



# Voices freshwater

2017 Series, Issue Two

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## IN THIS ISSUE

- Testing the Great Lakes Compact
- Working Together to Achieve More & Grow Stronger
- Honoring Freshwater Heroes
- Elevating Community Voices in Flint, Michigan
- Welcoming New Staff & Recognizing Our Generous Donors

## Testing The Great Lakes Compact: In Brief

At the heart of many of today's Great Lakes controversies is a little-known law called the Great Lakes Compact. Ratified by all 8 Great Lakes States, approved by both houses of Congress, and signed by President Bush on October 3, 2008, the legally-binding interstate compact created a standardized set of tools and protocols for the management of Great Lakes water. Most notably, the agreement effectively banned all water withdrawals located outside the Great Lakes basin, and it restricted withdrawals that have a measurable negative impact on a surrounding watershed.

The first test of the compact was a request by the city of Waukesha, Wisconsin to pipe water from Lake Michigan. The city limit of the Milwaukee suburb lies several miles outside the Lake Michigan drainage basin and approximately seventeen miles from Lake Michigan itself. Since the city is located in a county straddling the divide between the Great Lakes and Mississippi River drainage basins, it was eligible to apply for a diversion, which required approval of state regulators and all of the Great Lakes states governors.

The Waukesha proposal took five years before earning a unanimous vote by the Great Lakes governors in June 2016. To comply with the Compact, Waukesha must return an equal volume of water back to Lake Michigan, which requires wastewater treatment improvements and a new pipeline to return treated water back to a tributary river. The city expects to complete the transition by 2023.

The case of Waukesha was inherently controversial because the entirety of the city was well outside the drainage basin boundary. Legal and administrative challenges charged that the agreement violated the Compact, but those challenges were ultimately dropped. Instead, Great Lakes mayors announced their intention to meet with state representatives over the coming year to negotiate potential changes to procedures for reviewing future diversion requests.

While some folks aren't happy with the outcome of the Waukesha test, the agreement held up and operated as intended. The Waukesha decision was diligently considered with a great deal of scrutiny, and this first test of the Great Lakes Compact reveals areas where the agreement can be strengthened.

Inside, we explore the Compact in its broader context, and ponder a future in which water is the new gold and the Great Lakes is the world's largest gold mine.







RANDEN PEDERSON | ST. LOUIS RIVER | FLICKR.COM

# Testing The Great Lakes Compact: Dive Deep

## The Compact

Work began on the Great Lakes Compact in 1999 after a series of proposals floated by private corporations and government agencies caused a stir: a Canadian company proposed shipping Lake Ontario water to Asia, and others floated piping Great Lakes water to Arizona or western Canada to replace depleting aquifers and alleviate ongoing droughts. Governors and legislators in the region, alarmed by the schemes, sought to strengthen existing legal barriers to such proposals. At the time, lake levels were nearing historic lows, and industries relying on the Great Lakes were suffering: commercial fishing, hydropower electricity generation, tourism, shipping, etc. The politics of water withdrawals were perilous.

What made the Compact such a radical departure from the environmental law of the time is that it treated groundwater, surface water, and Great Lakes tributaries as a single ecosystem. The law is clear: no diversions of Great Lakes basin water, period—not by pipe to Arizona, not by ship to China, not even to Madison, Wisconsin or Columbus, Ohio.

## The Waukesha Test

Where the law has been profoundly unclear is in the case of municipalities that straddle the Basin. What happens when half of a town is inside the Basin, and half is outside? Or even more drastic, what if a town finds themselves just barely on the wrong side of the water slope? The answer is complicated, in part because it's still being debated.

The Waukesha proposal took five years before earning a unanimous vote by the Great Lakes governors in June 2016. The case was inherently controversial because the entirety of the city was well outside the drainage basin boundary, and the decision reveals areas where the agreement can—and should—be strengthened.

## Nestlé Waters: Bottling the Great Lakes

Each day, 4.8 million bottles of water leave Nestlé's packaging plant in Stanwood, Michigan and end up neatly stacked one-by-one in gas station coolers across the Midwest. If you've sipped from an Ice Mountain-branded bottle in the last decade, you've sampled a tiny fraction of the 3.4 billion gallons that's been pumped from nine wells in Mecosta and Osceola Counties. Their handful of wells in mid-Michigan alone each pump over 200 gallons per minute, amounting to hundreds of millions of gallons per year.

Michigan law permits any private property owner to withdraw from the aquifer directly below for free, given they pay a nominal \$200 paperwork fee each year, and a clause in the compact exempts from the law water shipped in containers under 5.7 gallons—without regard to the total volume and number of containers.

It's a bizarre loophole that allows the company to continue its water withdrawals of hundreds of thousands of gallons per day and sell it on the marketplace for up to 240 times its production cost. Nestlé can profit upwards of \$1.5 million each day, as long as they ship the water in containers smaller than 5.7 gallons.

## The Future of Freshwater

At the center of the Nestlé conflict is a fundamental disagreement about what water means in our society and in our culture. Michiganders, and Great Lakes citizens broadly, still largely understand water as a public good—something we don't pay a premium for, something everyone has a right to access and enjoy, and something that sits at the foundational center of our social and economic lives. The Great Lakes and its tributaries were a one-time gift from the glaciers. Approximately 1% of the water evaporates or leaves the Great Lakes Basin each year, and approximately 1% is returned through precipitation. It's a delicate balance that humanity must take care not to disrupt. Great Lakes residents understand this.

Thus, in the end it doesn't matter that Nestlé is a drop in the freshwater ocean. The fundamental questions the case poses need to be answered. Is Great Lakes water up for sale? Should private corporations profit at the expense of local communities? Do we each have a right to clean, affordable, and accessible water for drinking, fishing, and sport? Do we have an obligation to share Great Lakes water with the world? Do watersheds and ecosystems have inherent value outside human use and consumption? The Great Lakes Compact has given us a foundation on which to begin answering these questions, but how we choose to use the Compact in these cases and beyond will have tremendous consequences in the years to come.

*For more content like this, sign up for our weekly email or visit our blog at [freshwaterfuture.org](http://freshwaterfuture.org)*



## THE GREAT LAKES NETWORK

# Achieving More Together

The key to improving Great Lakes policy is collaboration. There's a steep learning curve associated with identifying common solutions, so it's helpful to connect with colleagues from other environmental organizations working on the same things. While the programs and policies are different in each jurisdiction, we can save a lot of time and resources by working collaboratively to define opportunities for the region.

Now collaborative work is being supported by the Great Lakes Network, a platform Freshwater Future co-created to foster communication and collaboration among environmental organizations working to advance policies that protect and restore waters in the Great Lakes basin. When members identify a need for collaboration on a specific issue, they can create a subnetwork of organizations that can work together. So far, members of the Great Lakes Network have created 14 subnetworks on issues such as drinking water, mining, fracking and sewage spills.

Through subnetworks, the Great Lakes Network is building connections across borders— between states and across countries. For instance, Canadian groups and binational organizations such as the Great Lakes and St. Lawrence Cities Initiative hosted Canada's first Great Lakes Days last year, inspired by the US Great Lakes Days. It was so successful that the second annual event is happening in November 2017 to create more Canadian federal support for Great Lakes protection.

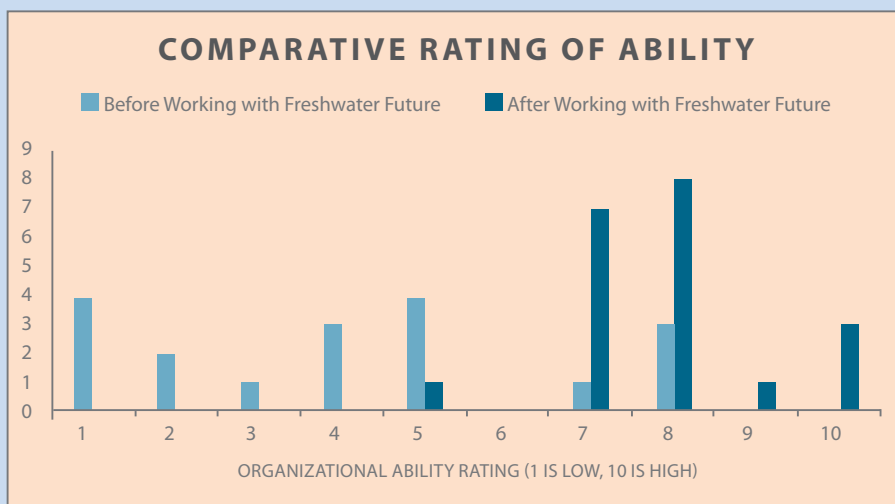
Groups are also working together under the Sewage Spills subnetwork to put together a model sewage alert system for use in Ontario. The system would require municipalities to report to the public when water treatment plants are overwhelmed and need to bypass sewage directly into lakes and rivers. They are working with other groups to use the positive attributes of policies in other jurisdictions such as the the US Environmental Protection Agency's proposed requirements for public reporting of Combined Sewer Alerts.

The Great Lakes Network is open to new members and it is free to join. Learn more by emailing Nancy Goucher, Manager of Partnerships at [nancy@freshwaterfuture.org](mailto:nancy@freshwaterfuture.org).

## Want to Strengthen Your Organization?

Coaching is rated as the most effective tool for nonprofit leaders to develop their skills and strengthen their organizations, but there's not always room in the budget for it. That's why we offer our customized consulting services at grant-subsidized rates to Freshwater Future members. We still have funding available for 2017! Whether you need a comprehensive strategic plan or a partner to help you think through a tough decision, we can help.

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# Freshwater Heroes

## Glen Dale: A True Friend of Lake Superior and the Great Lakes



Lake Superior recently lost a special friend and dedicated supporter, Glen Dale, who passed away on November 6, 2017. Glen was a resident of Cloud Bay, Ontario and was one of the founders of the Shoreline Stewardship Association of Cloud Bay and Little Trout Bay, Canadian Co-Chair of the Lake Superior Binational Forum, former Canadian Vice President of the Lake Superior Alliance/Lake Superior Waterkeeper, and chair of both Freshwater Future and Freshwater Future Canada. Under Glen's leadership, the Shoreline Stewardship Association protected a Provincially Significant Wetland from being destroyed from a proposed dense shoreline development, preserving critical habitat for migratory waterfowl and spawning grounds for sensitive fish. As a result, residents and visitors to Cloud Bay and Little Trout Bay can experience the abundance of wildlife and 146 species of birds found in the Cloud Bay wetland.

Glen's family has generously requested that memorial donations be made in his name to Freshwater Future. We are so appreciative of Glen's commitment and work to protect Lake Superior and all of our waters. He will be greatly missed.

## Jumana Vasi: Citizen Advocate



### What about the people?

This is the question Jumana Vasi always asks to ensure that decisions and solutions to environmental concerns also include their impact on people and their communities. As a former program officer at the C.S. Mott Foundation, Jumana's leadership elevated social justice and environmental justice issues in the Great Lakes region.

Throughout the Flint water crisis, Jumana was a powerful advocate for including community members in decision making processes. Her voice and influence make a difference. Thanks to Jumana, community leaders have more opportunities to contribute to the decisions being made about their environment and their community. In Jumana's own words, "Solutions must be informed by the people and communities who will be impacted."

We are grateful for Jumana's leadership and authenticity. She has emphasized environmental protection for people, and her work in the Great Lakes region continues as a consultant and advisor to nonprofit and environmental organizations.



## Elevating Community Voices in Flint

Residents of Flint, Michigan have been without safe drinking water since April 25, 2014. Freshwater Future supports grassroots advocacy and promotes inclusiveness in decision making so that a diversity of voices are heard and all residents can provide input on long-term solutions.

We helped local and regional groups first come together under the umbrella of All About Water in February of 2017. Our Detroit conference began a series of roundtable convenings, conversations, and information exchanges on the unique challenges of urban water systems in south-eastern Michigan.

Most recently, All About Water hosted a forum between Flint administration officials and members of the city's Hispanic community, a population that has experienced significant challenges in coping with the water crisis. The primary objective of the meeting was to foster increased dialogue between city officials and Hispanic residents with regard to issues of water accessibility and affordability, emphasizing the pending decision on Flint's long-term water source.

Through this meeting, All About Water called upon the Flint City Council to take advantage of the stable pricing available under a long-term contract. In late November, City Council narrowly approved a 30-year contract with the Detroit-area Great Lakes Water Authority to supply drinking water to the city, which could help stabilize prices and reduce a significant stress on Flint families.

In Flint, All About Water is helping to promote and amplify the voices of Flint residents. The collaborative is actively cultivating meaningful relationships with underrepresented low income communities, communities of color, and communities where the primary language spoken is Spanish. Throughout Michigan, All About Water is working to ensure that water and environmental concerns are community centered and that leadership roles are deliberately created for the Hispanic community.



Members of All About Water participate in a community forum in Flint, Michigan.





Freshwater Voices is a joint production of Freshwater Future, a 501 (c) (3) nonprofit organization and Freshwater Future Canada, a registered Canadian charity.

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## Freshwater Future Welcomes New Staff



### LATIA Leonard

**Latia** works on urban water issues in the Detroit and Flint metro areas. She has a passion for helping others, and her work on affordability and infrastructure is an extension of ten years of community service and anti-poverty work. A graduate of Michigan State University, Latia recently completed a year as a VISTA volunteer with AmeriCorps, and now brings her communications expertise to Freshwater Future.



### MEGAN Feeley

**Megan** directs communications for Freshwater Future, helping us to craft messages that move people to action. She comes to us with over five years of experience in the for-profit marketing world after having taught high school Social Studies for nearly a decade. Megan is a lifelong lover of watery places who enjoys hiking, swimming, and paddling, and she's actively engaged in grassroots politics in her town of Petoskey.



### MITCH Barrows

**Mitch** tracks water policy changes in the 8 Great Lakes states and Ontario, manages a policy blog, and connects local community efforts to meaningful opportunities for policy change. Before joining Freshwater Future, he organized for the Sierra Club's Beyond Coal campaign and worked on water affordability in Detroit, MI. Mitch received a bachelor's degree in Environmental Studies and Anthropology from Yale University. He enjoys reading history books, staying active in local Michigan politics, and hiking with his black Labrador retriever Juno.





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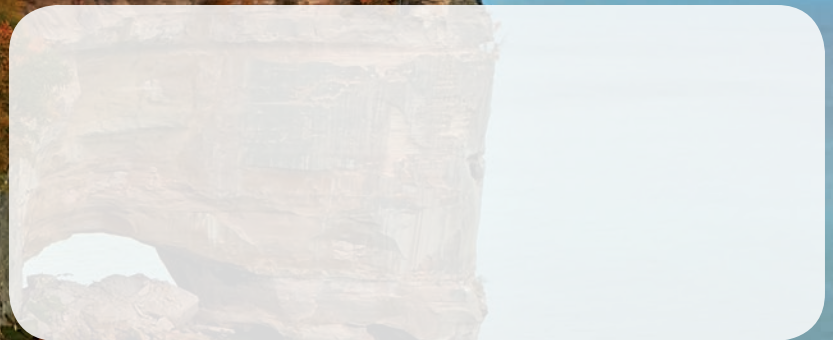




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