

P R E S S R E L E A S E

For release July 19, 2004, 2:15 p.m. EDT

Contacts

Sarah Miller, Canadian Environmental Law Association—416-960-2284
Liz Wessel, Clean Wisconsin—608-251-7020
David Higby, Environmental Advocates of New York—518-462-5526 x239
Reg Gilbert, Great Lakes United—716-886-0142
Cheryl Mendoza, Lake Michigan Federation—616-550-0876
Terry Sweir, Michigan Citizens for Water Conservation—231-972-8856
James Clift, Michigan Environmental Council—517-487-9539 x17
Noah Hall, National Wildlife Federation Great Lakes Office—734-769-3351 x24, cell: -646-1400
Molly Flanagan, Ohio Environmental Council—614-487-7506
Jill Ryan, Tip of the Mitt Watershed Council—231-347-1181 x106
Marc Hudon, Union québécoise pour la conservation de la nature—418-543-9681

Governors and Premiers Move to Protect Basin from Unwise Water Withdrawals

July 19, 2004 – A coalition of leading Great Lakes and St. Lawrence River basin environmental groups today praised two draft agreements between the region’s states and provinces as an important step toward preventing basin diversions and water abuses. But the groups said the agreements need several important changes to fully protect the region’s waters.

While retaining the governors’ Congressional authority to veto diversions, the governors and premiers chose to forego an outright ban on diversions because it might be legally vulnerable in the long run. Instead, the governors and premiers have proposed a system of approving diversion proposals that appears to make diversions extremely difficult. However, the range of potential diversion proposals is vast. The groups plan to work with their members and the public to closely evaluate the proposed new system for weaknesses and loopholes, and to support means for strengthening the agreements’ diversion provisions.

See www.speakongreatlakes.org for more information.

The “compact” agreement between the U.S. states

On the plus side, the binding “compact” agreement between the eight Great Lakes states:

- 1) For the first time provides environmental standards for judging new water withdrawal proposals
- 2) Protects all the waters of the Great Lakes basin, including streams and groundwater
- 3) If approved by Congress as well as the states, would be legally binding on the states

- 4) Requires most water withdrawals to be registered and some larger withdrawals to be managed, assuring both a means for preventing the worst environmental damage caused by withdrawals and better knowledge of how the region is using its waters
- 5) Properly establishes the new environmental standards as a minimum, not a maximum system of protection
- 6) Provides good avenues for public participation in permitting decisions
- 7) Provides good means for enforcing the provisions of the compact.

On the minus side, the compact:

- 1) Would require conservation “plans” and “measures” for various water withdrawers, but provides no definition of those terms, making the effectiveness of this essential component questionable
- 2) Allows a ten-year phase in of the new rules, an unnecessarily long waiting period
- 3) Defines different standards for judging water withdrawals depending on their size, but defines that size according to 120-day averages that virtually exempt some withdrawers from the rules
- 4) Fails to properly evaluate “cumulative” impacts on the local river and local groundwater levels, where the cumulative effect of numerous small projects will do the most environmental damage
- 5) Fails to explicitly state that nothing in the agreement will disturb the current authority of the Great Lakes states to veto any proposal to divert water out of the Great Lakes basin.

The international agreement between the states and provinces

The “good-faith” agreement between the Canadian provinces and the U.S. states is stronger in substance than the compact agreement and sets an important precedent in binational water management. However, not being binding, the agreement is weaker in practice, and will need to be passed into law in Ontario and Québec to assure that its provisions are ultimately implemented.

Public comment

Collectively the states and provinces have agreed to hold public comment hearings on the proposed agreements in Toronto and Chicago. Individually the states and provinces have agreed to each hold at least one public comment hearing or meeting in each of their jurisdictions.

Because these agreements are potentially the most important environmental and economic protection measures taken by the jurisdictions in a generation, the groups called on each state and province to hold public meetings in all their major basin watersheds during the ninety-day comment period.

The groups also called on the governments to assure that the public meetings allow direct dialogue between the public and government officials on these complex proposals.

More information

For more information on the agreements, their background, future scheduled hearings, and the perspectives of environmental groups, connect to www.speakongreatlakes.org. The site will be updated regularly during the ninety-day comment period ending October 18.