



By Laura Coleman

In 1960, the Aral Sea, which lies between Kazakhstan and Uzbekistan in Central Asia, was the world's fourth-largest lake. Its surface area sprawled more than 42,160 miles.

Today, however, due to excessive diversions and misuse, the sea has shrunk to about a quarter of its original size and salinity has increased. Worse still, the body of water continues to diminish.

To Wisconsin state Rep. Jon Richards, this startling example of water mismanagement makes a case for the Great Lakes Compact, an interstate agreement the eight Great Lakes states will discuss during their 2007 legislative sessions.

"The Aral Sea was once the size of one of our Great Lakes now and it is completely dried up because of mismanagement. That should be a warning cry to everybody that, without some thought, these resources which seem inexhaustible can literally disappear on our watch," he said.

With growing water demands in the United States, Richards considers it imperative that policymakers heed that warning cry.

"The Great Lakes system is a massive fresh water resource. It's immense," he said. "But most of the water in the Great Lakes was placed there in the last ice age. It's not the sort of resource that is constantly recharged. Once you drain it, it's lost forever."

Details of the Compact

Before the current compact language was developed, the Great Lakes system was only nominally protected by the Great Lakes Charter of 1985, a voluntary cooperative agreement by the Great Lakes states and Canadian provinces.

But in 1998, the province of Ontario approved a permit for the Nova Group of Sault Saint Marie, Ontario, that would have

allowed the company to remove 160 million gallons of water from Lake Superior each year to be sold in Asia. The Ontario government rescinded the permit, but the close call led the Council of Great Lakes Governors (CGLG) to examine the issue of bulk removal in greater depth.

Since 2001, the CGLG has worked to develop the Great Lakes-St. Lawrence River Basin Water Resources Agreement to protect and maintain the Great Lakes as one of the United States' greatest natural resources. In December 2005, the Great Lakes governors and premiers signed the agreement and called for the enactment of its companion compact, which would provide a framework for each state and province to enact laws to protect the Great Lakes. This framework includes:

- A ban on new diversions of water from the basin, with limited exceptions.
- The enforcement of a review standard for proposed uses of Great Lakes water.
- A call for cooperation and sharing of technical data among the states and provinces to improve decision making by the governments.
- The development of regional goals for water conservation and efficiency and the promotion of water conservation and efficiency programs in states and provinces.
- The promotion of an economic development plan that is balanced with sustainable water use.
- A call to recognize the waters of the basin as a shared public treasure and a commitment of continued public involvement to implement the agreements.

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Liquid GOLD

Compact Aims to Protect Valuable Resource of Great Lakes

“Water is liquid gold. Every state should take steps to protect that to the best possible degree.”

—Wisconsin Sen. Neal Kedzie

State legislatures in New York, Pennsylvania, Wisconsin, Michigan, Ohio, Illinois, Minnesota and Indiana must ratify the compact. If all states ratify the compact and Congress consents, the compact will be federal and state law. For the agreement to become law in Ontario and Quebec, the provinces must amend their statutes and regulations as appropriate.

As of early February, the compact has been approved in Minnesota, and has also been introduced in Illinois and Indiana.

The compact forbids most out-of-basin diversions. Exceptions could be made for municipalities that either border the basin or are located in counties that straddle it. Those communities could only use the water for public water-supply purposes and would have to return all unused water to the basin.

According to Pete Johnson, program director for the CGLG, the compact refers to the basin as the surface water divide.

“If a drop of water hits the ground and would eventually flow into the Great Lakes, that’s the Great Lakes basin,” he said. “If it flows away, it’s outside the basin.”

Johnson said communities that apply for exception must meet a standard set forth by the compact and then undergo regional review by the governors and premiers. Finally all voting members of the compact council—the governors of the Great Lakes states—would approve or reject the exception.

Issues Surrounding the Compact

Waukesha, Wis., which lies 15 miles west of Milwaukee, is the seventh largest city in the state with a population of about 60,000 people.

“We are just to the west by a couple of miles of the sub-

continental divide,” said Waukesha Mayor Larry Nelson. “The point of the compact is a city like Waukesha should have to meet certain conditions in order to receive water.”

Nelson said the first criterion is that the community seeking exception should have a serious water conservation plan. And although the common council has not yet decided to apply for Great Lakes water, that facet of application is one it is definitely taking under consideration.

“Last year the common council passed a water conservation plan that is the most comprehensive in the Midwest,” said Nelson.

The plan includes a sprinkling ban from 1 to 5 p.m. during the summer and a potential change in the way utilities charge for residential water usage.

“Right now if you’re a residential water user, water becomes cheaper once you pass a threshold,” Nelson said. “We are going to say you should pay more instead of less for obvious conservation issues.”

Nelson said if the city applies, those strict standards could set a precedent for other communities that apply for exception.

“I think the Great Lakes Water compact could be one of the most important environmental agreements ever,” he said, “as long as it is implemented correctly giving communities like Waukesha a fair chance to get Great Lakes water if we decide to apply and can meet the conditions.”

Wisconsin state Sen. Neal Kedzie, who chairs a study committee dedicated to find out how the compact can be best implemented, said issues like radium content in community water supplies could lead to annexations in order to receive Great Lakes water.



To find out more about the Great Lakes Compact, visit <http://www.cglg.org/projects/water/GLSLRWRRB.asp>.

In addition, more information about interstate compacts in general is available at <http://www.csg.org/programs/ncic/resources.aspx>.

“Townships do not have the ability to annex, but villages and cities do,” he said. “Potential future requests for water could lead to more annexations. We don’t want to set up any kind of water wars as a result.”

Furthermore, Kedzie said, differences between state land masses inside the basin confuse the issue.

“What complicates matters is when it comes to diversions, the state of Michigan has 99.9 percent of its landmass in the basin, which gives them more flexibility on where to move water without dealing with the rules the compact puts forward,” he said. “It’s not a level playing field among all eight states. To have the compact be a one size fits all, to get all states in harmony, is not easy.”

Linda Woggon, vice president of governmental affairs for the Ohio Chamber of Commerce, said that organization is concerned about language in the compact. According to Woggon, if a new business enters the basin intending to take out 100,000 gallons of water or more per day, it must acquire a permit. Compact members consider five criteria in the permit application process.

“If you don’t meet the first four, you aren’t getting the permit,” she said. “The fifth is a balancing assessment—they look at the other criteria and balance. It’s not an automatic disapproval ... there is some subjectivity.”

Woggon said the chamber’s concern is that the second criterion states that an applicant for a permit must show withdrawal or consumptive use will be implemented so it has no adverse impact on the quality or quantity of water in the basin.

“We think the way the criteria was intended in previous drafts of the compact was that if you could show a new withdrawal would result in damage to the basin as a whole or watershed as a whole, it should not be approved,” she said. “But if you’re going to have an adverse impact on some stream or some river, that should be considered in the balancing section. It may still be disapproved, but not automatically.”

Woggon said the Ohio legislature has made changes in its enabling legislation that the chamber supports, but without changes

in the language of the compact, the chamber could not support it. Keeping the unclear language the same, she said, ties the hands of the states and could be devastating from an economic perspective.

‘Not Opposed to the Concept’

Despite what could be interpreted as opposition to the compact, most groups that take issue with the compact’s language still see the need for legislation on the topic.

“I would like to stress that our business coalition really believes the concept of the coalition is excellent,” said Woggon. “We are not opposed to the concept. We just want to make sure in the course of getting all the states to approve, we don’t approve language that would be detrimental from an economic standpoint.”

Mayor Nelson agrees.

“One of my concerns is that 20 years ago all the legislatures were supposed to pass an agreement and they didn’t,” he said. “We certainly can’t wait that long to determine our best option in determining our water needs.”

To Richards, signing and enacting the compact is of immediate concern.

“What we’re finding all around the country and the world is that water is becoming a more precious commodity and each year fresh water becomes more scarce,” he said. “Pressure to take water from the Great Lakes to meet those needs is going to increase. The real question we have as a region is whether we’re going to adopt these rules or wait and delay and allow thirsty states and thirsty parts of the world to set those rules for us.”

Kedzie said this issue should be of importance to every state, not just those in the eight-state Great Lakes region.

“Obviously because we’re sitting on the world’s largest supply of fresh water, those who have been thinking they could take advantage of catching that water should be aware that we’re putting safeguards on it,” he said. “Water is liquid gold. Every state should take steps to protect that to the best possible degree.”

—*Laura Coleman is associate editor of State News magazine.*

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