July 1, 2013

Ken Johnson, Water Division Administrator, and Eric Ebersberger, Water Use Section Chief

Wisconsin Department of Natural Resources

101 S. Webster Street / P.O. Box 7921 Madison, WI 53707-7921

Re: City of Waukesha’s application for a diversion of Lake Michigan water

Dear Mr. Johnson and Mr. Ebersberger:

As you know, the Compact Implementation Coalition is a coalition of Wisconsin conservation and environmental organizations that works for effective implementation of the Great Lakes Compact. The Compact calls for the Great Lakes states to protect and manage this world-class resource in a unified manner, adopt and implement strong water conservation measures, and prohibit diversions from the Great Lakes, with exceptions to the prohibition only under very limited circumstances and if a community meets rigorous requirements. The City of Waukesha’s application for a diversion of Lake Michigan water is a first test of the Compact. The stakes are extremely high not only for the potential local and Basin-wide impacts of Waukesha’s proposed diversion but also because this process will set a precedent for how all Basin states will handle diversion requests in the future.

Over the past several years, our Coalition has raised a number of substantive issues with Waukesha’s application, as well as with the public process associated with the application. The Coalition is committed to ensuring that any diversion request and the opportunity for public involvement in the review and decision-making processes follow the requirements and spirit of the Great Lakes Compact to protect the Great Lakes’ waters—and associated ecosystems and economic benefits—for this and succeeding generations.

Since Waukesha’s application was submitted and accepted by the DNR in 2011, almost every major aspect of the application including water supplier / water supply route, water supply service area, water use and demand forecasts, water conservation plans, and the return flow route has been revised or amended. Despite these major changes in key areas of the application, the City has not organized all of this new information along with still-relevant old information into one cohesive document. Nor has the City provided the public an opportunity to review and comment on the modified proposal and its estimated costs and impacts.

Additionally, significant information gaps in the current application must be addressed as part of the revised application if the public is to make an informed decision on whether a diversion is needed or not.

Accordingly, we urge the Department to take the following actions:

**1. Request that Waukesha submit a revised and comprehensible application**

DNR should request a comprehensive and revised application from Waukesha that addresses all outstanding issues, clearly conveys modifications to various dimensions of the applicant’s preferred alternative, documents with side-by-side comparisons why specific alternatives are no longer being considered, and is organized so as to be clear and easily understandable to the public.

**2. Provide adequate public comment period and new public hearings**

In order to facilitate meaningful public input, we believe the revised application must be made available to the public for a reasonable period of time for adequate review and comment ***prior*** to the State’s undertaking its technical review and EIS process. This seems only reasonable considering the significant changes in the application since it was received by the Department in 2011.

Furthermore, a round of DNR-conducted public hearings, with opportunity for questions and input from the public, similar to those conducted in 2011, is recommended. Since so much new information will be included in this application, it is important to communicate the changes to the public. Not only will the residents of Waukesha and those living within communities affected by this proposed diversion benefit from a robust public involvement process, but the Department’s technical review and development of an environmental impact statement will also be better informed.

Thank you for your consideration of our comments on this important process and for your continued diligent efforts to treat it with the level of seriousness it truly deserves.

On behalf of the Compact Implementation Coalition,

Denny Caneff

River Alliance of Wisconsin

Dennis Grzezinski

Midwest Environmental Advocates

Peter McAvoy

Of Counsel

Ezra Meyer

Clean Wisconsin

George Meyer

Wisconsin Wildlife Federation

Cheryl Nenn

Milwaukee Riverkeeper

Steve Schmuki

Waukesha County Environmental Action League

Jodi Habush Sinykin

Midwest Environmental Advocates

Cc: Mayor Jeff Scrima, City of Waukesha

Ed Henschel, Waukesha City Administrator

Terry Thieme, President, Waukesha Common Council

Dan Duchniak, Waukesha Water Utility

Waukesha Water Utility Commission

Waukesha County Board

John Marek, Chairman, Town of Waukesha

Sharon Leair, Chairman, Town of Genesee

Jeff Knutson, President, Village of Pewaukee

Mayor Steve Ponto, City of Brookfield

Mayor Ed McAleer, City of Delafield

Paul Kanter, Chair, Town of Delafield

Mayor Tom Barrett, City of Milwaukee

City of Milwaukee Common Council

County Executive Chris Abele, Milwaukee County

Milwaukee County Board

Mayor John Dickert, City of Racine

Mayor Kathleen Ehley, City of Wauwatosa

Mayor Stephen Scaffidi, City of Oak Creek

Mayor Tom Taylor, City of Franklin

Bob Bradley, President, Village of Caledonia

Marc Smith, National Wildlife Federation

Jared Teutsch, Alliance for the Great Lakes

Karen Hobbs, Natural Resources Defense Council