



NEWS RELEASE

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Rethinking the Great Lakes Compact

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Support for passing the proposed Great Lakes-St. Lawrence River Basin Water Resources Compact is gaining momentum in the eight Basin states. The Compact was approved by both the New York Assembly and the Ohio House of Representatives late last year and it is now on a fast track in all of the Great Lakes Basin states. But in his soon to be published article in the Michigan State Law Review, “Rethinking the Great Lakes Compact,” University of Colorado law professor Mark Squillace urges the parties to take a step back and rethink their entire approach. “The proposed Compact imposes cumbersome requirements on every Basin State as well as on most new water users, and yet the benefits are negligible,” notes Squillace. “Most importantly, while the Compact give the illusion of protecting the ecological health of the Basin, it actually affords very little protection because it fails to provide for the regulation or management of the myriad existing uses and activities that already significantly impact the water resources of the Great Lakes Basin.”

In his article, Squillace proposes an alternate framework that allocates among the Basin States and Provinces a fair percentage of the available water supply. The available water supply is conservatively defined in terms of that amount of water that is in excess of what is needed to protect the ecological health of the Great Lakes. Ownership of existing uses and activities could be granted to individual States and Provinces to provide them with an incentive to conserve. “This alternate framework has many advantages,” points out Squillace. “It avoids micro-managing individual water uses on a regional level, while being readily adaptable to address the impacts of uncertain events such as drought and climate change. If smaller water supplies are available in the future each party may have to make proportionate reductions in their withdrawals and consumptive uses, but no new program would need to be developed.”

Notably, the alternate framework proposed by Squillace essentially ignores the contentious problem of out-of-basin diversions, but he makes a compelling case for his claim that the Lakes will be far better protected under the system he proposes even without a ban on out of basin diversions. “Each State and Province will have access to a fixed supply of water over a given period of time to use as it sees fit,” notes Squillace. “But political and practical considerations make it highly unlikely that any party will send a significant part of its share of the water to any far away place. More importantly, however, from the perspective of the other parties, the locus of use shouldn’t matter. The impact on the Basin and on other parties will be the same whether the water is consumed in or outside the Basin. In this way, we can protect the ecological health of the Great Lakes efficiently and effectively without worrying about where the water is being used.”

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