

Who Should Control Pennsylvania's Water?

The Great Lakes Water Compact: Frequently Asked Questions (Page 1)

Q: What is the Great Lakes Water Compact?

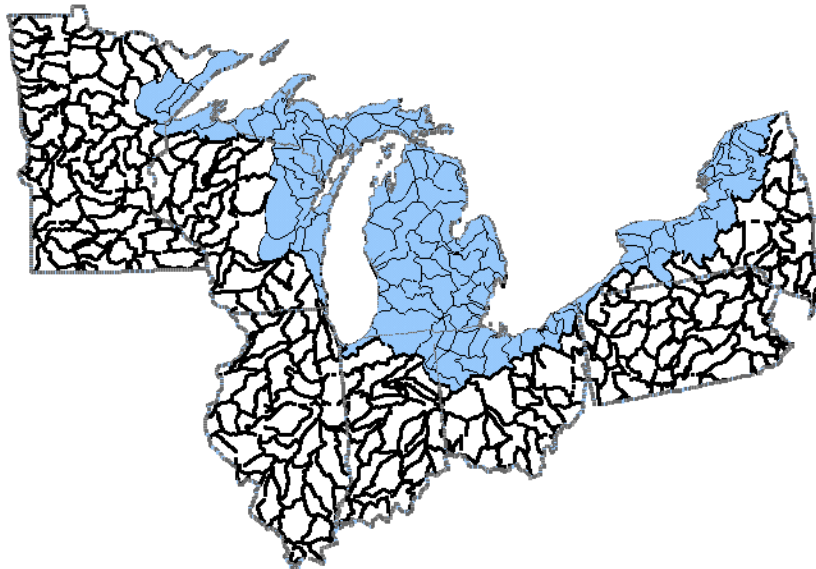
A: The Great Lakes-St. Lawrence River Basin Water Resources Compact (hereafter referred to as the Water Compact) is a piece of legislation involving all 8 Great Lakes Basin states. Supporters of this Compact claim that it will protect these waters from diversion to more arid areas of the country, but the real purpose of this legislation is to create an unelected Council that will dictate how the Great Lakes' water is used in each of these states. This means that not only the Great Lakes waters themselves, but also all groundwater on private property located in the Basin (see map) will be under the control of this Council.

Q: From the map below, it looks like there isn't much of PA in the Great Lakes Basin (shaded area). Does this legislation really affect me?

A: This Water Compact will negatively impact all residents of all 8 states:

1. For those located within the Basin, the Compact declares all water located on private property (wells, ponds, streams, springs) to be government property held in trust – this means that the Council will be able to prevent people from using the water on their own land, if it chooses to do so [1], and it will almost certainly begin imposing taxes on the use of private water.
2. For those both inside and outside the Basin area: the proposed Water Compact gives the Council it creates almost unlimited powers in order to manage the Great Lakes waters in any way this Council deems necessary. The money to pay for these unlimited Council powers will be extracted from all PA residents, not just those located within the Basin.
3. The ultimate effect of the Water Compact is to abolish states' sovereignty to manage their own water, and to hand this power to an unelected and unregulated bi-national Council that will decide how the water will be used. The Compact only claims dominion over waters within the Basin, but this sets a dangerous legal precedent for eventual statewide control of PA's waters by the Council (or another similar governing body).

The Great Lakes Basin



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Q: Don't we need this Water Compact, in order to ensure that the Great Lakes waters aren't diverted to other states?

A: No. The Water Resources Development Act (WRDA) of 1986 (renewed in 2007) already prevents this diversion. According to property law scholar Mark Squillace [2], "The Water Resources Development Act of 1986 is a remarkable piece of protectionist legislation that prohibits out-of-basin diversions of Great Lakes water without the approval of the governors of all eight Great Lakes Basin states."

The proposed Water Compact does not ensure that future diversions won't occur. If the U.S. Congress decides, at some point in the future, to allow such diversion to non-Basin states, this proposed Water Compact would not prevent such diversions [3].

Q: If this proposed Water Compact is so terrible, why have so many states passed it, and why are so many people in favor of it?

A: Promoters of the Water Compact, who know and endorse its real purpose of expanding the government's powers and removing state sovereignty, have been very successful in perpetuating the myth that the main purpose of the Compact is to prevent Great Lakes diversions. The media has worked hand-in-hand to promote this myth.

We need to educate others via word of mouth and email to prevent this legislation from being passed, before it is too late.

Q: What is the status of the Water Compact in Pennsylvania's legislature?

A: On 1/28/08, the PA House voted to pass the Water Compact (H.B. 1705). The Compact has been passed to the Environmental Resources & Energy Committee of the PA Senate, the Senate is planning to vote on the Water Compact (H.B. 1705 & S.B. 1301) in June 2008.

The PA Senate is the final legislative body standing in the way of the Water Compact becoming law for all 8 states. If the PA Senate votes against the Compact, it will prevent all 8 states from passing this law.

Q: What can I do to prevent the Water Compact from being passed in the PA Senate?

A: Contact your Senators! Call, write and email them on a regular basis (one per week per Senator is ideal) to voice your opposition to the Water Compact (H.B. 1705 & S.B. 1301). So far, they have only heard support for this Compact. Brief, 2- or 3 sentence messages opposing the Compact & providing your reasons are preferable to long letters.

- Contact all of the members of the Environmental Resources & Energy Committee:
http://www.legis.state.pa.us/cfdocs/legis/home/member_information/senators_sc.cfm#15
- If possible, contact all of PA's Senators:
http://www.legis.state.pa.us/cfdocs/legis/home/member_information/senators_alpha.cfm

**Your water rights are too precious to be controlled by an unelected, unregulated Committee.
Act now, before the PA Senate votes on the Water Compact!**

References:

- [1] Memorandum on analysis of the Great Lakes Water Compact by the Environmental Law Committee of the Ohio State Bar Association, chair, Louis McMahon, 4/09/07. http://www.legis.state.wi.us/lc/committees/study/2006/GLAKE/files/aug21_mcmahon.pdf
- [2] Mark Squillace, "Rethinking the Great Lakes Compact," *Michigan State Law Review*, Special Issue 2006.
- [3] Open letter to Great Lakes Legislators from Ohio Senator Timothy J. Grendell, entitled *Protect Your State and the Waters of the Great Lakes*; dated 7/3/07. http://www.legis.state.wi.us/lc/committees/study/2006/GLAKE/files/aug21_grendell.pdf

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