



November 28, 2016

Via Email and First-Class Mail

Jill M. Hutchison, Esquire
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654-3456

John Kasich
CHAIR
Governor of Ohio

Mark Dayton
VICE-CHAIR
Governor of Minnesota

Andrew Cuomo
Governor of New York

Mike Pence
Governor of Indiana

Bruce Rauner
Governor of Illinois

Rick Snyder
Governor of Michigan

Scott Walker
Governor of Wisconsin

Tom Wolf
Governor of Pennsylvania

David Naftzger
Executive Director

20 North Wacker Drive
Suite 2700
Chicago, IL 60606

Voice: 312-407-0177
Fax: 312-407-0038

Re: Final Decision on Application by the City of Waukesha:
Request for Hearing

Dear Ms. Hutchison:

I am writing in response to your letter dated November 17, 2016 submitted on behalf of the Great Lakes and St. Lawrence Cities Initiative ("GLSL Cities Initiative") to the Great Lakes-St. Lawrence River Basin Water Resources Council ("Compact Council"). Your letter requests a stay of the proceedings initiated by GLSL Cities Initiative in its August 19, 2016 letter request for hearing (Hearing Proceedings") to afford an opportunity for GLSL Cities Initiative and the Compact Council to work together to identify opportunities to improve and clarify the Compact Council's review and decision-making process for diversions of water from the Great Lakes and St. Lawrence River Basin. You also express the desire to discuss a cooperative resolution of GLSL Cities Initiative's concerns before expending additional resources on the formal hearing process.

The Compact Council is amenable to your request to discuss the Compact Council's review and decision-making process if undertaken in the context of settlement and subject to the following conditions:

1. The scope of the settlement discussions would be limited to identifying potential changes to the Great Lakes water diversion regional review and decision-making process that may be applied to future diversion proposals (and not the current City of Waukesha proposal) submitted under the Great Lakes-St. Lawrence River Basin Water Resources Compact;
2. The settlement discussions, and all related conduct and statements, would not be part of the administrative record nor usable for any purpose in connection with the Hearing Proceedings or any other administrative or judicial proceeding (even if otherwise admissible or usable under F.R.Evid. 408 or other applicable rule);
3. Apart from retaining the right to disclose this letter, the Compact Council and GLSL Cities Initiative would treat settlement

discussions as confidential to the extent permitted by law and not disclose their status or substance to any other person;

4. Participation in settlement discussions would not disqualify any person acting on behalf of the Compact Council from also serving as an advisor to the Compact Council with respect to the Hearing Proceedings.

The Compact Council would welcome an initial settlement discussion at a mutually convenient time and date no later than December 7, 2016. Because that initial discussion will inform the Compact Council of the likelihood that continued discussions will resolve the Hearing Proceedings, at this time the Compact Council is unwilling to grant the stay that you requested. Instead, to facilitate our initial settlement discussion and after due consideration, the Compact Council grants GLSL Cities Initiative an extension of the December 3, 2016 deadline for submitting its substantive brief to December 19, 2016. Depending on the substance of our initial settlement discussion, the Compact Council may grant a further extension or even a stay of the Hearing Proceedings but makes no commitment at this time to do so.

If GLSL Cities Initiative agrees to engage in settlement discussions under these conditions, please contact Peter Johnson by telephone at 312/407-0177 or by e-mail to pjohnson@cglslgp.org to arrange the time and call-in number to commence settlement discussions.

Nothing in this letter alters or affects the Compact Council's Final Decision on the application of the City of Waukesha, any issue related thereto or the Hearing Proceedings, apart from affording GLSL Cities Initiative an extension to submit its substantive brief, and the Compact Council reserves all of its rights under the Compact and applicable law.

Thank you for your letter. The Compact Council looks forward to your response.

Very truly yours,



David Naftzger
Executive Director

cc: Compact Council