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Pact might not hold water

Without strict laws, Great Lakes measure viewed as toothless

By Tim Martin
Lansing State Journal

Michigan must pass stricter state laws if it wants to stop future rerouting of Great Lakes water, officials say.



Old dock and pier pilings on a beach at Ludington State Park show how Lake Michigan's water level has receded.

(ROD SANFORD photo)

Gov. John Engler joined seven other states and two Canadian provinces last month in updating a nonbinding agreement aimed at protecting Great Lakes water. But the pact may not provide long-term protection unless Congress or the states themselves pass laws prohibiting Great Lakes water diversion.

The pact - called Annex 2001 - asks states to pass new laws within three years. The water diversion issue has gained prominence as Great Lakes levels continue to drop and drought-stricken regions seek new supplies.

"Great Lakes water will be sought after by other states and nations," said Tim Eder, an Ann Arbor-based officer with the National Wildlife Federation. "Companies will want to sell Great Lakes water. It's inevitable."

Tankers could scoop up Great Lakes water and set sail for Asia. Lake Michigan water could be pulled into the Mississippi River system and diverted to Western states through pipes, channels or smaller rivers. In exchange, Michigan and other Great Lakes states might receive credits for nuclear or electrical power generated in Western states. None of the plans are imminent - but all have been discussed in the past.

The Annex 2001 agreement reached last month is an amendment to the 16-year-old charter of the Council of the Great Lakes Governors. It calls for government leaders to scrutinize even the smallest proposals for withdrawing water from the Great Lakes basin.

There are five major diversions taking place now on the Great Lakes. The largest is a 2 billion-gallon-a-day diversion from Lake Michigan near Chicago. Half the water is used for drinking water. The other half is used to reverse the flow in a shipping canal, with the diverted water ending up in the Mississippi River.

The most recent diversion was approved in 1998, when the city of Akron, Ohio, was allowed to pipe more than 3 million gallons daily from

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Lake Erie.

Other more controversial proposals were scuttled under political pressure. The biggest came in 1998, when a Canadian company wanted to export 150 million gallons of Lake Superior water to Asia.

Arizona and California had considered ways to import Great Lakes water in the 1980s, but those proposals also fizzled.

Impact debated

Some scientists suggest water diversion would not have a significant impact on lake levels. Weather is a more important factor, although in a typical year, 1 percent or less of the Great Lakes are replenished through snow and rain.

The diversion issue has become politically sensitive because lake levels have been dropping in recent years.

Lake Michigan and Lake Huron are 2 inches lower than a year ago, and 20 inches lower than their long-term averages, according to the U.S. Army Corps of Engineers.

Lake levels tend to be cyclical. Lakes Michigan and Huron posted record lows in 1964, then rebounded for record highs in 1986. Today's lake levels aren't unusually low given the historical perspective, according to a study by the Great Lakes Environmental Research Laboratory in Ann Arbor.

Most models projected by the Ann Arbor group predict lake levels will continue to drop. But warmer, wetter weather could add water to the Great Lakes basin. Predictions range from a 2.4-foot loss to a 1.2-foot gain in Lake Michigan and Huron levels by 2030.

"This happens over years, in cycles, primarily because of weather," said Jerry Baarman, a Holland resident often forced to dock his 25-foot boat offshore because of low water levels in the Lake Michigan-Lake Macatawa region. "I doubt diversion has much to do with it."

Some fear property values could be hurt as their property slips farther away from water every year. But that is a slow, steady process that likely won't be felt in most property owners' lifetimes, environmentalists say.

Lower water levels could create bigger beaches, but would make access to docks and marinas more difficult.

The shipping industry - already struggling with low water levels in some areas - would have to carry lighter loads through locks and channels if the drop continues. Power plants fueled by rushing water also would be affected by lowering levels.

Environmentalists say fish and wildlife could have their shoreline homes disrupted as waters recede. Some fear that PCBs and other long-buried contaminants could be dredged up as more lake bottom is exposed.

"If you monkey with water levels, you could mess up a lot of things," said Dave Dempsey of the Michigan Environmental Council. "The lakes are a lot more fragile than they look."

Legal approach

States may not be able to prevent diversion plans in court unless they can prove they have laws encouraging conservation. Annex 2001 provides a road map for that legislation, advocates say.

"This provides a legal foundation to stand on if a diversion issue is brought to court," said Cheryl Mendoza of the Lake Michigan Federation. "We've got to have a plan to conserve water ourselves before we can really argue others shouldn't be allowed to divert it."

Efforts to pass stiffer legislation have failed in the past. Environmentalists say Michigan law has not progressed much since the 1985 Council of the Great Lakes Governors' initial agreement.

Other Great Lakes states, most notably Wisconsin, have toughened their regulations on water diversion in the past few years. Annex 2001 provides a new chance for Michigan to catch up with its Great Lakes neighbors, environmentalists say.

"If the commitments are kept, it will be regarded as a historic agreement. But only if the commitments are kept," Dempsey said.

Engler has said Lake Michigan water will never be for sale. He wants the Michigan Legislature to adopt new laws before the three-year deadline suggested by Annex 2001.

"He's hoping to do it even faster," Engler spokeswoman Susan Shafer said. "This is something the states need to do."

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