

The Great Lakes: Whose water is it anyway?

by Dave Dempsey

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In a century of rising fresh water scarcity, a [community of activists](#) in the Great Lakes region is working to prevent private ownership of that water resource, although most mainstream conservation and environmental activists are focused elsewhere. If the activists' concerns are valid, their battle has national as well as international implications.

The fear stems from the interaction of the North American Free Trade Agreement, other trade pacts, and the [Great Lakes Compact](#) ratified by the eight Great Lakes states and Congress last year. The definition of "product" in the Compact includes water once extracted from its natural state and location. A controversial Nestle Waters North America, Inc. bottled water operation in Michigan that is pumping hundreds of millions of gallons per year of state water heightens the concern.

The Michigan activists seek to close what they regard as a loophole in the Compact. In addition to concerns about the product definition, they are troubled by a clause that treats water shipped in containers under 20 liters — no matter what the total volume and number of containers — as exempt from an otherwise strict limitation on new diversions and exports.

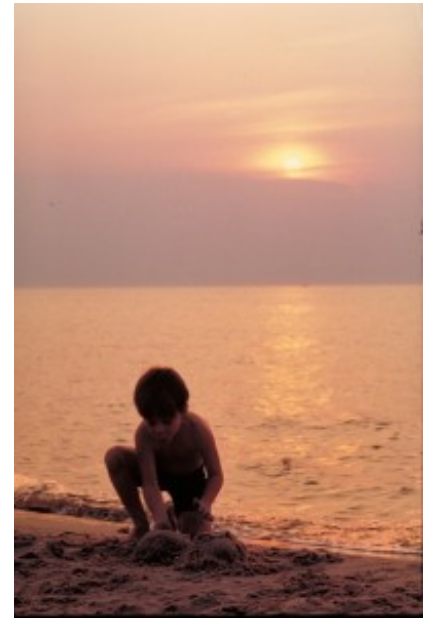
But other environmentalists dispute that these issues are a major concern. "The future of the Great Lakes is secure, with foresighted plans now locked in place to safeguard their waters and health for generations to come," said the [National Wildlife Federation](#).

To clarify that Great Lakes water remains a resource under public control, Michigan State Rep. Dan Scripps is [preparing legislation](#) that would reaffirm the common law of public trust. Meanwhile, members of the FLOW for Water coalition are attempting to build alliances with public water advocates [from the arid West](#) and eastern states where companies like Nestle are staking out claims on water. Last year, [Vermont](#) enacted legislation declaring its groundwater to be a public trust resource.

Northern Michigan U.S. Rep. Bart Stupak this summer introduced [a resolution](#) to affirm that Congress did not intend to commercialize Great Lakes water when it approved the Compact in 2008. It has yet to receive a hearing.

Jim Olson, an attorney for Michigan Citizens for Water Conservation, [recently wrote](#): "Citizens, waterfront property owners, businesses and communities must reclaim the water. They must demand that our Supreme Court and Legislature restore the integrity of Michigan's water law and prohibit the private plunder of our waters by international corporations. Water has been owned by the public and held in public trust for the benefit of citizens for centuries."

Photo credit: David Riecks, Illinois-Indiana Sea Grant.



Dave Dempsey ([30 Posts](#))

Dave Dempsey is a writer active in conservation for more than 25 years. A frequent freelance contributor and newsweekly columnist, Dave is the author of four award-winning books on the environment and a biography of Michigan's longest-serving Governor, William Milliken. A native of Michigan who now lives in the Twin Cities metro in Minnesota, Dave served as environmental advisor to Michigan Governor James J. Blanchard from 1983-89. President Clinton appointed him to the Great Lakes Fishery Commission in 1994. Dave has also held numerous administrative, policy and consulting positions for nonprofit conservation and environmental organizations in Michigan and Minnesota. He was both policy director and executive director at the Michigan Environmental Council and Great Lakes policy consultant for Clean Water Action. Dave has a bachelor of arts degree from Western Michigan University and a master's degree in natural resource development from Michigan State University, and has served as an adjunct university instructor at MSU in environmental policy.

