



Corporation of the County of Essex

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Office of the Warden
Tom Bain

September 9, 2016

Great Lakes and St. Lawrence Cities Initiative
Water Resources Council
c/o Council of Great Lakes Governors
Attention: David A. Ullrich, Executive Director - david.ullrich@glslcities.org
20 North Wacker Drive, Suite 2700
Chicago, Illinois USA
60606

Dear Mr. Ullrich:

Re: Resolution in Support of Opposing the Approval of Waukesha Water Diversion Application

Please be advised that at the September 7, 2016 meeting of the Council of the Corporation of the County of Essex, the following resolution was passed:

- 205-16** Moved by Mr. Paterson
Seconded by Mr. McNamara
Whereas, the Great Lakes and St. Lawrence River Basin represents approximately 20% of the world's surface freshwater resource and supports the third largest economy in the world; and
Whereas, on December 13, 2005, the Great Lakes Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and the Premiers of Ontario and Quebec signed the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (the "Agreement"), and the Governors endorsed the companion Great Lakes—St. Lawrence River Basin Water Resources Compact (the "Compact"), which was later approved by the United States Congress and signed by the President, banning new water diversions from the Basin except in communities located in

counties straddling the water division line between the Great Lakes-St. Lawrence Basin and other basins; and

Whereas, the City of Waukesha, WI, is located in Waukesha County, a county straddling the basin division line; and

Whereas, the City of Waukesha applied to the Wisconsin Department of Natural Resources under the exception for a "Community within a Straddling County" to use Lake Michigan as its source of drinking water (the "Waukesha Application"); and

Whereas, the Compact requires proposals for diversions to satisfy seven specific conditions; and

Whereas, the Regional Body, after having reached an agreement on a Declaration of Finding and a set of conditions for the application, forwarded its recommendation to the Compact Council, and that all eight Great Lakes states voted in favor of the Waukesha Application; and

Whereas, on June 21, 2016, the Compact Council issued its Final Decision approving the Waukesha Application with Conditions; and

Whereas, the Waukesha Application does not meet the terms of the Agreement nor the Compact, and the precedent-setting nature of the Final Decision to approve the Application is of great concern to the Mayors of the Great Lakes and St. Lawrence Cities Initiative; and

Whereas, the approved service area still contains parts of communities which are not part of the City of Waukesha and which have not demonstrated a need for the water, amounting to a clear violation of the Compact; and

Whereas, this broader service area is not a "Community within a Straddling County" as defined and required by the exception conditions in the Agreement and Compact; and

Whereas, there are reasonable water supply alternatives to meet the drinking water quantity and quality needs of the City of Waukesha; and

Whereas, the impacts of the proposed return flow of water through the Root River to Lake Michigan are likely to have adverse impacts on the ecosystem and to the urban shores of the mouth of the River; and

Whereas, the Conditions for Approval were not subject to public comment while debated by the Regional Body and Compact Council despite the Compact's requirement that all relevant information be available to the public for comment; and

Whereas, the Regional Body review process did not provide adequate opportunity for public comment as only one public meeting was held in the City of Waukesha, and that hundreds of public comments against the Application did not appear to be considered during the Regional Body or Compact Council process.

Therefore, be it resolved, that the Corporation of the County of Essex affirms its commitment to the protection of our water resources by calling on the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and their representatives on the Compact Council to reconsider their Final Decision to approve the Waukesha Application; and

Be it further resolved, that the Corporation of the County of Essex, supports challenges by the Great Lakes and St. Lawrence Cities Initiative to the Compact Council's approval of the Waukesha Application under procedures adopted by the Compact Council, which may include requesting a hearing and initiating judicial review of the Final Decision; and

Be it finally resolved, that the Corporation of the County of Essex urges the Governors and Premiers of the Regional Body and Compact Council, consistent with good public policy, to reverse its approval of the Waukesha diversion application and ensure that the provisions of the Compact are strictly applied in this and any future application in order to protect the finite water resources of the Great Lakes and St. Lawrence River basin.

Yours truly,

Tom Bain

Originally Signed By

Tom Bain

Warden – County of Essex