

“recognizes that large scale, out of basin water diversions can adversely affect existing uses of the resources and compromise the environment and economic future of the region.”<sup>35</sup>

Unfortunately, this overly broad policy is no longer useful for specifically addressing the recent and expected future smaller diversions being proposed by the Great Lakes states themselves. However, there continues to be strong public resistance, especially among environmental groups, to developing criteria that would in any way modify this no diversion policy. A 1997 report by the Canadian Environmental Law Association and Great Lakes United recounts the opposition by environmental groups to setting procedures in the original Great Lakes Charter for obtaining approval of diversions. The report chronicles concerns that proposed procedures would form a presumption that diversions were either acceptable or inevitable, and that this controversy led the former Governor Blanchard to delay signing the Charter because of this diversion concern.<sup>36</sup>

However, there do seem to be some politically acceptable, reoccurring conditions and scenarios that may better define regional diversion policy without creating an overall favorable presumption towards diversion projects. A more specific diversion policy that addresses such issues as emergency health needs, precedent, cumulative water level effects, the long term consequences on the ecosystem, and the lack of solid scientific information regarding diversions are starting points that would make the region's policy less likely to legal challenge on interstate commerce grounds as well as permit evaluation of new projects proposed by Great Lakes states on a less politically divisive basis.

If modifications to the existing Great Lakes water diversion policy were to be formally adopted, what specific criteria would likely be acceptable to both Michigan and Canada? To answer that question requires an understanding of what the major political stakeholders in these two political jurisdictions would accept, as well as the basic predispositions of the governmental subunits of these two political jurisdictions.

To assess the water diversion views of major Great Lakes stakeholders, a combination of previous surveys and studies sponsored by the International Joint Commission as well as a survey conducted for this article in early 1997 of identified stakeholders<sup>37</sup> were utilized. The

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<sup>35</sup>Great Lakes Commission. “Great Lakes Guide to Policies, Priorities, and Programs of the Great Lakes Commission,” Ann Arbor, Michigan, 1995: p. 15.

<sup>36</sup>Farid, Claire, Jackson, John, and Clark, Karen. “The Fate of the Great Lakes”, The Canadian Law Association and Great Lakes United, 10 February, 1997: p. 35.

<sup>37</sup>Non government Great Lake stakeholders from Michigan and Canada were identified through previous involvement in IJC diversion issues as well as being listed in The Water Network, a May, 1992, report to the IJC identifying major interest groups in the Great Lakes-St. Lawrence River Basin.