



## Protect Michigan Voting Rights!

The 2020 election was the most secure and transparent in Michigan's history. But that hasn't

stopped some key Republicans in the legislature from spreading misinformation and perpetuating Donald Trump's "Big Lie" about rampant voter fraud. The Senate Oversight Committee, chaired by Republican Ed McBroom, released a report in June with no findings of election fraud. Despite that, some extremists in the legislature continue to lie to Michigan voters and are now pushing an anti-voter initiative.

Michigan voters overwhelmingly support expanded absentee voting options, accessible voting locations and drop-boxes, and the right of all eligible voters to have access to the ballot. Unfortunately, anti-democracy extremists, clearly out of sync with the majority of Michigan voters, are working to make it harder for people to perform their fundamental civic duty by voting. The "Support MI Vote" ballot initiative would undo decades of Michigan voting laws — and make it more difficult for eligible voters

to cast their ballots. This initiative would take away election day voting options by removing the option to vote by affidavit, despite Michigan having a strong voter validation system that's been in use for decades. The initiative would also make absentee voting more difficult and prevent local clerks and the Secretary of State from sending out information about absentee voting rights. It would also ban local clerks from seeking out grant funding to support election administration and accepting donated space for polling locations, including churches (which account for nearly 15% of all polling locations in Michigan). It's obvious to anyone who is paying attention — this is a power-grab by desperate people to disenfranchise voters in Michigan. Michiganders should decline to sign.

The proponents of this ballot campaign have 180 days total to collect the roughly 340,000 signatures needed. If they are successful, the Legislature could enact the law without the signature of the Governor (Governor Whitmer has already said she would veto any voter suppression legislation). *Clean Water Action urges our members and supporters to decline to sign the "Support MI Vote" proposal.*

On November 10th, Clean Water Action hosted the **Great Lakes Awards Celebration**. Our 2021 honorees were Governor Gretchen Whitmer, Michelle Martinez of the Michigan Environmental Justice Coalition, and Kathleen Aterno of Clean Water Action. Over 100 members and allies participated in the annual event that serves as an opportunity to recognize outstanding Michiganders for their dedication to protecting our water, health and climate. Special thanks to all of the event *sponsors and hosts* — and all the members and supporters that joined in the celebration.



# Public Resource or Commodity?

## Defining our Water in the Time of Climate Crisis

Earlier this year, when California Governor Gavin Newsom was facing a recall election, democratic candidate Kevin Paffrath proposed that California solve its drought issues by building a water pipeline from the Mississippi River to California. As outlandish as this proposal sounds, it is not a new idea. In fact, the concept of taking water from flooded midwestern areas to the drought-stricken west has gained traction through another summer of extreme weather across the world.

In theory, the Great Lakes Compact protects the Great Lakes basin from this sort of massive out of basin withdrawal. The compact only allows withdrawals from the Great Lakes basin for border communities under certain circumstances, or in containers of 5.7 gallons or less due to the water bottling loophole that was written into the compact. Whether or not this distinction could hold up in court, especially if Great Lakes states are treating water like a commodity, is up for debate. How that debate is finally settled could be critical for the future of our water.

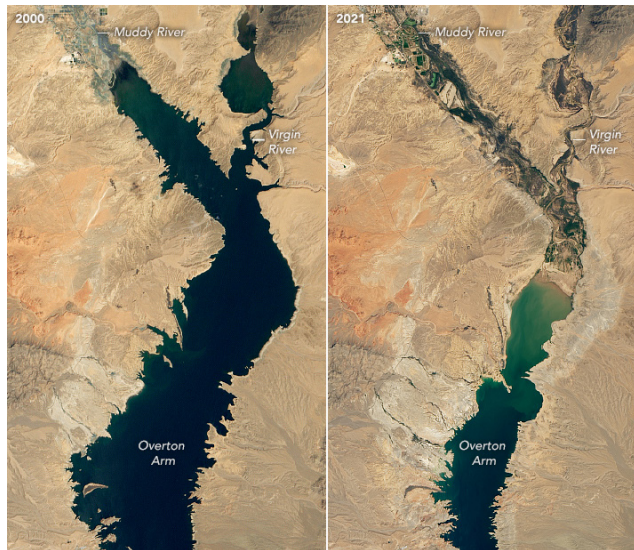
As climate change progresses, we know that droughts are likely to get worse out west. Here in Michigan we are likely to see more extreme storms

and flooding. We are also likely to see more rapidly fluctuating lake levels and more water lost to evaporation as warming winters make the lakes less susceptible to deep freezes.

Water is a human right, not a commodity, but someday soon we might find that places far from the Great Lakes want to take our water to grow almonds in the California desert, or to water golf courses in Arizona. Before that day comes, we must act to ensure that the strongest possible safeguards to protect our water are in place.

There are steps we can and should be taking today to guard against this possibility. [The Public Trust doctrine](#) is our greatest tool for protecting water as a public good, and ensuring that water is not at all being treated as if it were a commodity. In Michigan, we can expand the statutory understanding of this doctrine to explicitly include groundwater as a public resource and

begin to reverse the water bottling loophole to the Great Lakes Compact by eliminating the loophole in Michigan law. We should make these changes now, before schemes to move massive amounts of water far from the Great Lakes basin gain so much traction that they become nearly impossible to stop.



*Lake Mead water levels dropped to a record low in the summer of 2021 due to drought and ongoing water use issues in the western United States. Above: The Overton Arm of Lake Mead in 2000 (left) and in 2021 (right).*

NASA EARTH OBSERVATORY IMAGES BY LAUREN DAUPHIN

► **TAKE ACTION NOW:** New legislation is needed to ensure that Michigan residents, now and into the future, are empowered to protect the water on which we all rely. We need the state legislature to take up and pass bills that will ensure basic public trust protections to ensure that Michigan's water remains a public resource — not a commodity. [Act Now and ask your Lansing lawmakers to support and champion legislation that will clarify that all of our water — both surface and ground sources — belongs to the people of Michigan.](#)

## Line 5 News:

# Canada Invokes 1977 Transit Pipeline Treaty — What Does That Mean?

In early October the Canadian federal government formally invoked the 1977 Transit Pipeline Treaty between the US and Canada in an attempt to end Michigan's efforts to shut down Enbridge's Line 5 pipeline. So many of our supporters have been following this issue and [taking action to help shut down Line 5](#) that we thought it would be helpful to provide a brief explanation of this treaty and what it does and does not mean in the context of shutting down the Line 5 pipeline, which is currently operating illegally in the Straits of Mackinac.

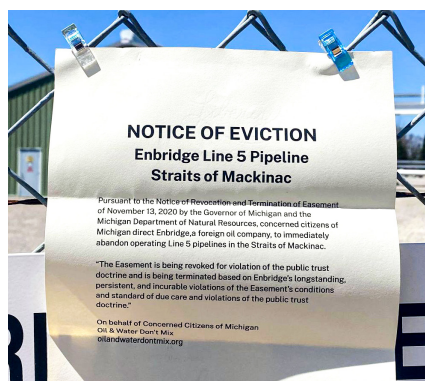
The 1977 Transit Pipeline Treaty was signed during the 1970s gas crisis, and its initial intent was to ensure that neither country, or any of the states or provinces in those countries unilaterally cuts off or gouges prices for “the transmission of hydrocarbons” to either country without cause. This treaty has literally never been invoked by either country, which are the only two parties to the treaty, so this is the first time it will be tested.

While on its face the treaty seems like it could apply to Line 5, the fourth article of the treaty tells a different story. The fourth article clarifies that notwithstanding the other treaty provisions, transit pipelines are subject to the authority of appropriate governmental bodies (such as state governments)

with respect to pipeline safety and environmental protection, among other things. This provision in the treaty clearly allows governmental authorities to take the appropriate action to protect the environment from irresponsible and unsafe pipelines and the environmental harm that a spill from an unsafe pipeline could cause.

Further, it would be nonsense to read the treaty in a way that would infringe upon both national and state sovereignty and our ability to protect the Great Lakes. Clearly, the intention of this treaty was not to prohibit either party from ever shutting down a pipeline running through its own territory without regard to a government's prevailing legal duties to protect the environment and public trust resources. This treaty invocation is an act of desperation from Canada, which is aiding Enbridge's efforts to stall the coming shutdown of Line 5. Attorney General Nessel has made strong arguments in

court that this treaty invocation should not hold up the ongoing legal process to shut down Line 5. Now it is important that President Biden, who ran for office promising bold action on climate change, fully backs Governor Whitmer and Attorney General Nessel and protects our Great Lakes by letting Canada know that this treaty does not apply to the current circumstances.



*Line 5 Mackinac station photo with eviction notice on gate. Enbridge's Line 5 pipeline has been illegally operating in Michigan since May 12th, 2021 when the easement allowing them to operate over public trust bottomlands was revoked.*

PHOTO BY AUDREY GERARD

[Rally in Detroit to shut down Line 5.](#) ►





# Getting Free from DTE Energy

DTE Energy, an investor-owned utility, provides electricity to 2.2 million customers in SE Michigan. DTE's status as a regulated monopoly has led to electric rates 32% higher than the national average despite hundreds of thousands losing power repeatedly over this past year. No one should have to worry about regularly losing power, extended outages, or heating or cooling their homes during and after extreme weather. However, this is a regular occurrence for a large number of DTE customers despite record profits.

These failures to provide consistent service and maintenance are compounded with the immediate and long term environmental impacts of DTE's use of fossil fuels like coal and natural gas for two-thirds of their generated power. There is another way forward for Michigan cities ready to act on climate and increase green energy: municipalization.

Municipalization is the process by which a city acquires a private utility and converts it into a public utility. Many cities in Michigan already control their own power generation, and Clean Water Action is working to encourage Ann Arbor to do the same. By developing Ann Arbor green energy projects in a municipal system, the city can free itself from DTE Energy's dirty fossil fuel infrastructure and meet the 2030 A2 Zero carbon-neutrality plan

goals. Furthermore, municipal power utilities are community-owned and not for profit so user fees can be invested back into the community — instead of being paid out to shareholders.

Municipal power will put the power back in the hands of Ann Arbor residents. Let the Ann Arbor City Council and Mayor know that Ann Arbor is not well served by a system that puts investors first and ratepayers last — and encourage city leadership to [support the development and creation of a community owned municipal power utility.](#)

## Join Us!

Clean Water Action is working to build out our volunteer action teams to activate Michiganders across the state as we all work to ensure everyone has access to clean, safe and affordable water and a livable climate. There are lots of ways you can get involved from writing letters, attending public meetings, phonebanking and texting, sharing information and actions, and more! [Sign up to learn more](#) and help protect Michigan's water, communities, and our future.

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