

HOUSE BILL No. 5160

October 9, 2001, Introduced by Reps. Hale, Lemmons, Cassis, Hardman, Bogardus, Quarles, Rison, Clark, Stallworth, Murphy, Thomas, Phillips and McConico and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 32704a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 32704A. (1) UPON RECEIPT BY THE STATE OF A REQUEST FOR
2 APPROVAL OF A PROPOSED INTERBASIN DIVERSION FROM THE GREAT LAKES
3 BASIN PURSUANT TO SECTION 1109 OF TITLE XI OF THE WATER RESOURCES
4 DEVELOPMENT ACT OF 1986, PUBLIC LAW 99-662, 42 U.S.C. 1962d-20,
5 THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

6 (A) NOTIFY THE PERSON REQUESTING THE APPROVAL WHETHER SUFFI-
7 CIENT INFORMATION HAS ACCOMPANIED THE REQUEST OR IS OTHERWISE
8 AVAILABLE TO PERMIT AN EVALUATION OF THE REQUEST.

9 (B) NOTIFY OTHER STATE AGENCIES, INCLUDING, BUT NOT LIMITED
10 TO, THE STATE TRANSPORTATION DEPARTMENT, THE DEPARTMENTS OF
11 COMMUNITY HEALTH, NATURAL RESOURCES, CONSUMER AND INDUSTRY

1 SERVICES, AGRICULTURE, AND STATE, AND THE MICHIGAN PUBLIC SERVICE
2 COMMISSION OF THE REQUEST AND SOLICIT THEIR COMMENTS REGARDING
3 THE REQUEST. IN ADDITION, THE DEPARTMENT SHALL NOTIFY AND
4 SOLICIT COMMENTS FROM THE INTERNATIONAL JOINT COMMISSION, THE
5 GREAT LAKES COMMISSION, AND OTHER APPROPRIATE FEDERAL AGENCIES AS
6 DETERMINED BY THE DEPARTMENT.

7 (C) PUBLISH NOTICE OF THE REQUEST WITH ALL OF THE FOLLOWING
8 INFORMATION:

9 (i) THE NAME OF THE PERSON REQUESTING APPROVAL OF THE DIVER-
10 SION AND HIS OR HER RELEVANT AFFILIATION AND STATE OR PROVINCE.

11 (ii) A DESCRIPTION OF THE PROPOSED DIVERSION, INCLUDING THE
12 LOCATION AND SIZE OF THE DIVERSION, AND THE STATE OR PROVINCE TO
13 WHICH THE WATER WILL BE DIVERTED.

14 (iii) THE OPPORTUNITY FOR PUBLIC COMMENT, THE LENGTH OF THE
15 PUBLIC COMMENT PERIOD, WHICH SHALL NOT BE LESS THAN 30 DAYS, AND
16 THE NAME AND ADDRESS OF THE PERSON TO WHOM COMMENTS SHOULD BE
17 DIRECTED OR FROM WHOM MORE INFORMATION MAY BE OBTAINED.

18 (iv) THE DATE, TIME, AND PLACE OF A PUBLIC HEARING ON THE
19 REQUEST.

20 (2) WITHIN 60 DAYS AFTER THE CLOSE OF THE PUBLIC COMMENT
21 PERIOD OR THE PUBLIC HEARING PURSUANT TO SUBSECTION (1), WHICH-
22 EVER IS LATER, THE DEPARTMENT SHALL TRANSMIT A REPORT TO THE GOV-
23 ERNOR OR HIS OR HER DESIGNEE, AND THE LEGISLATURE, SUMMARIZING
24 ALL COMMENTS RECEIVED, MAKING A RECOMMENDATION ON THE REQUEST FOR
25 APPROVAL, AND EVALUATING ALL OF THE FOLLOWING:

26 (A) WHETHER THE PROPOSED WITHDRAWAL IS CONSISTENT WITH ANY
27 APPLICABLE STATE PLANS, INCLUDING THE WATER RESOURCES MANAGEMENT

1 STRATEGIES FOR PRESENT OR FUTURE USES OF THE WATERS OF THE GREAT
2 LAKES BASIN.

3 (B) WHETHER BOTH THE CURRENT WATER USE OF THE PERSON
4 REQUESTING APPROVAL AND THE PERSON'S PROPOSED PLANS FOR WITHDRAW-
5 AL, TRANSPORTATION, DEVELOPMENT, AND USE OF WATER RESOURCES
6 INCORPORATE MAXIMUM ECONOMICALLY FEASIBLE CONSERVATION
7 PRACTICES.

8 (C) WHETHER THE PROPOSED WITHDRAWAL AND USES WILL HAVE A
9 SIGNIFICANT ADVERSE IMPACT ON NAVIGATION WITHIN THE GREAT LAKES
10 BASIN.

11 (D) WHETHER THE PROPOSED WITHDRAWAL AND USES ARE CONSISTENT
12 WITH THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE IN THE
13 GREAT LAKES BASIN AND WILL NOT BE DETRIMENTAL TO THE PUBLIC
14 INTEREST OR THE PUBLIC TRUST IN THE WATERS OF THE GREAT LAKES
15 BASIN.

16 (E) WHETHER EACH BASIN, REGION, STATE, OR PROVINCE TO WHICH
17 THE WATER WILL BE DIVERTED HAS DEVELOPED AND IS IMPLEMENTING A
18 PLAN TO MANAGE AND CONSERVE ITS OWN WATER QUANTITY RESOURCES, AND
19 WHETHER FURTHER DEVELOPMENT OF ITS OWN WATER RESOURCES IS ECONOM-
20 ICALLY IMPRACTICABLE OR WOULD HAVE A SUBSTANTIAL ADVERSE ECONOM-
21 IC, SOCIAL, OR ENVIRONMENTAL IMPACT.

22 (F) WHETHER THE APPLICATION WILL IMPAIR THE ABILITY OF THE
23 GREAT LAKES BASIN TO MEET ITS OWN WATER NEEDS.

24 (G) WHETHER THE PROPOSED WITHDRAWAL AND USES ALONE, OR IN
25 COMBINATION WITH OTHER WATER USES, WILL HAVE A SIGNIFICANT
26 ADVERSE IMPACT ON LAKE LEVELS, WATER USE, OR THE ENVIRONMENT OR
27 THE ECOSYSTEM OF THE GREAT LAKES BASIN, INCLUDING, BUT NOT

1 LIMITED TO, THE QUALITY AND QUANTITY OF THE WATERS OF THE GREAT
2 LAKES BASIN AND ITS RELATED LAND RESOURCES.

3 (H) WHETHER THE PROPOSED WITHDRAWAL IS CONSISTENT WITH ALL
4 APPLICABLE FEDERAL, REGIONAL, INTERSTATE, AND INTERNATIONAL WATER
5 RESOURCES PLANS.

6 (3) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE SHALL, UPON
7 RECEIPT OF THE REPORT UNDER SUBSECTION (2), PREPARE A STATEMENT
8 SETTING FORTH THE GOVERNOR'S APPROVAL OR DISAPPROVAL OF THE PRO-
9 POSED DIVERSION AND THE REASONS FOR THE APPROVAL OR DISAPPROVAL.