



April 14, 2016

Governor Mark Dayton  
116 Veterans Service Building  
20 W 12th Street  
St. Paul, MN 55155

Dear Governor Dayton,

On behalf of the undersigned conservation and environmental organizations and their tens of thousands of Minnesota citizen-members, I am writing to express our shared concern that the City of Waukesha's proposed Water Diversion Application fails to meet the appropriate conditions established under the Great Lakes – St. Lawrence River Basin Water Resources Compact. As the first state to approve the Great Lakes Compact (Compact), Minnesota should be the first state to uphold it. We ask you to vote NO on the Waukesha proposal.

The Compact is an agreement adopted by all eight of the Great Lakes states (MN, WI, IL, IN, MI, OH, PA, NY), passed by Congress in 2008, and backed by a parallel agreement between the U.S. and Canada. It provides a structure within which the Great Lakes states and provinces work together to manage, protect, and conserve Great Lakes Water.

We've fought hard to keep Lake Superior water clean and plentiful. The lake gives us drinking water, cool air, and a distinct culture. A gubernatorial veto of Waukesha's unwarranted proposal to divert Lake Michigan water of the Great Lakes basin is critical to defend our hard-won protection of Lake Superior and Great Lakes – St. Lawrence River Basin water.

The decision on Waukesha's proposal will be an important first test of and a critical proving ground for the Compact. As you know, the Compact bans water diversions outside of the Great Lakes Basin, except under extraordinary conditions. Any community located outside the Great Lakes Basin that applies for a diversion of Great Lakes water must demonstrate that it is applying for the diversion only as a last resort rather, never as a preferred option; i.e., that it has exhausted all other available options to obtain water. A community also must show that the amount of water requested is not more than what is needed.

We ask that you vote NO because the City of Waukesha: 1) has reasonable alternative safe water sources; 2) is asking for 50% more water than it actually uses; and 3) proposes to divert Great Lakes water to communities that do not need it. These failings in the proposal are further explained below:

**1) Waukesha has a Feasible and 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 in the application. 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. With a proven, reasonable alternative available, the proposed diversion is not consistent with the Compact.

**2) Waukesha Fails to Demonstrate its Need for Water.**

The amount of water Waukesha requests far exceeds its need. Under Section 4.9.4.b of the Compact, “The Exception will be limited to quantities that are considered reasonable for the purposes for which it is proposed.” Waukesha is requesting 10.1 million gallons per day as an annual average to meet projected demand at full build-out. However, the application fails to demonstrate why the city needs so much more water than it is currently using, and independent analysis demonstrates that the request cannot be reasonably justified. 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 Waukesha’s forecasts of average-day demand and maximum-day demand are based on models that inflate the city’s need for water in the future and are inconsistent with historical trends. Waukesha’s per capita water use or demand is declining and has been declining for about three decades. Waukesha’s demand forecast for 2050, however, assumes a significant increase in per capita water use, despite planned implementation of conservation measures aimed at reducing water use. Without an explanation justifying the higher demand, the proposed diversion cannot be considered reasonable and, therefore, is inconsistent with the Compact.

**3) Diverting Great Lakes Water for Towns that Don’t Need It**

If its proposal were approved, Waukesha would divert Great Lakes Water to other towns that don’t need it. Under Section 4.9.3.a of the Compact, “The Water shall be used solely for the Public Water Supply Purposes of the Community within a Straddling County that is without adequate supplies of potable water.” The city’s application proposes that Great Lakes water be diverted for other towns in Waukesha County, including Pewaukee and the towns of Delafield and Waukesha, among others, that do not need Great Lakes 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, on February 26, City of Delafield Mayor Michele DeYoe stated, “We don’t have an issue right now, but that’s not to say that someday we will.”

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 that they are without adequate supplies of potable water and that there is no reasonable water supply alternative, including conservation, before the application is approved.

In closing, we respectfully request that you veto Waukesha's diversion request as inconsistent with the clear terms of the Great Lakes Compact. We are not alone in making this request. We are aware that of the more than 11,200 comments submitted to the Regional Body and Compact Council, only 75 (less than one percent) commented in favor of the diversion. Your office has received more than 3800 comments opposed to the proposal. In addition, at the listening session hosted by the Minnesota DNR in Duluth last month, more than 70 Minnesotans attended, and while no speaker supported the Waukesha proposal, 23 spoke in opposition to it.

We appreciate your consideration of our comments. We applaud the Minnesota DNR's efforts in hosting an independent public review process to ensure that Minnesotans have the opportunity to have their voices heard on this precedent-setting decision.

If you have specific questions about our comments, please contact Gary Botzek of the Minnesota Conservation Federation at [gary@capitolconnections.com](mailto:gary@capitolconnections.com), Allison Wolf with Minnesota Center for Environmental Advocacy at [awolf@mncenter.org](mailto:awolf@mncenter.org), or Matt Norton with Minnesota Environmental Partnership at [mattnorton@mepartnership.org](mailto:mattnorton@mepartnership.org). We look forward to working with you throughout this process.

Sincerely,



Steve Morse, Executive Director  
Minnesota Environmental Partnership

Alliance for Sustainability

Clean Water Action - Minnesota

Duluth Audubon Society

Friends of the Boundary Waters Wilderness

Friends of the Cloquet Valley State Forest

Izaak Walton League of America - Minnesota Division

Land Stewardship Project

Lower Phalen Creek Project

Lutheran Advocacy - Minnesota

Mankato Area Environmentalists

Minnesota Center for Environmental Advocacy

Minnesota Conservation Federation

National Wildlife Federation

Save Our Sky Blue Waters

Sierra Club - North Star Chapter

St. Croix River Association

Transit for Livable Communities

WaterLegacy

C.c. Great Lakes-St. Lawrence River Water Resources Regional Body  
Great Lakes-St. Lawrence River Basin Water Resources Council