



TARGET EARTH

EAST MICHIGAN ENVIRONMENTAL ACTION COUNCIL

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EMEAC's mission is to protect and restore land, air, water, and diversity of life through informed personal and public action.

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Water Policy Update: Who Owns the Great Lakes?

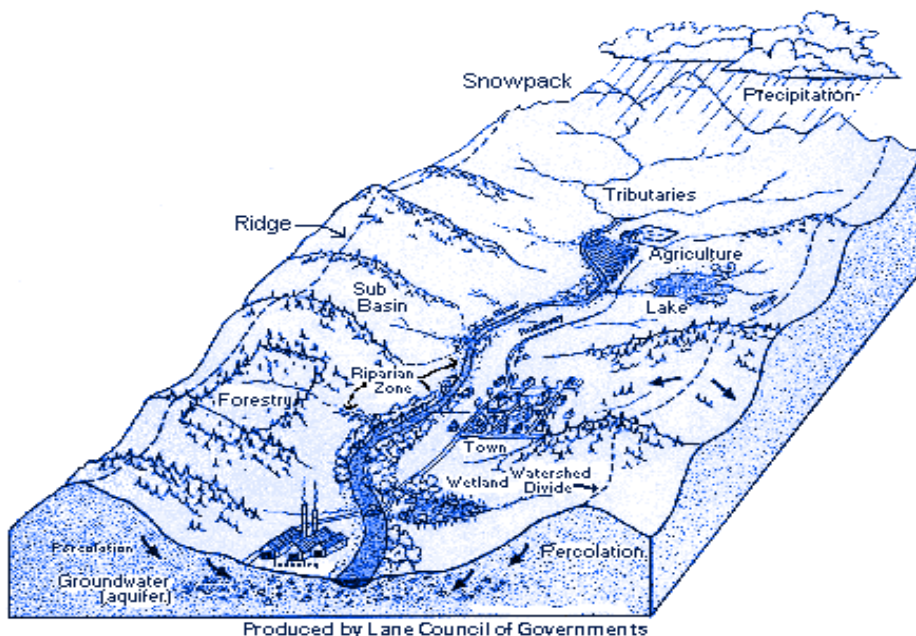
The proposed sale in 1998 of 156 million gallons of Lake Superior water to Asia caused a public outcry for action to protect Great Lakes waters from large, out-of-basin transports. Aggressive bottling and sale of water by the Nestle Corporation and others for private profit now threaten the rights of Michigan citizens to decide how its public trust waters are to be used. Michigan has failed, to date, to enact legislation either to adequately regulate in basin withdrawals of Great Lakes waters or to prevent out of basin transfers. Without such regulations, the state is unable to fully utilize existing treaties, regional compacts and federal law to protect the lakes. Legislation to increase protection for the lakes is currently before the Michigan legislature. EMEAC and its "Great Lakes, Great Michigan" partners are demanding that our elected leaders take action to prevent Great Lakes waters from being treated as a commodity for sale and transported out of the basin.

Background

In 1909 the United States and Canada signed the **Boundary Waters Treaty**. The treaty governs the use of Great Lakes waters that include an international boundary.

Discussions in the early 1980's about diverting Great Lakes waters to southern and western states prompted the Great Lakes governors and premiers to agree in 1985 to the **Great Lakes Charter**.

The Great Lakes Charter provides that no new or increased diversion or consumptive use of Great Lakes water resources will be approved without notice to and agreement by all affected states and provinces. The governors and premiers agreed in 2001 in the Great Lakes Charter Annex to update Charter standards for protecting against harmful water exports. In December, 2005, the governors and premiers further agreed to enter into formal binding agreements and enact legislation within three years to implement the Great Lakes Charter and the Annex. The Water Legacy Act, introduced in Michigan in 2004, but not acted upon, would have given the state tools to manage new large water withdrawals while putting into place conservation practices to sustain Michigan's waters. Having failed to enact water withdrawal and conservation laws, Michigan continues to be the only Great Lakes state with no legislative protections against water withdrawals or diversions out of the Great Lakes basin.



Billing water as "re-newable" is misleading; less than 1 percent of the lake water is renewed annually from precipitation, groundwater and other sources.

Image credit: www.epa.com

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EMEAC has a new Executive Director!

Diana Seales joined EMEAC on January 10th. She has an extensive background in environmental project management, environmental justice advocacy, and community organizing. Diana earned her BS in Environmental Science and Water and Tribal Policy at The Evergreen State College in Olympia Washington and her MS in Environmental Justice and Environmental Resource Policy and Behavior at the School of Natural Resources at the University of Michigan.

Diana worked in Rio de Janeiro, Brazil, connecting community leaders to solve environmental and health challenges in Rio's *favelas* (squatter settlements) before coming to EMEAC.

After earning her BS, Diana worked for an environmental engineering firm for five years in Seattle on storm water and erosion control projects. She hopes to focus EMEAC on two issues about which she feels passionate; water and environmental justice.



Diana looks forward to building new relationships with EMEAC members.
diana@emeac.org

Building a Healthy Community in Four Oakland County Townships

The 4 Towns Citizens Action Team (4TCAT) seeks to solve traffic congestion that while preserving environmental quality in Commerce, West Bloomfield, White Lake and Waterford Townships. 4TCAT was originally formed in 2002 to oppose a realignment of Union Lake Road to Williams Lake Road through Union Lake Village. A five-lane highway would have been built through the business area and would have displaced residents. The citizens group looks for smart growth options to development that preserve the natural integrity of the area. It has held educational forums to inform residents of the benefits of green and livable communities.

The Commerce Township Downtown Development Authority (DDA) is considering several ambitious plans, including major commercial and residential projects for the former El Dorado and Links of Pinewood golf courses. The DDA also proposes to extend M-5 north to Richardson Road. Asked for her reaction to the road building proposals, 4TCAT vice president Lorna McEwen said, "We believe these projects and the widening plans could negatively affect the environment and quality of life for the entire area," Among concerns raised from attending DDA and township meeting, McEwen listed the following:

- ⊗ The Commerce DDA said it will fund the widening of Haggerty to five lanes, using about \$16 million in federal funds and \$5 million from the DDA.
- ⊗ An extension of M-5 is being discussed as well as roundabouts at Pontiac Trail and Haggerty; Oakley Park and Haggerty; Richardson and Haggerty; Union Lake and Haggerty; Martin and Haggerty.
- ⊗ Some 113 acres of wetlands and wetlands soils in the two former golf courses could be impacted. A full environmental impact study and public hearings are needed.

Many citizens are unaware of the impacts, including sprawling development and increased flooding, these projects could have on their homes, livelihood and the associated lakes and wetlands. 4TCAT believes that it is important to begin preparing now with other groups, including neighborhood and lake associations, for upcoming public hearings on the proposed M-5 road extension and road widening plans.

4TCAT, EMEAC and other coalition partners¹ will host a public forum on **April 1st** called, '**Healthy Roads for a Healthy Community**'. A University of Michigan planning specialist will describe ways to manage traffic while preserving the area's natural amenities and 4TCAT will suggest how attendees can participate in the effort. There will be public meetings in the weeks following the forum that will include discussions with city planners and more information on the proposed road projects

For information on 4TCAT: contact Julie LeBlanc at 248-363-6128 (juliejack3@aol.com), or Lorna McEwen at 248-788-3940 (lorna408@aol.com). If you would like to learn more about, or become involved in, the work of the coalition, contact Diana Seales at EMEAC: 248-258-5188 (diana@emeac.org).

SAVE THE DATE! April 1st, 2006 9-12:30
Healthy Roads to a Healthy Community!

¹ Clean Water Action, Detroit Audubon Society, the Public Interest Research Group in Michigan, the Sierra Club Michigan Chapter and Concerned Citizens of Commerce

Waters continued...

Federal law, the **Water Resources and Development Act (WRDA)**, legislated in 1986 and strengthened in 2000, provides that no new or increased diversion or export of Great Lakes Basin water can take place without the approval of each of the eight governors of the Great Lakes states. The Nestle Corporation is challenging the constitutionality of WRDA in court. Enactment of water withdrawal and conservation laws would strengthen the state's ability to invoke WRDA.

What Needs to Change?

Cyndi Roper, Great Lakes Policy Director for Clean Water Action (CWA) reported that she "is particularly glad to see that the proposed amendment to Annex 2001 includes an almost-firm no new or increased water diversions policy. This is not only a must in order for Michigan to participate in the agreements, but also good water conservation policy."

Roper warns that the states and provinces still need to prove they understand the fundamental steps of managing and conserving their waters. "The signing of the proposed Great Lakes Basin Water Resource Compact and the Great Lakes Basin Sustainable Water Resources Agreement will mean nothing if both agreements do not include strong incentives for all the signatories actually to carry out their commitments".

Two additional weaknesses in the Great Lakes compacts and agreements are: (1) that they fail to state clearly that it is the policy of the governments to oppose commercialization and privatization of Great Lakes Basin water; and (2) critical language is missing from the recently signed annex that was present in earlier versions. The phrase that declared the Lakes to be a "precious public natural resources, shared and held in trust by the Great Lakes states" was omitted.

What You Can Do

Great Lakes water use legislation, currently before the Michigan House of Representatives, needs to be strengthened in the following ways:

- ◆ **Protect against diversion** by requiring legislative approval for diversions outside of the GreatLakes basin,
- ◆ **Protect all of our natural resources** from water use impacts by expanding protections to include private property and habitats without fishpopulations, and
- ◆ **Ensure water conservation** by requiring water users to self-certify that they are following accepted water management practices.

Many local representatives were advocates of the Great Lakes, Great Michigan Campaign and supported the Great Lakes Amendment. Please write, fax or call your local representative if listed and express appreciation for efforts to preserve Michigan waters.

West Bloomfield & Commerce Township

Representative David Law – Thanks for your support!
S0888 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514
Fax: 517-373-8361
Phone: 517-373-1799

Royal Oak & Madison Heights Representative Marie Donigan – Thanks for your support!

N0790 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514
Fax: 517-373-5888
Phone: 517-373-3818

Write Governor Granholm asking her to support bills that have been strengthened with the Great Lakes, Great Michigan backed amendments. It is really important that she does not sign any legislation that defines water as a product or commodity.

Governor Jennifer M. Granholm
P.O. Box 30013
Lansing, Michigan 48909
Phone: (517) 373-3400
Fax: (517) 335-6863

For example letters go to www.emeac.org



Great Lakes from Space
Image Credit: www.michigan.gov/deq

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Target Earth
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