



April 13, 2018

Great Lakes - St. Lawrence River Water Resources Regional Body  
c/o Council of Great Lakes Governors  
20 North Wacker Drive, Suite 2700  
Chicago, Illinois 60606

**Re: Regional Review of the City of Racine's Great Lakes Water Diversion Application**

Members of the Great Lakes—St. Lawrence River Water Resources Regional Body:

The Wisconsin Compact Implementation Coalition respectfully requests that the Regional Body, pursuant to its authority under Article 4 § 4.5(1)(f) of the Great Lakes-St. Lawrence River Basin Water Resources Compact, initiate Regional Review proceedings for the City of Racine's proposal to divert Great Lakes water.<sup>1</sup>

The City of Racine, a community in Southeastern Wisconsin located along the shores of Lake Michigan, recently submitted an application to the Wisconsin Department of Natural Resources to begin a diversion of up to 7 million gallons per day of Great Lakes water. Although the City of Racine is located entirely within the Lake Michigan Basin, it is seeking an approval for a diversion in order to supply water to an area of the neighboring Village of Mount Pleasant that lies outside the Great Lakes Basin. The purpose of the diversion is to provide Great Lakes water to Foxconn Technology Group, a large multinational electronics manufacturer, for its first U.S. manufacturing plant.

The proposed diversion has attracted substantial attention across the Great Lakes region. And for good reason, as the request raises important issues of first-impression under the Great Lakes Compact. Notably, this is the first time since the adoption of the Great Lakes Compact that an in-basin community—here, the city of Racine—is the entity seeking approval to divert water outside of the Basin. It is also the first time that an applicant has sought a diversion for purposes of supplying water exclusively to industrial and commercial customers.

Stakeholders from across the Great Lakes basin, including individuals and organizations from Canada and the United States, as well as the New York State Department of Environmental

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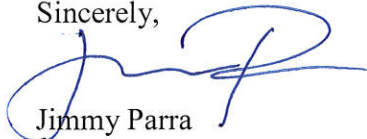
<sup>1</sup> Section 4.5(1)(f) authorizes a majority of the members of the Regional Body to “request Regional Review of a regionally significant or potentially precedent setting Proposal. Such Regional Review must be conducted, to the extent possible, within the time frames set forth in this Section. Any such Regional Review shall be undertaken only after consulting the Applicant.”

Conservation and the Illinois Attorney General, submitted comments weighing in on the proposal. Almost universally, the comments raised significant concerns or questions about the application's failure to satisfy key provisions of the Compact and lack of information about potentially harmful environmental impacts of the diversion.<sup>2</sup>

Indeed, the pending application for a Great Lakes diversion submitted by the City of Racine creates urgency for the Regional Body to act. The application triggers a series of questions that strike at the heart of the Compact's prohibition on diversions, including who is the appropriate applicant for a straddling community diversion? How can a diversion of Great Lakes water to a private industrial complex meet the Compact's "Public Water Supply Purposes" criteria? What kind of information does an applicant need to disclose relating to potential adverse impacts to Great Lakes water resources?

There is no denying that we stand at a critical juncture for the Compact. How these questions are resolved will surely set the course for future diversions across the Great Lakes basin. Simply stated, will central provisions of the Compact be upheld or ignored? It is paramount that the Regional Body considers and resolves these issues at the regional level through the Regional Review process afforded under the Compact. If the Regional Body fails to act pursuant to § 4.5(1)(f) of the Compact, the Great Lakes region will miss a critical opportunity to review a precedent-setting diversion proposal of undeniable regional significance under the Great Lakes Compact.

Sincerely,



Jimmy Parra

Staff Attorney

Jodi Habush-Sinykin

Of Counsel

Midwest Environmental Advocates

*Submitted on behalf of the members of the Wisconsin*

*Compact Implementation Coalition*

CC: David Naftzger, Conference of Great Lakes - St. Lawrence Governors & Premiers  
Peter Johnson, Conference of Great Lakes - St. Lawrence Governors & Premiers  
Adam Freihoefer, Wisconsin Department of Natural Resources  
Eric Ebersberger, Wisconsin Department of Natural Resources

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<sup>2</sup> Attached are comments on the proposed diversion submitted by the Wisconsin Compact Implementation Coalition, New York Department of Environmental Quality, and the Great Lakes Indian Fish and Wildlife Commission. The attached comments more fully explain the legal issues and concerns that are mentioned in this letter and are representative of the hundreds of other comments that were submitted to the Wisconsin Department of Natural Resources during the public comment period.