

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3207/P7dn  
RCT:jld:pg

February 12, 2008

This is a preliminary version of implementing legislation for the Great Lakes—St. Lawrence River Basin Water Resources Compact.

The main provisions in the draft are contained in four new sections of the statutes. Section 281.343 contains the language of the compact itself. Section 281.344 contains provisions that will take effect before the compact is ratified by all of the party states and Congress. Section 281.346 contains provisions that will take effect when the compact takes effect, setting forth the way in which this state will implement the compact. Section 281.348 establishes a water supply planning process for public water supply systems throughout the state. Sections 281.344 and 281.346 both contain registration, reporting, and water conservation provisions that apply statewide and other provisions that apply only with respect to water withdrawn from the Great Lakes basin.

The draft does not include an analysis. It does not yet make the changes to current law that are needed to reconcile the provisions in the draft with current statutes. In addition, it is important to note that there has not yet been a thorough review of the draft for matters such as the consistent use of terminology.

The postcompact portion of the draft is not yet complete as it relates to applying the consumptive use decision-making standard to increased water withdrawals. As I understand the instructions, with certain exceptions, that decision-making standard will apply when a water withdrawal increases to the extent that one of the withdrawal decision-making standards applies and the water lost to the basin from the increased amount of the withdrawal, considering all increases since the beginning of the water withdrawal permit term, averages more than 2,000,000 gallons per day in any 30-day period. I believe that this is the main substantive aspect of the compact implementation language that is not yet complete.

In addition, this version of the draft does not include the requirement, included in the instructions and drawn from the Department of Natural Resources (DNR) concept paper dated December 19, 2007, that a withdrawal decision-making standard apply to an increase in a withdrawal amount needed to supply water for a new or increased interbasin transfer before the compact takes effect. Adding this requirement would be difficult and time-consuming for a number of reasons, including that the requirement

would take effect earlier than the rest of the precompact provisions relating to withdrawals (such as withdrawal permitting) that provide the framework for applying a decision-making standard to a withdrawal. In determining whether to add this requirement, please consider whether it would be a meaningful addition, given the stringent standards applicable in the draft to the approval of an interbasin transfer.

I have attempted to accurately reflect the major policy decisions communicated to me through written instructions and meetings and I believe that the draft comes close to that. However, it should be recognized that this is a very complex proposal and there has not been time to have thorough review by the policy makers, or technical feedback from the experts at the DNR, for many provisions in this version of the draft.

Please contact me with any questions.

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