



Legal and Clerks Services

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September 6, 2016

Denis Coderre, Chair
Great Lakes and St. Lawrence Cities Initiative
Mayor of Montreal
275 rue Notre-Dame Est
Montréal, QC H2Y 1C6

Re: Resolution - Opposition to Approval of Waukesha Water Diversion Application Our File No.: 35.11.2

Please be advised that, at its meeting held on August 22, 2016, the Council of the City of St. Catharines, as a member of the Great Lakes-St. Lawrence Cities Initiative, unanimously supported the resolution of the GLSLCI regarding their opposition to the decision to approve the Waukesha Water Diversion Application.

Please see the resolution attached. If you have any questions, please contact the Office of the City Clerk at extension 1524.

A handwritten signature in blue ink, appearing to read 'Bonnie Nistico-Dunk'.

Bonnie Nistico-Dunk, City Clerk

Attachment

cc Chris Bittle, MP St. Catharines, 1-61 Geneva Street, St. Catharines ON L2R 4M6
Vance Badawey, MP St. Catharines, 103-136 East Main Street, Welland ON L3B 3W6
Jim Bradley, MPP St. Catharines, 2-2 Secord Drive, St. Catharines ON L2N 1K8
Cindy Forster, MPP St. Catharines, 102-60 King Street, Welland ON L3B 6A4
Niagara Region
Area Municipalities
Dave Ullrich, Executive Director, GLSLCI, 2700-20 N Wacker Dr, Chicago IL 60606
Mark Green, Transportation and Environmental Services, City of St. Catharines



City of St. Catharines

RESOLUTION

OPPOSING THE APPROVAL OF THE WAUKESHA WATER DIVERSION APPLICATION

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 City of St. Catharines 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 City of St. Catharines 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 FURTHER RESOLVED, that the City of St. Catharines 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.

FURTHER BE IT RESOLVED, that this resolution be forwarded to all area municipalities, the Niagara Region, area MP's, and MPP's, for their support.

Signed this 22 day of August, 2016

Mayor
City of St. Catharines