

## **Great Lakes Compact Hearing in Senate Committee a Success! Next Hurdle...the Assembly!**

First off, a big **THANK YOU** to over 150 citizens who attended the hearing in Kenosha on Thursday, **THANK YOU** to over 50 of you who sent comments within just 12 hours, and **THANK YOU** for following this issue so closely!!!

The Great Lakes Compact bill that was introduced on Thursday (SB 523) represents, with a few minor changes, the **STRONG** Compact that you have been asking for! We will continue to work with the Senate to ensure that these minor changes get made:

1. The bill needs to clearly spell out that water being returned to the Great Lakes is the right temperature and quality, so it won't harm habitat and drinking water. We want to be sure that water being dumped into Wisconsin's rivers is clean and cold!
2. The in-basin standards must be strengthened to include the interim period between the passage of the bill in Wisconsin and the passage of the bill at the federal level. It may take several years for Congress to pass the Compact, and, in the meantime, we want users of Great Lakes water in Wisconsin to make efforts to conserve and wisely use the water.

**Now that the Senate is committed to working towards a **STRONG** Compact, it's time to get the Assembly on board.** But that is going to be an uphill battle! The week before the hearing, the Speaker of the Assembly, Rep. Huebsch, along with the Chair of the Natural Resources Committee, Rep. Gunderson, put out a press release which opposed even a **BASELINE** Compact. They would rather see the entire Compact re-negotiated, throwing years of negotiations between the 8 Great Lakes states out the window and leaving our Great Lakes vulnerable to diversions and lawsuits.

Speaker Huebsch has suggested that he will not schedule any more votes in the Assembly after this week, even though there are 3 more weeks of session scheduled! This means that he will single-handedly prevent everyone in the Assembly from voting on the future of the Great Lakes and prevent the **STRONG** Compact from becoming law.

It is time to let the Speaker of the Assembly know that the citizens of Wisconsin think the Great Lakes are one of our most valuable resources, that they **MUST** be protected, and that SB 523 **MUST** have a vote in the Assembly.

**Please contact Rep. Huebsch TODAY!**

Rep. Huebsch, 888-534-0094 or [Rep.Huebsch@legis.wisconsin.gov](mailto:Rep.Huebsch@legis.wisconsin.gov)

**In addition, please contact your own Representative and ask him/her to demand that Speaker Huebsch bring SB 523 to a vote in the Assembly.**

*Representative Cullen at 608-267-9836 or [Rep.Cullen@legis.wisconsin.gov](mailto:Rep.Cullen@legis.wisconsin.gov)*

As one citizen said at the hearing, passing the Great Lakes Compact will be one of the most important things legislators do in their lifetimes. Please contact these legislators today!

Thank you,

Adrienne N. Roach, Southeast Organizer

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### **Background on the Opposition**

The opposition is saying all the right things about wanting to protect the Great Lakes, while trying to kill the Compact at the same time. Confused? Understandable. Hopefully the following can provide a little clarity:

The major point of contention from the opposition is what they refer to as the ‘one-state veto.’ To explain this, we need to take a step back. Right now, the only thing protecting the Great Lakes from diversions is a federal law, the Water Resources Development Act (WRDA). When it was passed in 1986, it represented a step forward in Great Lakes protections since there was nothing else on the books preventing diversions. WRDA requires that ANY diversion outside the Great Lakes basin be subject to the approval of ALL 8 Great Lakes states, meaning that one state could veto any application for diversion—this, however, is not the ‘one-state veto’ the opposition is referring to—that comes up later.

Why isn’t WRDA good enough to protect the lakes? The problem is that it is very vague—it is short on details, due process, and specifications for what kinds of things a state should consider when looking at a diversion application. This lack of details in WRDA opens it up for legal challenges, i.e. an applicant for a diversion might get denied and take the case to court. If the applicant won the case, WRDA could be overturned and the Great Lakes would be left with NO PROTECTIONS.

Recognizing the limitations of WRDA, the Great Lakes Governors decided (beginning about 1999) to negotiate a regional Compact with the details WRDA lacked. This was an incredible undertaking as you can imagine—getting 8 different states with 8 different sets of laws to agree on a baseline of protections for the Great Lakes. The Governors DID come to agreement, and signed the baseline Compact in 2005 with the idea that no state could go below this baseline of protections, but that each state could improve upon the Compact given their own state’s circumstances.

There were several points where states almost walked away from the negotiating table. One of those times was when Wisconsin tried to ensure that its growing, water-

troubled southeastern communities could use Great Lakes water outside the basin line. Wisconsin insisted that they needed an exception and, fearing a collapse of the negotiations, the other 7 states agreed to 2 exceptions for diversions outside of the basin:

1. A community that straddles the basin line can apply for diversions and must obtain approval from its own state (i.e. New Berlin straddles the line).
2. A community that is outside the basin line but lies within a county that straddles the basin line can apply for a diversion and must obtain approval by all 8 states (i.e. Waukesha is outside the basin but Waukesha County straddles the line).

These 2 exceptions are in the BASELINE Compact, which means they can not be altered in another state's legislation, especially now that 3 states have signed the Compact into law.

It is this second exception, the 'one state veto,' that the opposition takes issue with. When Rep. Huebsch and Rep. Gunderson put out their press release, the 8 Great Lakes Governors responded with one of their own that rejected the call to reopen negotiations. If Rep. Huebsch and Gunderson continue to oppose this provision of the baseline Compact, it could derail long-term protections for the Great Lakes. (See Governors' press release here: <http://www.cglg.org/projects/water/docs/Press%20Release%202-19-08.pdf>)