

## A GREAT LAKES IMPACT STATEMENT (GLIS)?

Even the most ardent anti-diversion stakeholders --the environmental groups -- have identified criteria upon which to evaluate water diversion projects<sup>52</sup>, despite their protestations that other steps need to be taken first such as strengthening the Great Lakes Charter, developing better data bases, and reducing water consumption levels. This article has identified conditions and scenarios upon which criteria can be derived that meet the needs of diversion decision-makers. The final question is who and in what context should these conditions/scenarios be translated into specific Great Lakes water diversion criteria?

Should the decision to approve or disapprove a water diversion request remain a single state veto approach. Because Michigan is finding this an increasingly uncomfortable political situation, the alternative is to expand this function to a regional decision-making body, such as the International Joint Commission, the Great Lakes Commission, or the Council of Great Lakes Governors and its creation: the Great Lakes Charter. Although the Council choice is the organization with the least formal legal authority, it has the strongest state political authority in terms of representation; and has Canadian representation in the Great Lakes Charter it created. While it is not necessarily suggested that each governor relinquish his/her veto to the Council and Charter members, it is suggested that they defer exercising the veto until the Charter members have the first opportunity to review the water diversion project.

It is further suggested that the Great Lakes Charter be amended to include specific criteria for evaluating water diversion proposals based on the conditions and scenarios in Table 6. The table reflects not only the primary concerns raised by the major Great Lakes stakeholders but, equally importantly, the primary concerns of the state of Michigan<sup>53</sup> and the Canadian federal government<sup>54</sup> and the two provinces as well. As the Deputy Minister for Natural Resources for the Province Ontario indicated in a letter to this author, the province recognizes the need to deal with emergency situations on a temporary basis until alternative supplies of water can be secured as long appropriate procedures and criteria are employed to evaluate any water diversion proposals.<sup>55</sup>

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<sup>52</sup>Engler, Governor John. Letter from 12 U.S. and Canadian environmental groups. 4 September 1991. In this letter, the groups outlined five objections to the Lowell diversion project: precedent, permanence, all alternatives not addressed, lack of Lowell water conservation plan, and the water requested was more than needed.

<sup>53</sup>See Governor Engler quote in footnote 23.

<sup>54</sup>See Consul General Anne Charles in footnote 1, highlighting concerns about precedent and cumulative effects.

<sup>55</sup>Vrancart, Ronald. Letter to James P. Hill. 20 February 1997.