

June 9, 2016

Secretary Cathy Stepp  
Wisconsin Department of Natural Resources  
101 S. Webster St.  
P.O. Box 7921  
Madison, WI 53707-7921

Dear Secretary Stepp,

On behalf of the undersigned conservation organizations representing hundreds of thousands of people from Wisconsin and across the Great Lakes, we write to ask the State of Wisconsin to formally state that it has the authority to manage the City of Waukesha's Diversion of Basin water, if approved by the Compact Council, and that it will manage and regulate the Diversion pursuant to the requirements in Agreement Article 201 ¶ 3.c and Compact § 4.9.3.c, including all conditions approved by the Compact Council. We ask that the State of Wisconsin introduce this statement into the administrative record before the Compact Council takes final action on Waukesha's application.

We make this request because questions have arisen regarding the state's authority to manage and regulate the Diversion, as well as its authority to enforce the conditions in the Declaration of Finding and any additional conditions that may ultimately be adopted by the Compact Council.

Article 7.3 of the Compact undoubtedly authorizes the initiation of actions to compel compliance. However, a Wisconsin Attorney General Formal Opinion, OAG-01-16, issued on May 10, 2016, casts doubt on the State of Wisconsin's authority to manage, regulate, and enforce conditions the Compact Council places on a Diversion.

In view of the uncertainties this Opinion creates, we ask the State of Wisconsin to clarify that it has the authority necessary to manage, regulate, and enforce a Diversion approved with conditions.

Thank you for your consideration of our request.

Sincerely,

Marc Smith  
Policy Director  
National Wildlife Federation

Molly Flanagan  
Vice President, Policy  
Alliance for the Great Lakes

Kristy Meyer  
Managing Director, Natural Resources  
Ohio Environmental Council

James Clift  
Policy Director  
Michigan Environmental Council

Cathy Martin  
Program Manager  
Save the Dunes

Scott Strand  
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Minnesota Center for Environmental Advocacy

Steve Morse  
Executive Director  
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Nancy Goucher  
Manager, Partnerships  
Freshwater Future

Denny Caneff  
Executive Director  
River Alliance of Wisconsin

Jennifer Bolger Breceda  
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John Crampton  
President  
Izaak Walton League – MN Division