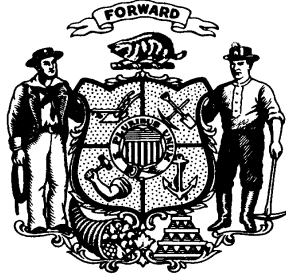


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TO: MEMBERS OF THE SPECIAL COMMITTEE ON GREAT LAKES WATER RESOURCES COMPACT

FROM: John Stolzenberg, Chief of Research Services, and Rachel Letzing, Senior Staff Attorney

DATE: November 20, 2006

This memorandum expands on information presented at the end of the Special Committee's November 13, 2006 meeting regarding plans for the Special Committee's December 15, 2006 meeting. Senator Kedzie, Chair of the Special Committee, has indicated that at the December 15th meeting, the committee will address Mr. Duchinak's proposed definition of "tributary groundwater," discussed below; complete its review of options on the registration and reporting of water use; and then address general issues that affect the implementation of multiple provisions in the Great Lakes-St. Lawrence River Basin Water Resources Compact (the "compact").

These general issues include determination of the baseline inventory, which in essence determines which existing water withdrawals are "grandfathered," and specification of a scheme to classify new withdrawals and diversions. Once the committee agrees upon such a scheme, it can then be applied in the water conservation initiatives and water withdrawal and diversion regulatory programs called for in the compact to ensure "one size doesn't fit all." Senator Kedzie intends for the committee to address remaining components of the compact in a subsequent meeting.

To facilitate the committee's development of its recommendations implementing the compact, Senator Kedzie has requested that committee members prepare a written summary of issues or concerns they have on particular provisions within the compact and proposals for interpreting the compact that they would like the committee to address. Specific proposals interpreting the compact should be accompanied by a brief statement on how the proposal affects the implementation of relevant parts of the compact (operation of the council, water resource inventory, registry and reporting of withdrawals and diversions, baseline volume determination, water conservation programs, regulation of water withdrawals and diversions, etc.). His intent behind this request is to ensure that all committee members will be informed of other members' concerns and proposals so that, in the words of Senator Kedzie, there will be "no surprises" in committee meetings.

Please submit your materials to us in an electronic format by **Wednesday, December 6, 2006**. We will then include the materials in our mailing to the committee prior to the December 15th meeting.

In addition, members present at the end of the November 13th meeting are aware that Mr. Duchniak proposed a definition of “tributary groundwater.” This definition is:

“Tributary groundwater” means groundwater that naturally flows toward the Great Lakes in the absence of human activity that influences that flow.

Mr. Duchniak also provided to the committee a two page handout in support of this definition entitled, *Tributary Groundwater* (copy included in this mailing). Following some discussion of this proposal, Senator Kedzie deferred action by the committee on the definition to the December 15th meeting. He has asked Mr. Duchniak to provide a statement on the effects of this definition on the implementation of the compact for distribution to the committee prior to the December 15th meeting. He has also requested Legislative Council staff to comment on the legal analysis in Mr. Duchniak’s handout.

If you have any questions regarding the above requests or the December 15th committee meeting, please feel free to call John Stolzenberg, Chief of Research Services, at 266-2988, or Rachel Letzing, Senior Staff Attorney, at 266-3370 at the Legislative Council staff offices.

JES:REL:tlu

Enclosures