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## Symposium: Developing Water Management in the Great Lakes Region: Introductory Remarks

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## INTRODUCTORY REMARKS

MICHAEL J. DONAHUE\*

The Great Lakes St. Lawrence Basin enjoys global prominence for its virtually unfathomable expanse and corresponding complexity. The Basin contains some 85 trillion gallons of fresh surface water; a full 20% of the world's supply. The five Great Lakes, which comprise the Basin, are among the fifteen largest fresh water lakes in the world. Collectively, the Lakes and their connecting channels comprise the world's largest body of fresh surface water. They lend not only geographic definition to the region, but help define the region's distinctive socio-economic, cultural, and quality of life attributes as well.

Historically, the sheer magnitude of the Basin fostered the view that its water resources were inexhaustible, infinitely accommodating of pollutant inputs, and somehow insulated from the consequences of decades of use and abuse. Indeed, its expansiveness and resiliency belied its fragility. This fact is reflected clearly in the legal, institutional, and management framework that has characterized Great Lakes/St. Lawrence governance over the decades. This framework is fundamentally oriented toward managing an abundant resource, while affording issues of water scarcity only cursory attention at best.

This philosophy, by necessity, is now beginning to change. Pronounced lake level fluctuations in recent years have sensitized Great Lakes/St. Lawrence Basin managers and user groups to issues of scarcity as well as overabundance. Global climate change scenarios have highlighted the consequences of the latter. Problems of localized surface and groundwater contamination have showcased a supreme irony: lack of accessibility to potable water amidst the world's greatest supply. Furthermore, intensive and often competing uses have dispelled any remaining myths characterizing Basin water resources as inexhaustible and infinitely forgiving of human transgression. We have come to realize that even minor stresses on the resource can have lasting impacts upon its sustainable use, development, and protection. The notion of "ecosystem management" has begun the long journey from concept to reality. Integration of laws, policies, and programs Basinwide has become the driving force for that journey.

Is the present legal framework for Great Lakes/St. Lawrence governance capable of embracing emerging issues in resource management and environmental protection? Does it lay the groundwork for implementing principles of ecosystem management, does it merely

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tolerate their implementation, or does it actually constitute an obstacle? These are questions that demand answers.

The Great Lakes Commission, an interstate compact agency founded in state and federal law, is dedicated to promoting informed public policy decisions on the use, management, and protection of the Basin's water and related land resources. As such, it has a fundamental interest in the legal framework for Basin governance: its historical development, present status, and future needs. The Great Lakes Commission demonstrated its interest in May, 1992 by sponsoring a special symposium on Great Lakes/St. Lawrence legal issues at its Semi-Annual Meeting in Chicago, Illinois. Three topics were selected to highlight the myriad legal issues and opportunities confronting the Great Lakes St. Lawrence Basin today:

- \* Professor Robert H. Abrams, of Wayne State University's School of Law, characterized legal issues associated with groundwater management.
- \* Daniel A. Injerd, of the Illinois Department of Transportation, reviewed the fascinating history and current status of water quantity management, particularly in the context of Lake Michigan Diversion at Chicago and its storied legal history.
- \* Thomas D. Crandall, Dean of the University of Toledo's School of Law and founder of its new Legal Institute for the Great Lakes, spoke of opportunities to direct the Basin's considerable legal expertise at current and emerging legal issues in the Basin.

Papers associated with each presentation are featured here as a modest introduction to Great Lakes St. Lawrence legal issues that are perplexing, challenging, and, above all, vitally important to the future of Basin governance.

The Great Lakes St. Lawrence Basin has been rightfully described as the world's greatest freshwater laboratory for scientific experimentation. I would argue that it is also the world's greatest laboratory for legal and institutional experimentation. What we learn here and apply here will shape our system of Basin governance and, indeed, the very future of its resources and those who rely upon them for their health, economic well-being, and quality of life.