



**House  
Legislative  
Analysis  
Section**

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**GREAT LAKES WATER USE REGISTRATION**

**Senate Bill 602 (Substitute H-2)  
First Analysis (11-28-90)**

**Sponsor: Sen. Nick Smith  
House Committee: Conservation, Recreation and  
Environment  
Senate Committee: Natural Resources and  
Environmental Affairs**

***THE APPARENT PROBLEM:***

Protection of the water quality of the Great Lakes and preventing the diversion of their waters are two issues of increasing importance to Michigan as the demand for its water resources continues to grow. Since approximately 40 percent of the Great Lakes are located within the state's boundaries, it is important that Michigan take the lead role in development of programs that will address use of the Great Lakes. Therefore, on February 11, 1985 the state joined the seven other Great Lakes states (Indiana, Illinois, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin) and two Canadian provinces (Ontario and Quebec) in signing the Great Lakes Charter to facilitate better management of the Great Lakes.

Principle V of the Great Lakes Charter sets forth the agreement by the states and provinces to "commit to pursue the development and maintenance of a common base of data and information regarding the use and management of basin water resources." The states and provinces agreed that each state and province should collect and maintain data regarding water use in order to cooperate in the sharing and exchange of such information. Michigan is the only state in the Great Lakes region that has not passed water use reporting laws to comply with the charter's provision mandating the development of a water use reporting system. Many people feel that Michigan should enact legislation to implement water use registration requirements in order to contribute to the region's water use data base, especially since it could stand to lose the most if a diversion negatively affects the lakes.

***THE CONTENT OF THE BILL:***

The bill would amend the Great Lakes Preservation Act to specify that water use registration and reporting are essential to implementing the principles of the Great Lakes Charter, necessary to support the state's opposition to diversion of waters of the Great Lakes Basin, and provide a source of information on water use to protect Michigan's rights when proposed water losses affect the level, flow, use, or quality of waters of the Great Lakes Basin. The bill would also include policy statements regarding preservation of the Great Lakes and the adverse affects of diversion of the waters of the Great Lakes. In addition, it would require registration of owners of facilities requiring large intakes of the Great Lakes waters as follows.

Under the bill, a person would register with the Department of Natural Resources by December 31, 1991 if during the year 1990 or 1991 the person owned an industrial or processing facility or an irrigation facility that had the capacity to withdraw over 100,000 gallons of water per day average in any consecutive 30-day period from the waters of the Great Lakes Basin. Beginning January 1, 1992, a person required to register would do so during

the calendar year in which the withdrawal occurred. A person would combine all separate withdrawals that were made or proposed to be made in calculating the total amount of an existing or proposed withdrawal. It would not matter if the withdrawals were for a single purpose or related but separate purposes.

The bill is tie-barred to House Bill 5186 (recently passed by the House), which would include provisions for water usage reporting and penalties for violation of the bill's provisions.

MCL 323.72a and 323.77

***HOUSE COMMITTEE ACTION:***

The House Conservation, Recreation, and Environment Committee adopted a substitute which divides the substantive provisions of the proposal between Senate Bill 602 and House Bill 5186.

***FISCAL IMPLICATIONS:***

According to the Department of Natural Resources, 2.0 FTEs and \$100,000 would be required to administer the water use registration program. (11-27-90)

***ARGUMENTS:***

***For:***

Until the state develops a reporting system, it will not be formally recognized as a participant in the charter agreement and will not be consulted when issues such as the diversion of the Great Lakes are addressed by the Great Lakes region states within that process. The bill will bring Michigan into compliance with the data collection provisions of the Great Lakes Charter agreement. By requiring reporting of Great Lakes water use, the bill will allow Michigan to participate with other states and provinces in the management of a valuable resource to the region. Reliable water use information would help Michigan and the other states and provinces in the region determine the effects of cumulative water diversions and consumptive uses on Great Lakes water levels. In addition, a comprehensive water use data base would enable states and provinces to identify existing water needs and project future demands.

***POSITIONS:***

The Department of Natural Resources supports the bill. (11-27-90)

The Michigan Association of Conservation Districts supports the bill. (11-27-90)

The Michigan United Conservation Clubs supports the bill. (11-27-90)

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 602

Analysis 2<sup>nd</sup> (1.7.91)

See HB 5186