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Congress of the United States
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WATER RESOURCES
AND ENVIRONMENT

April 17, 2013

The Honorable Rick Snyder
Governor
State of Michigan
P.O. Box 30013
Lansing, Michigan 48909

Dear Governor Snyder:

I write today to respectfully request your assistance with an issue of extreme importance: the historically low water levels in the Great Lakes.

As you are aware, the water levels on all the Great Lakes are lower than average this year. In fact, the forecast recently released by the Army Corps of Engineers (Corps) predicts below average levels for the next six months. This is continued bad news for a state whose economy heavily relies upon the Great Lakes as a superhighway for the transit of goods and as an economic engine for the upcoming summer tourist season. A variety of explanations have been provided that include dry weather, lack of snow, warm air temperatures and the cyclical nature of the water levels. However, I am concerned that one theory that has not been given sufficient review is the inter-basin diversion of the water from the Great Lakes through the Chicago Sanitary and Ship Canal down the Mississippi River.

Since 1900, water has been diverted from Lake Michigan and the Great Lakes system in Chicago, Illinois, for a variety of reasons such as sewage disposal and commercial navigation. Diversion of the Lake Michigan waters has varied substantially over the years and has been the source of controversy, including a case before the U.S. Supreme Court and a subsequent consent decree with the State of Michigan. Under the consent decree, Illinois was limited to diverting no more than 3,200 cubic feet of water per second each year. In 1995, a dispute arose between Michigan and Illinois because more water was being diverted from Lake Michigan through the Chicago diversion than was allowed by the court decree. Subsequent inquiries revealed that Illinois was exceeding the agreed upon water diversion levels by nearly 15%. Illinois took steps to restore the excess amount of water it withdrew; yet, the water levels of the Great Lakes continue to remain below normal levels.

In recent months, you have taken a proactive approach to mitigate the damage that is wreaking havoc on our Great Lakes by successfully implementing an emergency dredging strategy. This initiative to use state funds for harbor maintenance projects is a welcome relief. It is certainly an example of your commitment to facing this crisis affecting our communities. In addition to this

approach, I believe there is another solution that should be considered – revisiting the consent decree and amending the amount of water that is diverted to Illinois.

In the past, Illinois has shown the propensity to divert more water than is permissible. With the Corps having failed to produce its annual Lake Michigan diversion accounting report since 2009, there is much uncertainty about the true amount being sent to Illinois. Between historic low levels and outdated science, I believe now is the time to revisit this decree and provide long overdue relief to our dry Lakes.

As a lifelong resident of Michigan who has lived along the shores of the Great Lakes, I have a deep understanding of the challenges we face. I have heard from my constituents whose livelihoods are dependent upon the Lakes. I stand ready to work with you in solving this pervasive problem and I am eager to speak with you further about the option of revisiting the consent decree.

Sincerely,



Candice S. Miller
Member of Congress