

MARK MILLER

WISCONSIN STATE SENATOR

P.O. Box 7882 Madison, WI 53707-7882

August 27, 2015

Cathy Stepp, Secretary
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707

Dear Secretary Stepp,

As one of the primary authors of 2007 Wisconsin Act 227, which adopted the Great Lakes Compact in Wisconsin, I would like to offer my comments on the application for a diversion of Lake Michigan water by the City of Waukesha.

The Great Lakes-St. Lawrence River Water Resources Compact is an agreement negotiated and ratified by all eight Great Lakes States, both Canadian provinces bordering the Great Lakes, and approved by Congress. The Compact prohibits diversion of any waters of the Great Lakes basin out of the basin except as provided for in the Compact. One of those exceptions provides an opportunity for straddling communities and communities in straddling counties to apply for permission to divert water out of the basin. Such an application must meet the standards specified in the Compact and must be approved by the governors of all eight states. Approval of Waukesha's application is unlikely unless it meets all the requirements, including showing no reasonable alternative, a state-of-the art conservation program, and a viable plan for return flow.

Legislative findings in Act 227 state that "waters of the basin are precious public natural water resources shared and held in trust by the states;" and that the "waters of the basin can concurrently serve multiple uses.... recognizing that such uses are interdependent and must be balanced;" and "future diversions and consumptive uses of basin water resources have the potential to significantly impact the environment, economy, and welfare of the Great Lakes—St. Lawrence River region;" and "parties have a shared duty to protect, conserve, restore, improve, and manage the renewable but finite waters of the basin for the use, benefit, and enjoyment of all their citizens, including generations yet to come."

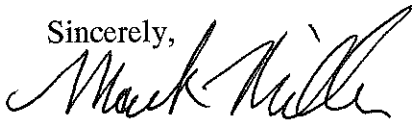
Any community in a straddling county, like the City of Waukesha, seeking a diversion must meet the standards set forth in the Compact, not only in the opinion of their state, but the other states as well. In Wisconsin, the Department of Natural Resources makes the initial determination whether the application meets the exception criteria. This determination is necessary but not sufficient since the application must also meet the criteria in the view of the other parties to the Compact.

With respect to this application, it is my understanding that the applicant believes it has met the standard. Many organizations and individuals still have questions and concerns. It is essential the Department consider very carefully the issues raised about the City of Waukesha's application. Approving an application without thoroughly examining and answering questions or considering modifications will not benefit the City of Waukesha or its residents who seek a safe and sustainable drinking water supply.

As you know, any Great Lakes Governor can reject an application for any reason. This application, if it moves forward, would be the first attempt by a community to seek a diversion approval. It must be the gold standard.

I implore you to thoroughly consider all issues and explanations raised by all parties. The citizens of Wisconsin and the Great Lakes Basin deserve a thoughtful, well-reasoned, science-based decision, whether that is an approval, rejection or modification.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Miller". The signature is written in a cursive style with a large, sweeping initial "M".

Mark Miller
State Senator
16th Senate District