



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 2

TO: MEMBERS OF THE SPECIAL COMMITTEE ON GREAT LAKES WATER RESOURCES COMPACT

FROM: John Stolzenberg, Chief of Research Services, and Rachel Letzing, Senior Staff Attorney

RE: Overview of Party State Duties Under the Great Lakes-St. Lawrence River Basin Water Resources Compact

DATE: August 31, 2006

The Great Lakes-St. Lawrence River Basin Water Resources Compact (hereafter, the “compact”) assigns a number of duties to the states that are parties to the compact. The table that follows identifies states’ major duties under the following categories:

- Data collection and reporting.
- Regulatory programs.
- Additional reports and studies not relating to specific programs.

The table includes a citation to the duty in the compact, as set forth in LRB-0058/P1; the objective of the duty; the deadline for each party to implement the duty; and the applicability of the duty to basin water users. Terms used in the compact and this table are defined in s. 281.343 (1e), as created in LRB-0058/P1.

***PARTY STATE DUTIES IN THE COMPACT***

<b>Duty</b>	<b>Compact Citation (In LRB-0058/P1)</b>	<b>Objective</b>	<b>Implementation Deadline</b>	<b>Applicability</b>
<b><i>Data Collection and Reporting</i></b>				
Water resources inventory.	s. 281.343 (4) (a)	Provide information on location, type, quantity, and use of basin water resources in the state, including withdrawals, diversions, and consumptive uses.	Five years after compact's effective date.	All basin water uses.
Registration of withdrawals and diversions.	s. 281.343 (4) (c), (d), and (e)	<ul style="list-style-type: none"> <li>• Develop a compatible base of basin water use information.</li> <li>• Report annually the information collected in the party's water resources inventory and registry, including water usage statistics reported by registrants.</li> </ul>	<ul style="list-style-type: none"> <li>• Development of registry by five years after compact's effective date.</li> <li>• Date for basin water uses to be registered to be set by the council.</li> </ul>	Withdrawals over 100,000 gallons per day <sup>1</sup> , including consumptive uses, and all diversions.
Baseline volume determination.	s. 281.343 (4t) (b)	Establish the baseline volume for determining a new or increased diversion, consumptive use, or withdrawal. Report the baseline to the regional body and the council.	Report to be furnished by one year after compact's effective date.	All existing withdrawal approvals or the capacity of all existing systems, on the compact's effective date.

---

<sup>1</sup> Averaged over any 30-day period.

Duty	Compact Citation (In LRB-0058/P1)	Objective	Implementation Deadline	Applicability
<b>Regulatory Programs</b>				
Regulation of withdrawals and consumptive uses.	s. 281.343 (4d), (4f), (4h), (4j), (4p), (4r), and (4t)	<ul style="list-style-type: none"> <li>• Regulate new or increased withdrawals and consumptive uses based on at least the compact’s decision-making standard.</li> <li>• New or increased consumptive uses over 5 million gallons per day<sup>2</sup> are subject to prior notice and opportunity for other party states and provinces to comment.</li> </ul>	Five years after compact’s effective date.	Each party sets its own threshold levels for regulation. If a party does not set its threshold levels within 10 years after compact’s effective date, the default applicability shall be 100,000 gallons per day <sup>2</sup> for all new or increased withdrawals.
Prohibition of diversions; regulation of excepted diversions.	s. 281.343 (4d), (4f), (4h), (4L), (4m), and (4n)	<ul style="list-style-type: none"> <li>• Regulate diversions by straddling communities and communities within a straddling county and via intra-basin transfer. Prohibit other diversions.<sup>3</sup></li> <li>• All straddling community diversions, subject to specified standards; diversions over 100,000 gallons per day also subject to exception standard; diversions over 5 million gallons per day<sup>2</sup> also subject to regional review.</li> <li>• Intra-basin transfers subject to varying standards based on size; transfers which result in a new or increased consumptive use over 5 million gallons per day<sup>2</sup> also subject to regional review and council approval.</li> <li>• All community within a straddling county diversions subject to exception standard, regional review, and council approval.</li> </ul>	Applies after compact’s effective date.	All sizes of the specified diversions and transfers.

<sup>2</sup> Averaged over any 90-day period.

<b>Duty</b>	<b>Compact Citation</b> <b>(In LRB-0058/P1)</b>	<b>Objective</b>	<b>Implementation Deadline</b>	<b>Applicability</b>
Water conservation and efficiency program.	s. 281.343 (4b)	Identify state water conservation and efficiency goals and objectives, promote environmentally sound and economically feasible water conservation measures, and implement a voluntary or mandatory water conservation program. Assess these programs and progress in meeting related goals and objectives.	<ul style="list-style-type: none"> <li>• Two years after the compact’s effective date for developing goals and objectives, committing to promote measures, and implementing the program.</li> <li>• Annual assessment report.</li> </ul>	All existing and new basin water users.
<b><i>Additional Reports and Studies</i></b>				
Report on implementing programs.	s. 281.343 (3) (d) 1.	Identify state “water management and conservation and efficiency programs” that implement the compact.	One year after compact’s effective date, and every five years thereafter.	
Assessment of cumulative impacts.	s. 281.343 (4z)	Assess, collectively with other parties, the cumulative impacts of basin withdrawals, diversions, and consumptive uses on the basin ecosystem.	Every five years or each time the incremental basin water losses reach 50 million gallons per day in excess of the losses at the time of the most recent assessment, whichever comes first; or at the request of a party.	All basin water uses.

JES:REL:tl