

**PUBLIC HEARING FOR DIVERSION
OF WATER FROM GREAT LAKES**

House Bill 5160
Sponsor: Rep. Derrick Hale
**Committee: Conservation and Outdoor
Recreation**

Complete to 7-31-02

A SUMMARY OF HOUSE BILL 5160 AS INTRODUCED 10-9-01

The bill would amend the Natural Resources and Environmental Protection Act (Public Act 451 of 1994) to require a public hearing concerning any proposed diversion of water from the Great Lakes.

Specifically, when the state receives a request for approval of a proposed diversion from the Great Lakes pursuant to the federal Water Resources Development Act of 1986 (42 U.S.C. 1962d-20), the Department of Environmental Quality (DEQ) would be required to do the following:

- Notify the applicant whether it has received sufficient information accompanying the request.
- Notify and solicit comments from other state departments including, but not limited to, the Departments of Transportation, Community Health, Natural Resources, Consumer and Industry Services, Agriculture, and State, and the Michigan Public Service Commission.
- Notify and solicit comments from the International Joint Commission, the Great Lakes Commission, and other appropriate federal agencies.
- Publish notice of the request including the name of the applicant, any relevant affiliation, and his or her state or province; a description of the proposed diversion; the opportunity for public comment; and the date, time, and location of a public hearing on the request.

Within 60 days after the close of the public comment period or the public hearing, whichever is later, the DEQ would be required to report to the governor and the legislature. The report would summarize comments received, make recommendations and evaluate the following:

- Whether the proposal is consistent with any state plans for water resource management;
- Whether the current water use of the applicant and his or her proposed plans for withdrawal, transportation, development and the use of water resources incorporate maximum economically feasible conservation practices;
- Whether the proposed withdrawal and uses will have a significant adverse impact on navigation within the Great Lakes basin;

- Whether the proposed diversion and uses are consistent with the protection of the public health, safety, and welfare and will not be detrimental to the public interest or the public trust in the waters of the Great Lakes basin;

- Whether each basin, region, state, or province to which water will be diverted has developed and is implementing a plan to manage and conserve its own water resources, and whether development of those existing resources is not practical or would have substantial adverse consequences;

- Whether the diversion will hinder the ability of the Great Lakes to meet its own water needs;

- Whether the diversion will have significant adverse impacts on lake levels, water use, or the environment or ecosystem of the Great Lakes basin;

- Whether the proposed diversion is consistent with all applicable federal, regional, interstate, and international resources plans.

Upon receiving the above report from the DEQ, the governor (or his or her designee) would be required to prepare a statement setting forth the governor's approval or disapproval of the proposed diversion and the reasons supporting such a decision.

MCL 324.32704a

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.