



ADVANCING PUBLIC TRUST SOLUTIONS
TO SAVE THE GREAT LAKES

Water Levels Program

Low Water Levels in Lake Michigan-Huron—What are the Root Causes?

This issue of low water levels is at the heart of the Great Lakes' economy, energy and water needs, social fabric, quality of life, and environment. And, it has captured the attention of the public with historic record-low levels hitting in January 2013 – some 26 inches below normal levels. This news arrives following fourteen consecutive years of unprecedented sustained water lows in Lake Michigan-Huron.

A combination of both natural factors (e.g., long-term climate variability, hydrologic cycle,) *and* human-induced factors (e.g., climate change, St. Clair dredging, Chicago diversion and others) have caused these record low levels, causing harm to aquatic habitats, closed beaches, and impaired boating, shipping, recreation, and tourism. Not surprisingly, water users are demanding the U.S. and Canadian governments to find rapid solutions that restore water levels in the Great Lakes impacting wetlands, boating, recreation, tourism, shipping, commercial navigation, drinking water, fish habitat, and fishing.

FLOW's Work

With this issue of record low water levels on everyone's mind, FLOW is taking this opportunity to engage and inform citizens and decision-makers about the root causes and holistic solutions to prevent further impairment and restore the Great Lakes. Such solutions include the public trust doctrine, which equitably balances protected public water uses (e.g., navigation, commerce, fishing, drinking water, swimming, etc.) and at the same time protects the waters from further degradation. Strong public trust policies would greatly complement the current, long-term restoration efforts like the Great Lakes Restoration Initiative (GLRI) launched throughout the Great Lakes basin and protect these large investments.

In the fall of 2012, FLOW submitted public comments to the International Joint Commission (IJC) on how public trust principles could aid this international governing body regulate the water levels and flows of the Great Lakes. This scholarly article discussed how the impacts of historically low water levels in Lakes Michigan-Huron violated the public trust since both the resource and these publicly protected uses have been substantially impaired. It also provided recommendations on water levels for the Upper and Lower Great Lakes basin that applied public trust principles of equitable apportionment and balancing of interests among water users.

In the spring of 2013, FLOW prepared public comments to the IJC on an Adaptive Management Plan for addressing extreme water levels, again demonstrating how public

trust principles could provide important policy standards to guide the new levels advisory board in their water level decision-making.

Building on this significant work, FLOW is now developing a targeted public/media campaign to raise awareness among citizens and decision-makers at all levels about how the public trust can be used as a critical tool for addressing low water levels in Lakes Michigan-Huron. To this end, FLOW has already developed an educational presentation that walks through and shows how public trust ideas can equitably address low water levels while protecting the interests of existing water users throughout the Great Lakes basin.

With additional funding support, FLOW intends to develop a popular-style article and related op-ed articles for newspapers in major Great Lakes cities, featuring root causes and new public trust solutions to address the current water level crisis. To further publicize these strategies, FLOW is also proposing to develop and produce a 5-7 minute video short on this topic for wide distribution. Addressing the question of what if we could address the systemic threats to the Great Lakes with one basic principle, this video short will highlight the interrelated problems of low water levels, dead zones, nutrient runoff, invasive species, climate change, diversions and exports.