



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT relating to:** modifying rules promulgated by the Department of Natural
2 Resources relating to diversions of water from the Great Lakes basin.

Analysis by the Legislative Reference Bureau

This bill modifies rules promulgated by the Department of Natural Resources relating to certain diversions of water from Lake Michigan.

The Great Lakes-St. Lawrence River Basin Water Resources Compact is an agreement ratified by the states within the watersheds of the Great Lakes and the St. Lawrence River (the basin). Part of northern Wisconsin is in the Lake Superior watershed and part of eastern Wisconsin is in the Lake Michigan watershed. The rest of the state is in the upper Mississippi River basin. The compact creates general requirements relating to the withdrawal and use of water from the basin, but gives the states the authority to implement those requirements.

Under current law, a person who proposes to begin or increase a diversion of water from the basin to a watershed outside the basin must apply to DNR for approval. Rules promulgated by DNR establish requirements relating to an application for a diversion. DNR rules also establish three tiers of applicants and require different water use and efficiency measures for each tier.

The bill provides that for a diversion for a community that is located only partly within the Great Lakes basin, the portion of the community that is located in the Great Lakes basin is required to meet the least stringent water use and efficiency measures, and the portion of the community that is located in the Mississippi River basin is required to meet the most stringent water use and efficiency measures. The bill also provides that an applicant for a diversion is required to satisfy certain

requirements within two years of DNR approval of the diversion, rather than at the time of the application.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** NR 852.02 (5) of the administrative code is created to read:

2 NR 852.02 (5) For a straddling community that has a Lake Michigan water
3 supply in its Great Lakes basin area and does not have an approved Great Lakes
4 water diversion volume, the following apply:

5 (a) The area of the community within the Mississippi River basin shall be
6 required to achieve Tier 3 water conservation and efficiency standards.

7 (b) The area of the community within the Great Lakes basin shall be required
8 to achieve Tier 1 water conservation and efficiency standards.

9 **SECTION 2.** NR 852.04 (intro.) of the administrative code is amended to read:

10 **NR 852.04 Required elements - all.** (intro.) ~~All~~ Within 2 years of the date
11 of department approval of the application for a new or increased withdrawal,
12 diversion, or water loss, all persons identified in Tier 1, Tier 2 or Tier 3 shall submit
13 ~~with the application for a new or increased withdrawal, diversion, or water loss~~
14 ~~approval~~ all of the following:

15 **SECTION 3.** NR 852.11 (2) of the administrative code is renumbered NR 852.11
16 (2) (intro.) and amended to read:

17 NR 852.11 (2) (intro.) The department may ~~not~~ issue an approval for an
18 application for a new or increased withdrawal, diversion, or water loss ~~approval~~
19 ~~unless the water conservation plan meets the applicable requirements under this~~
20 ~~chapter.~~ subject to all of the following:

1 **SECTION 4.** NR 852.11 (2) (a) and (b) of the administrative code are created to
2 read:

3 NR 852.11 (2) (a) The applicant shall submit the documents required under s.
4 NR 852.04 within 2 years of the date of approval.

5 (b) The applicant shall complete the requirements under s. NR 852.05 within
6 2 years of the date of approval.

7 **SECTION 5.** NR 852.05 (5) of the administrative code is repealed.

8 **(END)**