

August 28, 2015

Ashley Hoekstra
Wisconsin Department of Natural Resources
Bureau of Drinking Water and Groundwater
BOX 7921
Madison, Wisconsin 53707-7921

Dear Ms. Hoekstra,

On behalf of the undersigned conservation organizations representing hundreds of thousands of people from across the Great Lakes Basin, we are writing to respond to the Wisconsin Department of Natural Resources (WI DNR) June 25, 2015 request for public comments concerning the City of Waukesha's proposed Water Diversion Application under the Great Lakes – St. Lawrence River Basin Water Resources Compact (Compact).

As you know, the Compact bans water diversions outside of the Great Lakes basin with limited exceptions. Only under the Compact's exception standard can a community apply for a diversion. Any community applying for a diversion must demonstrate that it has exhausted all available options to obtain water. In essence, a diversion must be a last resort. The Waukesha diversion application is the first since the Compact was adopted in 2008. This application is a critical proving ground for the Compact, establishing its effectiveness and serving as a precedent for subsequent diversion proposals.

We are concerned that the City of Waukesha: 1) does not justify why it needs so much more water than it is currently using; 2) does not consider all alternatives to provide potable water for its residents; and 3) proposes to divert Great Lakes water to communities who do not need it. These actions are required by the Compact before an entity can request an exception from the ban on diversions.

Our coalition is not opposed to Waukesha getting Great Lakes water, provided they comply with the provisions in the Compact. However, the current application falls well short of the Compact's requirements. Therefore, we respectfully request that this application be rejected on the grounds that it does not meet the exception standard requirements of the Compact.

Specifically, we have the following concerns regarding the application:

Waukesha Fails to Demonstrate its Need for Water

A National Wildlife Federation [report](#) authored in February of 2013 by Jim Nicholas, a scientist and retired director of the U.S. Geological Survey's Michigan Water Science Center, shows that regional groundwater levels in Southeast Wisconsin are stabilizing or rising. Meanwhile, Waukesha's water use has been decreasing since the late 1980's. However, in its application,

Waukesha projects a much higher demand that is inconsistent with its own historical trends. The application fails to demonstrate why the city needs so much more water than it is currently using.

Waukesha has a Feasible, Much Less Expensive, Alternative to Meet its Water Needs

Under Section 4.9.3.d of the Compact, an applicant for a diversion must demonstrate that “There is no reasonable water supply alternative within the basin in which the community is located, including conservation of existing water supplies.” A July 2015 [report](#) by two independent engineering firms found that Waukesha has a feasible water supply alternative. The report concluded that Waukesha can use its existing deep and shallow water wells to provide ample clean and safe water to its residents now and in the future if it invests in additional water treatment infrastructure to ensure the water supply meets state and federal standards. This treatment alternative costs much less than a diversion, secures water independence for Waukesha residents, protects public health, and minimizes adverse resource impacts. Treating their existing wells for radium in order to provide potable water is an obvious option that the City of Waukesha does not even consider. Over three dozen other communities in Wisconsin alone, not to mention scores of other communities around the country, have chosen this route and already provide potable drinking water to their residents. Failure to evaluate this alternative is not consistent with the Compact.

Diverting Great Lakes Water for Towns that Don’t Need It and Have Not Requested Water

The city’s application includes towns in Waukesha County (Pewaukee and the Towns of Delafield and Waukesha, among others) that may not need water. To date, none of the communities in this “extended service area” has demonstrated that it is without adequate supplies of safe drinking water. In fact, some officials in these areas have stated that they do not need water now or in the foreseeable future. Including these towns in the application conflicts with Section 4.9.3.d of the Compact. While Wisconsin statutes may dictate that Waukesha include these areas as part of its application, the Compact is clear that a need for water must exist in the community to be eligible for a diversion. If these areas are included as part of Waukesha’s diversion application, they must demonstrate that they meet all requirements of the Compact, including water conservation, before the application is finalized.

In closing, we respectfully request that this application be rejected on the grounds that it is not consistent with the Compact. We appreciate your consideration of our comments. We value the WI DNR’s efforts in leading this application public review process. If you have specific questions about our comments, please contact Marc Smith with National Wildlife Federation at msmith@nwf.org. We look forward to working with you throughout this process.

Sincerely,

Marc Smith
Policy Director
National Wildlife Federation

George Meyer
Executive Director
Wisconsin Wildlife Federation

Molly Flanagan
Vice President, Policy
Alliance for the Great Lakes

Sandy Bihn
Executive Director
Lake Erie Waterkeeper Inc.

Jennifer Bolger Breceda
Executive Director
Milwaukee Riverkeeper

Gary Botzek
Executive Director
Minnesota Conservation Federation

Erin Baird
Executive Director
Indiana Wildlife Federation

Michael J. Ryan
President
Northwest Indiana Steelheaders

Nick Schroeck
Executive Director
Great Lakes Environmental Law Center

Matt Meersman
President
Friends of the St. Joe River Association

Lori Andresen
President
Save Our Sky Blue Water (Minnesota)

Duane De Vries
President, Dwight Lydell Chapter
Izaak Walton League of America

Jill Crafton
Chair, Great Lakes Committee
Izaak Walton League of America

Kristy Meyer
Managing Director
Ohio Environmental Council

Jennifer McKay
Policy Specialist
Tip of the Mitt Watershed Council

Liz Kirkwood
Executive Director
For Love of Water (FLOW)

Carol Hays
Executive Director
Prairie Rivers Network

Lee Willbanks
Executive Director
UpperSt.LawrenceRiverkeeper,Savethe River

Ivan J. Hack Jr
Headwaters Chapter President
Izaak Walton League of America

Scott Strand
Executive Director
MinnesotaCenterforEnvironmental Advocacy

Sarah Miller
Great Lakes Water Sustainability Activist
Toronto, Ontario Canada

Robert Stegmier
National Director
IzaakWaltonLeagueofAmerica (MI)

Kerry Schumann
Executive Director
WI League of Conservation Voters

LeRoger Lind
President
Save Lake Superior Association

Peter Iwanowicz
Executive Director
Environmental Advocate of New York

Captain Paul Pacholski
President
Lake Erie Charter Boat Association

Thom Gulash
President
WI Federation Great Lakes Sport Fishing Clubs

Nicole Barker
Executive Director
Save the Dunes (Indiana)

Marc Hudon
Chair, Water Commission
Nature Quebec

Dan Eichinger
Executive Director
Michigan United Conservation Clubs

Linda Peck
Conservation Chair
Central Minnesota Audubon Society

Lucy Saunders
Organizer
conserve-greatlakes.com

Mark Redsten
President and CEO
Clean Wisconsin

Jill Ryan
Executive Director
Freshwater Future

Larry Mitchell
President
League of Ohio Sportsmen

Brian Smith
Associate Executive Director
Citizens Campaign for the Environment

Debra Cronmiller
President
League of Women Voters of Wisconsin

John Jackson
Advocate
Binational Great Lakes Citizen

Neil F. Woodworth
Executive Director and Counsel
Adirondack Mountain Club (NY)

Peter Bauer
Executive Director
Protect the Adirondacks (NY)

Chris Kolb
President and CEO
Michigan Environmental Council

Karen Hobbs
Senior Policy Analyst
Natural Resources Defense Council

Kevin Chlad
Legislative Director
The Adirondack Council

Lino Grima, Wayne Howard
Co-Chairs
Sierra Club Binational Great Lakes Committee

Darwin Adams
Chairman
Illinois Council of Trout Unlimited

Deanne White
State Director
Clean Water Action of Minnesota

Paul Gallay
President and Hudson Riverkeeper
Riverkeeper

Cindy Skrudrud
Clean Water Advocate
Sierra Club, Illinois Chapter

Steven Schmuki
President
Waukesha County Environmental Action League

Jesse Kharbanda
Executive Director
Hoosier Environmental Council

Browyn Clement
Coordinator
Great Lakes Commons

Lisa Wozniak
Executive Director
MI League of Conservation Voters

Jeff Forester
Executive Director
Minnesota Lakes and Rivers Advocates

Matt Misicka
Vice President
Ohio Conservation Federation