

Lakes historically have exercised substantial authority in the region's water policy, particularly in the area of water diversion issues.

The history of Great Lakes water resources management (or mismanagement) is beyond the scope of this paper.⁸ However, suffice it to say that the region has been considered as a source of water for a host of mega diversion projects ranging from coal slurry pipelines in the West to a source of drinking water for New York City.⁹ From state antiexportation statutes¹⁰ to the "watershed limitation of eastern riparian law, the states of the region have successfully forestalled major diversion projects dating back to the 1960's, arguing that these diversions would not be cost effective; and, more importantly, would permanently lower Great Lakes water levels, leading to a series of additional impacts including reduced hydroelectric power output; shallower navigation channels; loss of productive coastal wetlands; reduced shoreline, dockage and property values; and loss of fish spawning grounds.

The regional no diversion strategy seemed to have made the Great Lakes water relatively safe from major interstate diversions unless they were accomplished by interstate compact or congressional allocation.¹¹ As one water expert observed, "As a political matter, neither Congress nor the states would act affirmatively (on a major interstate diversion) unless the area of origin consented to the transfer."¹²

⁸For an interesting and concise overview of Great Lakes water management, see "A new Era for Regional Water Resources Management: A Great Lakes Case Study", by Michael Donahue, the 1996 Wayne S. Nichols Lecture delivered at Ohio State University, Columbus Ohio on November 14, 1996.

⁹The Grand Canal project was a proposal to connect the Hudson Bay and the Western U.S. with the Great Lakes, which would serve as a storage basin for water to be tapped when needed (proposed in the late 1950's through the 1980's). The concept of linking New York City with Lake Ontario water was proposed in the mid-1960's and the mid-1980's. Other proposals have included a coal slurry pipeline proposal linking Lake Superior with Wyoming, a North American Water and Power Alliance plan in the mid-1960's linking the Great Lakes with the Mississippi and Hudson River to Mexico, and other proposals to meet the needs of water shortage western states.

¹⁰Michigan passed such an embargo law on out-of-state diversions (the Michigan Great Lakes Preservation Act, P.L. 130) which became effective August 2, 1985.

¹¹Goldfarb, William. *Water Law*, 2d ed. Chelsea, Michigan: Lewis Publishers, 1988. p. 57.

¹²*Id.*