special Committee makes no recommendation.

The Special Committee held eight meetings, and three subcommittees created by Chairperson Kedzie held a total of 10 meetings.

The first two meetings of the full committee were held on September 7 and October 4, 2006, and focused on receiving background information on the development of the Great Lakes-St. Lawrence River Basin Water Resources Compact (compact), current interstate compact law, and party state flexibility in implementing the compact. The third meeting, held on November 13, 2006, focused on receiving background information on Great Lakes basin hydrology, and state water conservation programs and initiatives. At the fourth meeting, on December 15, 2006, the committee discussed committee members' recommendations and concerns regarding the compact. Chairperson Kedzie then created three subcommittees to develop recommendations for the full committee's consideration on the major topic areas of the compact. The subcommittees were the following: the Subcommittee on Water Conservation and Bottled Water; the Subcommittee on Public Participation and Dispute Resolution; and the Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions.

On June 12, 2007, the Joint Legislative Council adopted a motion to give the committee until September 15, 2007 to complete its work and to dissolve the committee if its work was not completed by that date.

The last four meetings of the full committee were held on July 18, August 7, August 21, and September 4, 2007. At all of these day-long meetings, the committee focused on reviewing and developing preliminary bill drafts regarding ratification and implementation of the compact. In particular, the committee concentrated its discussions on several major compact implementation issues including the baseline for determining a new or increased diversion, withdrawal, or consumptive use; the threshold levels for determining which new or increased withdrawals and consumptive uses are subject to the compact's decision-making standard; the effective date or dates for the new regulations under the compact, and the definition and application of the terms "community within a straddling county" and "straddling community." Because the members of the Special Committee could not reach a consensus regarding the draft legislation, the chairperson permanently adjourned the Special Committee. Appendix 1 is a letter from Chairperson Kedzie to the Co-Chairs of the Joint Legislative Council explaining his decision to adjourn the committee.



## PART II

### COMMITTEE ACTIVITY

#### Assignment

The Joint Legislative Council established the Special Committee on Great Lakes Water Resources Compact and appointed the chairperson by a June 9, 2006 mail ballot. The committee was directed to develop legislation to ratify and implement the Great Lakes-St. Lawrence River Basin Water Resources Compact proposed by the governors of the Great Lakes states. In developing this legislation, the special committee shall consider the need for new or modified water resource management strategies, including an integrated strategy that is based on the relationships between surface water, groundwater, and water-dependent natural resources and that addresses water quantity and quality issues in a coordinator manner.

Membership of the Special Committee, appointed by an August 1, 2006 mail ballot, consisted of four Senators, four Representatives, and 11 public members. A list of committee members is included in **Appendix 3** to this report.

#### Summary of Meetings

The Special Committee held eight meetings in Madison on the following dates:

September 7, 2006	July 18, 2007
October 4, 2006	August 7, 2007
November 13, 2006	August 21, 2007
December 15, 2006	September 4, 2007

In addition, the following subcommittees were established and met on the following dates:

##### ***Subcommittee on Water Conservation and Bottled Water***

January 5, 2007	January 19, 2007
January 10, 2007	February 1, 2007

##### ***Subcommittee on Public Participation and Dispute Resolution***

January 17, 2007

##### ***Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions***

January 4, 2007	January 16, 2007
January 8, 2007	January 31, 2007
January 11, 2007	

A list of subcommittee members is included in **Appendix 3**.

At the September 7, 2006 meeting, the Special Committee heard testimony from **David Naftzger**, Executive Director, Council of Great Lakes Governors, and **Peter Johnson**, Program Director, Council of Great Lakes Governors, regarding the history of Great Lakes' States and Canadian provinces' efforts to protect and manage Great Lakes water, the development of the compact, and the process of state implementation of the compact. **Michael McCabe**, Director, Midwestern Region, Council of State Governments, provided an overview of interstate compact law. The committee also heard testimony from **Todd Ambs** and **Charles Ledin** from the Department of Natural Resources

(DNR) regarding DNR's view of and the state issues raised by the compact. Committee members asked numerous questions of all the speakers and began discussion of LRB-0058/P1, relating to the compact.

At the October 4, 2006 meeting, Legislative Council staff of the Special Committee provided an update regarding the status of Great Lakes Water Resources Compact ratification and implementation efforts in other Great Lakes states. Staff then began briefing the committee on Memo No. 4, *Party State Flexibility in Implementing the Great Lakes-St. Lawrence River Basin Water Resources Compact*. Next, the committee heard a presentation from **Dr. Kenneth R. Bradbury**, a hydrogeologist with the Wisconsin Geological and Natural History Survey, UW-Extension, on groundwater flows in southeastern Wisconsin. After Dr. Bradbury's presentation, staff resumed briefing the committee on Memo. No. 4 and then presented Memo No. 5, *Comparison of Review and Approval Authorities for New or Increased Withdrawals and Diversions*. During committee discussion, several committee members presented materials that were distributed at their request.

At the November 13, 2006 meeting, **Travis A. Dahl**, Chief Watershed Hydrology Branch, U.S. Army Corps of Engineers, Detroit, Michigan, gave a presentation on Great Lakes Basin hydrology, current significant withdrawals and diversions into and out of the Great Lakes Basin, and the International Joint Commission's new Upper Lakes Study.

The committee also heard presentations from the Public Service Commission (PSC), the Department of Commerce, and the DNR regarding current state water conservation efforts and the Report to Governor Doyle from the PSC and DNR, *A Menu of Demand Side Initiatives for Water Utilities* ("report").

A panel of speakers, who were members of the advisory group that participated in the development of the report, including some Special Committee members, then provided their perspectives on the report and offered suggestions regarding water conservation.

The committee then began discussion of the provisions in the compact regarding water resources registration and reporting, and the Governor's alternate and advisor to the Great Lakes-St. Lawrence River Basin Water Resources Council.

At the December 15, 2006 meeting, the committee discussed members' recommendations and concerns regarding the compact. Senator Neal Kedzie, chair of the committee, then created three subcommittees. He directed the subcommittees to address specific issues identified by committee members and others relating to the implementation of the compact. With the permission of the Co-Chairs of the Joint Legislative Council, these subcommittees held 10 meetings in January and early February. The subcommittees were able to reach consensus on many, but not all, of the implementation issues before them.

On June 12, 2007, the Joint Legislative Council adopted a motion to give the committee until September 15, 2007 to complete its work and to dissolve the committee if its work was not completed by that date.

At the July 18, 2007 meeting, Legislative Council staff of the Special Committee provided an update regarding the status of compact ratification and implementation efforts in other Great Lakes states. The committee then began review and discussion of WLC: 0141/P1, relating to implementing the compact. This draft was based on the duties of the party states to the compact and drafting instructions interpreting those duties provided by the full committee and the three subcommittees. During discussion of the draft, the committee, by consensus, agreed to amend certain sections of the draft, including provisions regarding water resources registration and reporting; the requirements for an application for a diversion; requirements applicable to intra-basin transfers; and certain elements of the exception standard that applies to requests for diversions.

At the August 7, 2007 meeting, the committee resumed discussion of WLC: 0141/P1. The committee, by consensus, agreed to amend certain provisions of the draft, including provisions



regarding water conservation and efficiency measures and the water resources inventory; and to create a water conservation advisory committee to recommend modifications or additions to the water conservation and efficiency tiers created in the draft and to advise the DNR on development of a statewide water conservation program.

At the August 21, 2007 meeting, the committee reviewed WLC: 0141/P2, relating to both ratifying and implementing the compact. This draft was based on and amended according to the committee's drafting instructions provided at the July 18 and August 7 meetings. The committee began discussion of major unresolved issues relating to implementation of the compact as outlined in Revised Memo No. 17, *Great Lakes-St. Lawrence River Basin Water Resources Compact Implementation Issues and Related Projects*. After lengthy discussions, the committee, by consensus, agreed to amend the provisions of the draft regarding establishment of the baseline for determining a new or increased diversion, withdrawal, or consumptive use. By a show of hands, the committee agreed that the threshold level for determining which new withdrawals and consumptive uses are subject to the decision-making standard would be two million gallons of consumptive use averaged over a 90-day period. Also by a show of hands, the committee agreed that regulatory programs applicable to diversions, withdrawals, and consumptive uses would be implemented on the effective date of the compact. The committee also reviewed and reached consensus on issues raised in Memo No. 18, *Alternative Means of Legislative Oversight Regarding the Governor's Vote on the Great Lakes-St. Lawrence River Basin Water Resources Council*.

At the September 4, 2007 meeting, the committee reviewed WLC: 0141/P3, relating to ratifying and implementing the compact. This draft was based on and amended according to the committee's drafting instructions provided at the August 21 meeting. The committee discussed the new draft language and related comments on significant provisions in the draft, including the definition and application of the terms "community within a straddling county" and "straddling community" and applicants for a diversion providing a public water supply to either type of community, and baseline volume determinations. However, the committee did not address all of the significant unresolved compact implementation issues and projects in Revised Memo No. 17 or review other major provisions in the draft, most of which had been amended based upon earlier drafting instructions from the committee. WLC: 0141/P4 incorporates the changes made by the committee at its September 4, 2007 meeting and the staff amendment, WLC: 0150/1.

Subsequently, Chairperson Kedzie sent a letter to the Co-Chairs of the Joint Legislative Council, dated September 10, 2007, to report that the committee could not reach consensus on developing a committee recommendation and that he had therefore adjourned the committee.





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

NJK: dj



## Appendix 2

### Joint Legislative Council

*[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]*

**Co-Chair**

**ALAN LASEE**  
*Senate President*  
2259 Lasee Road  
De Pere, WI 54115

**Co-Chair**

**STEVE WIECKERT**  
*Representative*  
1 Weatherstone Drive  
Appleton, WI 54914

**SENATORS**

**RONALD W. BROWN**  
1112 Violet Avenue  
Eau Claire, WI 54701

**DAN KAPANKE**  
1610 Lakeshore Drive  
La Crosse, WI 54603

**DALE SCHULTZ**  
*Majority Leader*  
515 N. Central Avenue  
Richland Center, WI 53581

**RUSSELL DECKER**  
6803 Lora Lee Lane  
Schofield, WI 54476

**MARK MILLER**  
4903 Roigan Terrace  
Monona, WI 53716

**DAVID ZIEN**  
*President Pro Tempore*  
1716 63<sup>rd</sup> Street  
Eau Claire, WI 54703

**SCOTT FITZGERALD**  
N4692 Maple Road  
Juneau, WI 53039

**FRED A. RISSER**  
5008 Risser Road  
Madison, WI 53705

**GLENN GROTHMAN**  
111 South 6<sup>th</sup> Avenue  
West Bend, WI 53095

**JUDY ROBSON**  
*Minority Leader*  
2411 E. Ridge Road  
Beloit, WI 53511

**REPRESENTATIVES**

**JOHN AINSWORTH**  
W6382 Waukechon Road  
Shawano, WI 54166

**MICHAEL HUEBSCH**  
*Majority Leader*  
419 West Franklin  
West Salem, WI 54669

**MARLIN D. SCHNEIDER**  
3820 Southbrook Lane  
Wisconsin Rapids, WI 54494

**PEDRO COLON**  
338 West Walker Street  
Milwaukee, WI 53204

**DEAN KAUFERT**  
1360 Alpine Lane  
Neenah, WI 54956

**DAVID TRAVIS**  
5440 Willow Road  
Waukegan, WI 53597

**STEPHEN J. FREESE**  
*Speaker Pro Tempore*  
310 East North Street  
Dodgeville, WI 53533

**JIM KREUSER**  
*Minority Leader*  
3505 14th Place  
Kenosha, WI 53144

**JOHN GARD**  
*Speaker*  
481 Aubin Street, P.O. Box 119  
Peshtigo, WI 54157

**ANN NISCHKE**  
202 W. College Avenue  
Waukesha, WI 53186

**This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.**

# Joint Legislative Council

*[Current Joint Legislative Council Members Receiving Committee Report]*

## Co-Chair

### **FRED RISSER**

*Senate President*  
5008 Risser Road  
Madison, WI 53705

## Co-Chair

### **STEVE WIECKERT**

*Representative*  
1 Weatherstone Drive  
Appleton, WI 54914

## SENATORS

### **ROGER BRESKE**

8800 Hwy. 29  
Eland, WI 54427

### **TIM CARPENTER**

*President Pro Tempore*  
2957 South 38<sup>th</sup> Street  
Milwaukee, WI 53215

### **G. SPENCER COGGS**

3732 North 40<sup>th</sup> Street  
Milwaukee, WI 53216

### **ALBERTA DARLING**

1325 West Dean Road  
River Hills, WI 53217

### **RUSSELL DECKER**

6803 Lora Lee Lane  
Weston, WI 54476

### **SCOTT FITZGERALD**

*Minority Leader*  
N4692 Maple Road  
Juneau, WI 53039

### **SHEILA HARSDORF**

N6627 County Road E  
River Falls, WI 54022

### **ALAN LASEE**

2259 Lasee Road  
De Pere, WI 54115

### **MARK MILLER**

4903 Roigan Terrace  
Monona, WI 53716

### **JUDY ROBSON**

*Majority Leader*  
2411 E. Ridge Road  
Beloit, WI 53511

## REPRESENTATIVES

### **JOAN BALLWEG**

170 W. Summit Street  
Markesan, WI 53946

### **TERESE BERCEAU**

4326 Somerset Lane  
Madison, WI 53711

### **JEFF FITZGERALD**

*Majority Leader*  
910 Sunset  
Horicon, WI 53032

### **MARK GOTTLIEB**

*Speaker Pro Tempore*  
1205 Noridge Trail  
Port Washington, WI 53074

### **MICHAEL HUEBSCH**

*Speaker*  
419 West Franklin  
West Salem, WI 54669

### **DEAN KAUFERT**

1360 Alpine Lane  
Neenah, WI 54956

### **JIM KREUSER**

*Minority Leader*  
3505 14th Place  
Kenosha, WI 53144

### **MARK POCAN**

309 N. Baldwin Street  
Madison, WI 53703

### **KITTY RHOADES**

708 4th Street  
Hudson, WI 54016

### **MARLIN SCHNEIDER**

3820 Southbrook Lane  
Wisconsin Rapids, WI 54494

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.



## Appendix 3

### Great Lakes Water Resources Compact

Senator Robert L. Cowles  
300 W. St. Joseph Street  
Green Bay, WI 54301

Senator Mary Lazich  
4405 S. 129th St.  
New Berlin, WI 53151

Representative Jon Richards  
1823 North Oakland Avenue  
Milwaukee, WI 53202

Representative Karl T. Van Roy  
805 Riverview Drive  
Green Bay, WI 54303

Ann Beier  
Office of Environmental Sustainability  
Municipal Bldg. Room 620  
841 N. Broadway  
Milwaukee, WI 53202

Dan Duchniak  
Waukesha Water Utility  
115 Delafield Street  
Waukesha, WI 53188-3615

Hallet Harris  
UW-Green Bay  
ES-105  
Green Bay, WI 54311-7001

William Mielke  
Ruekert/Mielke, Inc.  
W233 N2080 Ridgeview Parkway  
Waukesha, WI 53188-1020

Keith Reopelle  
Clean Wisconsin, Inc.  
122 State Street, Suite 200  
Madison, WI 53703-2500

Ed Wilusz  
Wisconsin Paper Council  
PO Box 718  
Neenah, WI 54957-0718

Senator Neal J. Kedzie, **Chair**  
N7661 Highway 12  
Elkhorn, WI 53121

Representative Scott A. Newcomer  
1829 Nagawicka Road  
Hartland, WI 53029

Representative John P. Steinbrink  
8602-88th Avenue  
Pleasant Prairie, WI 53158

Senator Robert W. Wirth  
3007 Springbrook Road  
Pleasant Prairie, WI 53158

Kevin Crawford  
City of Manitowoc  
900 Quay Street  
Manitowoc, WI 54220-4543

Jodi Habush Sinykin  
Midwest Environmental Advocates  
HS Law  
5630 North Lake Drive  
Milwaukee, WI 53217

Andrew Lisak  
The Development Association  
1401 Tower Avenue Suite 302  
Superior, WI 54880

Matthew Moroney  
Metropolitan Builders Association  
N16 W22321 Stoneridge Drive  
Waukesha, WI 53188

James Surfus  
Miller Brewing Co.  
3939 W Highland Boulevard  
Milwaukee, WI 53201

**STUDY ASSIGNMENT:** The committee is directed to develop legislation to ratify and implement the Great Lakes-St. Lawrence River Basin Water Resources Compact proposed by the governors of the Great Lakes states. In developing this legislation, the special committee shall consider the need for new or modified water resource management strategies, including an integrated strategy that is based on the relationships between surface water, groundwater, and water-dependent natural resources and that addresses water quantity and quality issues in a coordinator manner.

**19 MEMBERS:** 4 Senators, 4 Representatives, and 11 Public Members.

**LEGISLATIVE COUNCIL STAFF:** John Stolzenberg, Chief of Research Services; Rachel Letzing, Senior Staff Attorney; and Tracey Young, Support Staff.

## **Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions**

- Senator Mary Lazich
- Representative Scott Newcomer
- Representative Jon Richards
- Dan Duchniak
- Matthew Moroney
- Keith Reopelle
- Ed Wilusz

## **Subcommittee on Water Conservation and Bottled Water**

- Senator Robert Cowles
- Senator Robert Wirch
- Jodi Habush Sinykin
- Hallet Harris
- Andrew Lisak
- William Mielke
- James Surfus

## **Subcommittee on Public Participation and Dispute Resolution**

- Representative Karl Van Roy
- Representative John Steinbrink
- Ann Beier
- Kevin Crawford

## Appendix 4

### Committee Materials List

(Copies of documents are available at [www.legis.state.wi.us/lc](http://www.legis.state.wi.us/lc))

Additional Materials Distributed to the Committee				
<ul style="list-style-type: none"> <li>Proposed Report to the Legislature, 2007-20 (no legislation recommended) (October 5, 2007)</li> <li><a href="#">WLC: 0141/P4</a>, relating to ratifying and implementing the Great Lakes-St. Lawrence River Basin Water Resources Compact</li> <li><a href="#">Memorandum</a> from committee staff regarding the work of the Special Committee (September 10, 2007)</li> <li><a href="#">Letter</a> from Senator Neal Kedzie, Chair, Special Committee, to Sen. Fred Risser and Rep. Steve Wieckert, Co-Chairs, Joint Legislative Council, regarding the work of the Special Committee (September 10, 2007)</li> </ul>				
September 4, 2007 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio AM</a> <a href="#">Audio PM</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li><a href="#">WLC: 0141/P3</a>, relating to ratifying and implementing the Great Lakes-St. Lawrence River Basin Water Resources Compact</li> <li><a href="#">WLC: 0150/1</a>, an amendment to WLC: 0141/P3</li> <li><a href="#">Letter</a>, distributed at the request of Senator Mary Lazich (August 24, 2007)</li> </ul>				
August 21, 2007 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio AM</a> <a href="#">Audio PM</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li><a href="#">Memo No. 16</a>, <i>Administrative Hearing and Judicial Review Under the Compact and the Committee Draft</i> (August 14, 2007)</li> <li><a href="#">Memo No. 17</a> (Revised), <i>Great Lakes-St. Lawrence River Basin Water Resources Compact Implementation Issues and Related Projects</i> (August 14, 2007)</li> <li><a href="#">Memo No. 18</a>, <i>Alternative Means of Legislative Oversight Regarding the Governor's Vote on the Great Lakes-St. Lawrence River Basin Water Resources Compact Council</i> (August 16, 2007)</li> <li><a href="#">WLC: 0141/P2</a>, relating to ratifying and implementing the Great Lakes-St. Lawrence River Basin Water Resources Compact</li> <li>The following items distributed at the request of Senator Mary Lazich: <ul style="list-style-type: none"> <li><a href="#">Memorandum</a> to Ohio Senator Grendell from Ohio Representative Bill Seitz, regarding Great Lakes Compact, dated February 26, 2007.</li> <li><a href="#">Memorandum</a> to Steve Stover, OSBA, from Louis L. McMahon, regarding Great Lakes Compact Legislation Analysis, dated April 9, 2007</li> <li><a href="#">Open letter</a> to Great Lakes Legislators from Ohio Senator Timothy J. Grendell, entitled <i>Protect Your State and the Waters of the Great Lakes</i> dated July 31, 2007</li> </ul> </li> <li><a href="#">Excerpt</a>, from the Final Report of the International Joint Commission to the governments of the United States and Canada, distributed at the request of Senator Mary Lazich</li> </ul>				
August 7, 2007 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio AM</a> <a href="#">Audio PM</a>	<a href="#">Minutes</a>
July 18, 2007 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio AM</a> <a href="#">Audio PM</a>	<a href="#">Revised Minutes</a>
<ul style="list-style-type: none"> <li><a href="#">WLC: 0141/P1</a>, relating to implementing the Great Lakes-St. Lawrence River Basin Water Resources Compact.</li> <li><a href="#">Handout</a>, <i>Draft Regional Water Conservation and Efficiency Objectives in the Great Lakes-St. Lawrence River Basin Water Conservation and Efficiency Initiative</i> (March 15, 2007). [Distributed by the Council</li> </ul>				

<p>of Great Lakes Governors.]</p> <ul style="list-style-type: none"> <li>• <a href="#">Memorandum</a>, <i>Great Lakes Compact Study Committee: Recommended Compact Implementing Provisions</i>, submitted by Public Members Jodi Habush Sinykin and Keith Reopelle (July 11, 2007).</li> <li>• <a href="#">Handout</a>, <i>Analysis of Alternative Threshold Quantities</i>, submitted by Public Member Hallet Harris (July 11, 2007).</li> <li>• <a href="#">Memorandum</a>, <i>Proposed Changes to Conservation Language in WLC: 0141/P1 dated 7/3/2007</i>, submitted by Lawrie Kobza, MEG Municipal Drinking Water</li> </ul>		
<p><b>Status Report and Result of Joint Legislative Council Meeting</b></p>		
<ul style="list-style-type: none"> <li>• <a href="#">Status Report</a> of the Special Committee on Great Lakes Water Resources Compact, submitted to the Joint Legislative Council by Senator Neal Kedzie, Chair of the Special Committee</li> <li>• <a href="#">Memorandum</a> to Members of the Special Committee, <i>Future Committee Meetings Dates</i> (June 13, 2007)</li> <li>• <a href="#">Result</a> letter of the JLC Meeting (6-12-07)</li> </ul>		
<p><b>Letter Distributed April 3, 2007</b></p>		
<ul style="list-style-type: none"> <li>• <a href="#">Letter</a>, to members of the Special Committee from Senator Neal Kedzie, regarding a future committee meeting</li> </ul>		
<p><b>Additional Materials Distributed February 15, 2007</b></p>		
<ul style="list-style-type: none"> <li>• <a href="#">Letter</a> to members of the Special Committee from Senator Neal Kedzie (February 15, 2007), regarding a future committee meeting</li> <li>• <a href="#">Memorandum</a> to Senator Neal Kedzie, <i>Remaining Issues Relating to the Ratification and Implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact</i> (February 6, 2007)</li> <li>• <a href="#">Memo No. 12</a>, <i>Drafting Instructions From the Subcommittee on Water Conservation and Bottled Water - Version 4</i> (Revised February 15, 2007)</li> <li>• <a href="#">Memo No. 13</a>, <i>Drafting Instructions from the Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions - Version 3</i> (February 15, 2007)</li> <li>• <a href="#">Memo No. 14</a>, <i>Drafting Instructions from the Subcommittee on Public Participation and Dispute Resolution</i> (February 14, 2007)</li> <li>• <a href="#">Memo No. 15</a>, <i>Drafting Instructions on Miscellaneous Topics - Version 1</i> (February 14, 2007)</li> <li>• <a href="#">Memorandum</a>, to John Stolzenberg and Rachel Letzing from Chuck Ledin, Department of Natural Resources, <i>Response to "held in trust" language concerns</i> (January 2, 2007)</li> </ul>		
<p><b>February 16, 2007 Meeting [CANCELLED]</b></p>	<p><a href="#">Notice</a></p>	
<ul style="list-style-type: none"> <li>• <a href="#">Letter</a>, from Senator Neal Kedzie, Chair, to Senator Fred Risser and Representative Steve Wieckert, Co-Chairs, Joint Legislative Council</li> <li>• <a href="#">Memorandum</a>, <i>Great Lakes Compact</i>, to Senator Mary Lazich, from Ohio Senator Tim Grendell (January 11, 2007)</li> <li>• <a href="#">Memorandum</a>, <i>Great Lakes Diversions Attorney General Opinion</i>, to John Stolzenberg and Rachel Letzing from Senator Wirch, distributed at the request of Senator Wirch (January 16, 2007)</li> </ul>		
<p><b>February 1, 2007 Meeting of the Subcommittee on Water Conservation and Bottled Water</b></p>	<p><a href="#">Notice</a></p>	<p><a href="#">Agenda</a></p>
<ul style="list-style-type: none"> <li>• <a href="#">Memo No. 12</a>, <i>Drafting Instructions from the Subcommittee on Water Conservation and Bottled Water - Version 3</i> (January 9, 2007) (Revised January 30, 2007)</li> <li>• <a href="#">Memo</a>, <i>Association Certification of Water Conservation Measures</i> (January 31, 2007)</li> </ul>		
<p><b>January 31, 2007 Meeting of the Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions</b></p>	<p><a href="#">Notice</a></p>	<p><a href="#">Agenda</a></p>
<ul style="list-style-type: none"> <li>• <a href="#">Memo No. 13</a>, <i>Drafting Instructions from the Subcommittee on Regulation of Withdrawals, Consumptive</i></li> </ul>		

<i>Uses, and Diversions - Version 2 (January 10, 2007 (Revised January 26, 2007))</i>		
January 19, 2007 Meeting of the Subcommittee on Water Conservation and Bottled Water	<a href="#">Notice</a>	<a href="#">Agenda</a>
<ul style="list-style-type: none"> <li>• <a href="#">Chapter VII</a>, "Water Conservation" in draft SEWRPC Technical report No. 43, State-of-the-Art of Water Supply Practices, referenced by public member Bill Mielke</li> <li>• <a href="#">EPA water conservation guidelines</a>, referenced by Dave Sheard, PSC [Summary of 3 tiers in the table on actual page 42 of "Part 2 Overview of the Guidelines"]</li> <li>• <a href="#">LEEDS Green Building Rating System</a>, referenced by Lynita Docken, Commerce</li> <li>• <a href="#">Memorandum</a>, <i>Proposed Approach to Tiered Water Conservation Measures</i> (January 18, 2007)</li> <li>• <a href="#">Memo No. 12</a>, <i>Drafting Instructions from the Subcommittee on Water Conservation and Bottled Water - Version 2</i> (January 18, 2007)</li> </ul>		
January 17, 2007 Meeting of the Subcommittee on Public Participation and Dispute Resolution	<a href="#">Notice</a>	<a href="#">Agenda</a>
January 16, 2007 Meeting of the Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions	<a href="#">Notice</a>	<a href="#">Agenda</a>
January 11, 2007 Meeting of the Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions	<a href="#">Notice</a>	<a href="#">Agenda</a>
<ul style="list-style-type: none"> <li>• <a href="#">Memo No. 13</a>, <i>Drafting Instructions from the Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions - Version 1</i> (January 10, 2007)</li> <li>• <a href="#">Memorandum</a>, <i>Options Developed Regarding Baseline Determination in the Great Lakes-St. Lawrence River Basin Water Resources Compact</i> (January 10, 2007)</li> </ul>		
January 10, 2007 Meeting of the Subcommittee on Water Conservation and Bottled Water	<a href="#">Notice</a>	<a href="#">Agenda</a>
<ul style="list-style-type: none"> <li>• <a href="#">Memorandum</a>, <i>Discussion of Water Conservation Programs for Communities Diverting Great Lakes Basin Water under the Compact</i> (January 9, 2007)</li> <li>• <a href="#">Memo No. 12</a>, <i>Drafting Instructions from the Subcommittee on Water Conservation and Bottled Water - Version 1</i> (January 9, 2007)</li> </ul>		
January 8, 2007 Meeting of the Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions	<a href="#">Notice</a>	<a href="#">Agenda</a>
January 5, 2007 Meeting of the Subcommittee on Water Conservation and Bottled Water	<a href="#">Notice</a>	<a href="#">Agenda</a>
<ul style="list-style-type: none"> <li>• <a href="#">Great Lakes Commission's web page</a>, on "Developing a Water Conservation Tool Kit for the Great Lakes Region"</li> </ul>		
January 4, 2007 Meeting of the Subcommittee on Regulation of Withdrawals, Consumptive Uses, and Diversions	<a href="#">Notice</a>	<a href="#">Agenda</a>

## Organization and Responsibilities of Subcommittees

- [Memorandum](#), relating to subcommittee membership and members, to members of the Special Committee from John Stolzenberg, Chief of Research Services, and Rachel Letzing, Senior Staff Attorney, Legislative Council staff (December 19, 2006)
- [Memorandum](#), *Division of Responsibilities Among the Subcommittees of the Special Committee* (December 22, 2006)
- [Memo No. 11](#), *Revised Index of Recommendations and Concerns Regarding the Compact Submitted by Special Committee Members and Others* (December 22, 2006)

December 15, 2006 Meeting

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- [Memorandum](#), to members of the Special Committee from John Stolzenberg, Chief of Research Services, and Rachel Letzing, Senior Staff Attorney, Legislative Council staff (November 20, 2006)
- [Memo No. 9](#), *Comments on Proposed Definition of Tributary Groundwater* (December 8, 2006)
- [Memo No. 10](#), *Differences Between Registration and Reporting Requirements Under Current Law and the Great Lakes-St. Lawrence River Basin Water Resources Compact* (December 8, 2006)
- [Memo No. 11](#), *Index of Recommendations and Concerns Regarding the Compact Submitted by Special Committee Members and Others* (December 14, 2006)

## Recommendations & Concerns Regarding the Definition of Tributary Groundwater Submitted by Special Committee Members & Others

- [Memorandum](#), *Summary of proposed amendments to the draft compact legislation*, submitted by Dan Duchniak, General Manager, Waukesha Water Utility and Public Member (December 6, 2006)
  - [Amendment](#), to Clarify that Water Resources Development Act Covers Tributary Groundwater (December 6, 2006)
- [Handout](#), *Tributary Groundwater*, distributed by Public Member Dan Duchniak
- [Letter](#), from Kevin Crawford, Public Member, Mayor, City of Manitowoc (November 28, 2006)
- [Comments](#), on the revised version of the GeoSyntec Consultants report prepared for the City of Waukesha entitled, *The Regional Ground Water Flow System in Southeastern Wisconsin*, Based on the Findings of the United States Geological Survey: *Groundwater in the Great Lakes Basin: The Case of Southeastern Wisconsin*, revised November 13, 2006, submitted by Ken Bradbury, WGNHS and Daniel Feinstein, USGS
- [Memorandum](#), *Response to Waukesha's Tributary Groundwater Proposal*, submitted by Clean Wisconsin, Midwest Environmental Advocates, City of Milwaukee, Alliance for the Great Lakes, Sixteenth Street Community Health Center (December 6, 2006)
- [Memorandum](#), *Response to Waukesha Water Utility's proposal on Tributary Groundwater*, submitted by Douglas Cherkauer and Timothy Grundl, Professors of Geosciences, University of Wisconsin-Milwaukee (December 4, 2006)

## Recommendations & Concerns Regarding the Compact Submitted by Special Committee Members & Others

- [Memorandum](#), *Observations and comments on sustainability, cumulative impacts and Section 1 4 (4b) of draft compact 0058/P1*, submitted by H.J. Harris, Public Member (November 28, 2006)
  - Link to [Great Lakes Observing System](#), as referenced above
  - [Science Magazine](#), as reference above, copyrighted\*
- [Letter](#), from Lawrie J. Kobza, Legal Counsel, Municipal Environmental Group - Water Division (November 29, 2006)
- [Memorandum](#), *Establishing Boundaries of "Communities within a Straddling County" and "Straddling Communities" as of December 13, 2005*, submitted by Representative Jon Richards, Legislative Member (December 4, 2006)
- [Additional Compact Comments](#), submitted by Edward J. Wilusz, Public Member (December 5, 2006)
- [Comments and Concerns Regarding the Compact](#), submitted by Matt Moroney, Executive Director, Metropolitan Builders Association and Public Member (December 6, 2006)
- [Andrew Lisak](#), Executive Director, The Development Association and Public Member

- [Attachment](#), WMC Comments on the Great Lakes Water Resources Compact - LRB 0058/P1
- [Specific Issues for Legislative Council Consideration](#), submitted by Midwest Environmental Advocates and Clean Wisconsin (December 6, 2006):
  - [Recommendations Regarding Treatment of Bulk Water Transfers and bottled Water for Inclusion in a Legislative Council Option Memo](#), submitted by Jodi Habush Sinykin, of Counsel, Midwest Environmental Advocates and Public Member (December 6, 2006)
  - [Recommendations Regarding Water Conservation Provisions for Inclusion in a Legislative Council Option Memo](#), submitted by Jodi Habush Sinykin, of Counsel, Midwest Environmental Advocates and Public Member (December 6, 2006)
  - [In-Basin Water Management and Regulation](#), submitted by Keith Reopelle, Clean Wisconsin and Public Member (December 6, 2006)
  - [Recommendations Regarding the Compact's Public Participation Process for Inclusion in a Legislative Council Option Memo](#), submitted by Clean Wisconsin (December 6, 2006)
- [Clarifications on Return Flow Provisions for Diversions](#), submitted by Ann Beier, Public Member
- [Letter](#), submitted by Douglas Cherkauer, Professor of Geosciences, University of Wisconsin-Milwaukee
  - [Attachment](#), Comments on Preliminary Draft of Great Lakes Water Resources Compact (an act to create 281.343 of the statutes)
- [Letter](#), submitted by Senator Mary Lazich, Committee Member (December 11, 2006)
- [Memorandum](#), submitted by Bud Harris, Public Member (December 22, 2006)

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- [Memo No. 5](#), *Comparison of Review and Approval Authorities for New or Increased Withdrawals and Diversions* (September 26, 2006; revised October 10, 2006)
  - [Enclosure](#)
- [Memo No. 6](#), *Options on the Governor's Alternates and Advisors to the Great Lakes-St. Lawrence River Basin Water Resources Council* (November 6, 2006)
- [Memo No. 7](#), *Options on the Registration and Reporting by Water Users and State Water Resources Inventory Required Under the Great Lakes-St. Lawrence River Basin Water Resources Compact* (November 6, 2006)
- [Memo No. 8](#), *Information on Major Water Withdrawals and Users in Wisconsin* (November 8, 2006)
- [Memorandum](#), *Selected Bibliography of USGS Publications on the Great Lakes Basin*, to Senator Neal Kedzie and John Stolzenberg, from Daniel Feinstein, U.S. Geological Survey (October 12, 2006)
- [Memorandum](#), *Clarification of Results of Model Simulations Conducted by USGS and WGNHS in Statement Made by the GeoSyntec Consultants in Report Dated March 23, 2006*, submitted to City of Waukesha, to Senator Neal Kedzie and John Stolzenberg, from Daniel Feinstein, U.S. Geological Survey, and Ken Bradbury, University of Wisconsin Extension, Wisconsin Geological and National History Survey (October 17, 2006)
- [Report](#), to Governor Doyle, *A Menu of Demand Side Initiatives for Water Utilities*, by the Public Service Commission and the Department of Natural Resources (September 2006) [Note: the video or slides of the presentations at the May 23, 2006 Water Conservation Symposium referenced in this report are posted at: <http://psc.wi.gov/conservationWater/index-waterConservation.htm>.]
- [Report](#), *Waukesha Water Utility, Water Conservation and Protection Plan*, distributed by public committee member Dan Duchniak
- [Memorandum](#), *A Conservation Toolkit for Wisconsin: A Summary of MEA's Protecting Wisconsin's Water Report with Appendixes of National Conservation Models*, distributed at the request of committee member Jodi Habush Sinykin (November 7, 2006)
- [Memorandum](#), *Interstate Compact Law: Ability of Congress to Change Compacts*, from Mike McCabe, Director, CSG Midwestern Office
- [Report](#), *Protecting Wisconsin's Water, A Conservation Report and Toolkit*, distributed at the request of committee member Jodi Habush Sinykin
- [Handout](#), *Tributary Groundwater*, prepared by Godfrey & Kahn S.C., distributed by Public Member Dan Duchniak
- [Revised Report](#), *The Regional Groundwater Flow System in Southeastern Wisconsin*, distributed by Public Member Dan Duchniak
- [PowerPoint Presentation](#), by Lynita Docken, Department of Commerce

- [PowerPoint Presentation](#), by David Sheard, Public Service Commission
- [PowerPoint Presentation](#), by Eric Callisto, Public Service Commission
- [PowerPoint Presentation](#), by Travis Dahl, US Army Corp of Engineers

October 4, 2006 Meeting

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- [Memo No. 3](#), *Maps of Great Lakes Basins* (September 7, 2006; revised September 26, 2006 and October 4, 2007)
  - [Maps](#)
  - [Table](#)
- [Memo No. 4](#), *Party State Flexibility in Implementing the Great Lakes-St. Lawrence River Basin Water Resources Compact* (September 26, 2006)
- [Memo No. 5](#), *Comparison of Review and Approval Authorities for New or Increased Withdrawals and Diversions* (September 26, 2006)
  - [Enclosure](#)
- [Memorandum](#), *Summary of Fact Sheet on Findings of Regional Groundwater Model for Southwestern Wisconsin*, from Daniel Feinstein, U.S. Geological Survey (dated September 25, 2006) Revised November 21, 2006
- [Memorandum](#), *Questions and Comments Regarding LRB-0058/1*, from Public Member Edward J. Wilusz (September 26, 2006)
- [Letter](#), dated March 28, 2006 distributed at the request of Public Member Dan Duchniak
- [Letter](#), dated May 17, 2006 distributed at the request of Public Member Dan Duchniak
- [Presentation](#), by Kenneth Bradbury, Hydrogeologist, University of Wisconsin-Extension, and Daniel Feinstein, Hydrogeologist, United States Geological Survey
  - [USGS Fact Sheet](#)
  - [Link](#) to *Ground water in the Great Lakes Basin: the case of southeastern Wisconsin*, mentioned during Kenneth Bradbury presentation
- Materials distributed at the request of Public Member Jodi Habush Sinykin:
  - Our Waters Series - [Great Lakes Water Balance](#)
  - Our Waters Series - [Diversions of Great Lakes Water](#)
  - Our Waters Series - [Regional Water Supply](#)
  - [Report](#), *Realizing the Promise of the Great Lakes Compact: A Policy Guide for State Implementation*
- [Press Release](#), *Water Resources in Southeastern Wisconsin: Hydrologic Realities and Misperceptions*, distributed at the request of Representative Richards

September 7, 2006 Meeting

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- [Memo No. 1](#), *State Law Regarding Water Withdrawals and Diversions* (8-31-06)
- [Memo No. 2](#), *Overview of Party State Duties Under the Great Lakes-St. Lawrence River Basin Water Resources Compact* (8-31-06)
- [LRB-0058/P1](#), relating to the Great Lakes-St. Lawrence River Basin Water Resources Compact. (Note: the definitions in this preliminary draft in proposed s. 281.343 (1e) provide a glossary of terms used in connection with the compact.)
- [The Great Lakes-St. Lawrence River Basin Water Resources Compact Resource Kit](#), distributed by Peter Johnson, Program Director, Council of Great Lakes Governors
- [Power Point Presentation](#), by Peter Johnson, Program Director, Council of Great Lakes Governors
- [Handout](#), distributed by the Department of Natural Resources (9-8-06)