



Tom Barrett
Mayor, City of Milwaukee

November 20, 2006

RECEIVED

Maureen Connors
Office of the Great Lakes
Wisconsin Department of Natural Resources
Box 7921
Madison, Wisconsin 53707

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BUREAU OF WATERSHED MGNT

Dear Ms. Connors:

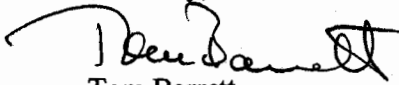
The City of Milwaukee welcomes the opportunity to comment on New Berlin's proposal to withdraw additional water from Lake Michigan and strongly supports the Wisconsin Department of Natural Resource's (DNR) action to seek public comments on this precedent setting proposal. In the past, similar proposals have been handled in a much less transparent manner, depriving the public of an opportunity to comment on water use within the Great Lakes Basin. Specifically, the DNR's transmittal of the current New Berlin application to the Great Lakes Governors earlier this year without providing notice to interested parties and without an opportunity for public comment was unacceptable. The Great Lakes are too important a public resource for decisions to be made without public involvement.

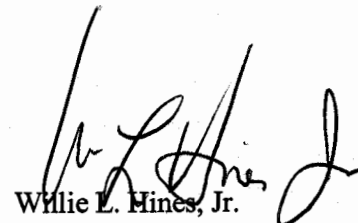
While Milwaukee is offering general comments on the New Berlin proposal (attached), it is our suggestion that the DNR not consider any application for water withdrawal or diversion outside the surface watershed basin of Lake Michigan until the state legislature enacts legislation adopting the Great Lake-St. Lawrence River Basin Sustainable Water Resources Agreement and Compact. The City is currently participating on the Legislative Council's Special Committee on Great Lakes Water Resources Compact, chaired by Senator Neil Kedzie. This Committee has broad representation, is operating in an open process and is considering potential state-specific language governing review of applications such as New Berlin's.

It should be noted that any sale of water by the City of Milwaukee will need to be reviewed and approved by the Milwaukee Common Council. The Council has adopted policies regarding the sale of Lake Michigan water (see Council Resolution 040646, attached).

Again, thank you for the opportunity to comment.

Sincerely,


Tom Barrett
Mayor


Willie L. Hines, Jr.
Council President

City of Milwaukee's Comments on New Berlin's proposal to use Lake Michigan Water

The City strongly recommends that the DNR not accept or act upon any applications to use Great Lakes water outside the Lake Michigan Basin prior to the Wisconsin legislature adopting the Great Lake-St. Lawrence River Basin Sustainable Water Resources Agreement and Compact (hereinafter, the Compact). It is our understanding that the New Berlin application was developed in response to the review standards in the Compact. However, because the Wisconsin legislature has not yet adopted the Compact, it is inappropriate for the DNR to use the Compact as the standard of review or to make a decision on the New Berlin application using the Compact language. New Berlin's application is currently subject to the review criteria under the current federal Water Resources Development Act and applicable Wisconsin and Administrative rule.

The City has several general comments on the application itself and the lack of specificity of the findings made in response to the Compact criteria and standards. First, the background information to support the applicant's findings is incomplete. Documentation to support findings was taken from prior reports but is often without context, units are not labeled and source documents are not identified. As one example, based on the information provided in the application, it is impossible to determine how demand for water was calculated. Although existing reports are cited, there is not enough detail provided to determine what assumptions were used in determining future water demand.

The area that New Berlin intends to serve using Lake Michigan water is not clear from the application. Will the Lake Michigan water serve only those areas of New Berlin that are currently developed? Will the Lake Michigan water be provided only to current New Berlin well users or is potential future development in the area also addressed through this application? Have the currently undeveloped areas been considered in demand projections and if so how? Does current zoning support only residential development or are other uses anticipated?

The Compact requires that applicants ensure that the requirements of other existing laws will be met by the proposed use of water. There are no findings in the application to demonstrate that the application is consistent with other laws. For example, the application states that it will return wastewater through the Milwaukee Metropolitan Sewer District System (MMSD). However, there is nothing in the application to suggest that the City of New Berlin has contacted MMSD or that it will meet the procedures required by MMSD for treatment of this additional waste stream.

In summary, the City has two main concerns with New Berlin's proposed application for the use of additional Lake Michigan water. First, the Wisconsin DNR should not consider such applications until the State Legislature adopts language implementing the Compact. Second, as currently drafted, the application provides insufficient documentation to support the findings and conclusions purported to meet the review standards and criteria in the Compact.



City of Milwaukee Common Council

Legislative File Number 040646 (version 1)

Title

Substitute resolution directing the Intergovernmental Relations Division-Department of Administration to present and urge acceptance of the City of Milwaukee's position relating to the Great Lakes Charter Annex.

Body

Whereas, In 1985, the Great Lakes Charter was developed and signed by the governors of the 8 Great Lakes states and the premiers of the provinces of Ontario and Quebec, Canada; and

Whereas, The Charter seeks to conserve the levels and flows of the Great Lakes and protect and conserve the environmental balance of the Great Lakes basin ecosystem; and

Whereas, In 1986, the U. S. Congress enacted the Federal Water Resources Development Act, which prohibits water diversions from the Great Lakes basin unless each diversion is approved by the governor of each Great Lakes state; and

Whereas, In June 2001, the Great Lakes governors and premiers of Ontario and Quebec signed the Great Lakes Annex 2001 (Annex), which is an amendment to the Great Lakes Charter of 1985; and

Whereas, Since the signing of the Annex, the governors' and premiers' staff have been developing agreements to create a management process for regulating water diversions and withdrawals from the Great Lakes basin; and

Whereas, The City of Milwaukee is encouraged that the governors and premiers have collaborated to produce this draft agreement to guide their management of the world's largest fresh water ecosystem; and

Whereas, The draft agreement is currently undergoing public review; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee express its support for the overall goals of the Annex to protect and improve the Great Lakes ecosystem; and, be it

Further Resolved, That the City of Milwaukee urges the Great Lakes states and provinces to:

1. Develop and commit to water conservation that will be met by implementation of environmentally and economically sound water conservation measures.

2. Develop and commit to measures, which encourage and facilitate environmentally responsible economic growth.
3. Minimize any out-of-basin diversion or export of water from the Great Lakes basin.
4. Minimize residential, industrial and commercial sprawl, and the accompanying air and water pollution.
5. Require that any water diversion request include an analysis of the impact of such diversion on land use, transportation and economic development, and how comprehensive planning, including conservation programs can mitigate any negative effects.
6. Require that any community which seeks water from the Great Lakes adopt a water conservation plan, a "Smart Growth" comprehensive plan, as well as a comprehensive housing strategy which provides affordable housing opportunities.

; and, be it

Further Resolved, That the City of Milwaukee supports the region's leadership in the development of this precedent-setting water management policy; and, be it

Further Resolved, That the Intergovernmental Relations Division-Department of Administration is directed to present and urge acceptance of the City of Milwaukee's position relating to the Great Lakes Charter Annex.

Drafter

LRB04384-2
TWM/cac
9/21/2004

Analysis

This resolution directs the Intergovernmental Relations Division-Department of Administration to present and urge acceptance of the City of Milwaukee's position relating to the Great Lakes Charter Annex.