

CONCLUSION

During the 1996 Presidential campaign, Michigan's Secretary of State Candice Miller introduced language to be included in the GOP platform that stated, "we oppose any diversion of Great Lakes water."⁵⁷ However, this language received little attention in the news media not only because of the relatively obscure document in which the language was proposed, but also because it is no longer the de facto policy of the Great Lakes basin.

Instead, through a series of court and legislative decisions, the region's anti-diversion policy has become a political football pitting Great Lakes states against each other and all but shattering the illusion of Great Lakes unity in water diversion policy. Changing political and legal circumstances, however, have opened a window of opportunity to modify the historic and largely symbolic no diversion policy that Secretary Miller proposed into a useful policy to meet the challenges of smaller water diversion projects sponsored by Great Lakes states. Despite the long battles among Great Lakes stakeholders, it appears that there is indeed common ground to move the issue of regional water diversion policy from the status of political rhetoric to one that is more legally defensible as well as protective of the variety of interests affected by water diversion.

Whether or not the conditions and scenarios presented in this paper are adopted in part or in their entirety in a regional water diversion policy is not as important as recognition of the fact that there are indeed common grounds for evaluating water diversion projects other than ad hoc political decision-making. Similarly, despite the lack of Canadian legal veto authority, it also appears that there is a strong protective interface between Canada and Michigan that may well serve to ensure that Canadian interests are protected in future water diversion decisions. It is up to Michigan to support an evaluation approach such as the one proposed in this paper that will reduce the political risks of Michigan overusing this veto authority.

⁵⁶Engler, 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.

⁵⁷See Governor Engler quote in footnote 23.

⁵⁸See Consul General Steve Charles in footnote 1, highlighting concerns about

⁵⁷Department of Environmental Quality. "Office of Great Lakes Activity Report". October, 1996: p. 3.