

Proposed Legislation in Michigan will allow future large quantity water withdrawals to degrade coldwater fisheries!

What's At Stake: Current Michigan law prevents new large quantity water withdrawals from having an adverse impact to aquatic resources. New proposed legislation would define "adverse" to allow reductions in fisheries, including our precious coldwater fisheries! This will set a dangerous precedent that our public resources can be degraded to allow private commercial ventures to increase their profit.

The Choice: Senate Bill 860 and House Bill 5069 are largely similar, as an outcome of ongoing negotiations. The remaining differences are:

- 1) The Senate bill allows for reductions in coldwater fish abundance (trout, salmon and steelhead) and 25% reductions in summer low water levels in our rivers while the House bill still allows water withdrawals up to 22% of summer low water levels, but says that they cannot allow reductions in coldwater fish abundances. This is an important precedent to set.
- 2) The Senate bills do not require permits for new withdrawals between 100,000 – 2 million gallons per day, which restricts the public from contributing meaningful public comment and oversight. The House bill allows for increased public input.
- 3) The House bill explicitly recognizes the State's responsibility to manage all of its waters for the Public Trust (for the good of all citizens current and future). The Senate bill does not recognize this responsibility explicitly, because it would lead to greater public oversight of future water uses and less certainty for commercial interests.

What You Can Do: It is time to send a clear message to Lansing politicians that we are not going to accept damage to our precious public resources so that future commercial interests can profit at our expense. There is plenty of water available in Michigan for future commercial development - we do not have to accept excessive damage to our waters and the economies they are already supporting. Please call or write your senators and representatives and express your opinions regarding this legislation.

- Tell them to set a clear precedent and not allow our coldwater fisheries to be damaged, accept nothing more than the "less than 1% impact to coldwater fisheries" standard.
- Tell them you support the opportunity for meaningful public input concerning decisions about public resources, and support permitting requirements.
- Tell them they should recognize that the waters of the state are all connected, and must be managed for the public trust.
- Tell them that you do not support SB860 as it is currently written, and expect them not to either. Tell them the House version of this legislation, HB5069, is better for the public interest and you'd like them to support it rather than the current version of the Senate bill.
- Tell them how you personally will feel about your favorite river being a 1/4th lower every summer from now on.
- Let them know that there is nothing more important than water law, and that their actions on this will be remembered at election time and will be part of their legacy to the future of Michigan.

You can find your appropriate legislators online at <http://www.mctu.org/advocacy.html> . Please make the phone call to express your opinions on this. If you are not comfortable making a phone call, than at least send an email. Let them know that you are a voter in their district, this matters to you, and you will be watching what they do about it.

More Background Information:

Negotiations have been underway during the past several months to develop legislation to regulate future large quantity water withdrawals in Michigan and the Great Lakes. Senate Republicans and House Democrats originally introduced two very different sets of bills to address this issue. The Democratic package was more protective of environmental quality and more inclusive of public interests. Both parties have been working toward a compromise and both intend to heavily rely on a new “water withdrawal assessment tool” to predict the amount of damage that a proposed new large withdrawal will cause to aquatic natural resources. Unfortunately, the two parties recently hit a roadblock to complete compromise, and each are re-introducing their own bills to address the regulation of future large water withdrawals in Michigan. The fundamental differences between the now competing bills is how much damage to aquatic resources will be allowed, how much opportunity for public input will be required, and the explicit recognition that the state has to manage its waters for the public trust.

All current large quantity water withdrawals and water uses are “grandfathered” and protected, even if they are currently causing damage to our public aquatic resources and fisheries! Trout Unlimited has been advocating for no new damage to our coldwater fisheries. Coldwater fisheries are our highest quality rivers and streams are part of the unique fabric of Michigan and its high quality of life, and are the economic backbone for the majority of northern Michigan communities. Individuals purchase vacation properties and homes in certain communities because of these fisheries and pay taxes which help support these communities. In-state and out-of-state residents travel to these areas and contribute money to local businesses because of these fisheries. The livelihood of businesses such as licensed fishing guides, fishing lodges and motels, sporting goods shops and canoe liveries directly depend on the characteristics of rivers, the abundance of fish in them and the amount of water flowing in them during summer. In total, fishing in Michigan is estimated as a \$7 billion a year economy, and supports 46,000 jobs in this state. Despite the reliance of Michigan’s economy on these current economic uses of the water, they are not “grandfathered” and are not being valued and protected.

Senator Patricia Birkholz leads the Senate Republican work group on this legislation. This workgroup had at one point recognized the high value of our coldwaters, and supported only a less than 1% reduction in fisheries abundance. This amount would still allow for an average of 15 – 22% of summer low water levels to be removed from trout streams (what current science predicts is okay). Discouragingly, commercial interest lobbying has resulted in the Senate Republicans backsliding from that level of protection and proposing to allow reductions in the abundance of our coldwater fisheries and 25% reductions in summer low flows in our trout streams! Fortunately, our House Democrats are introducing a competing bill package and will be maintaining the less than 1% impact to coldwater fisheries threshold. Both parties still currently propose allowing 5% reduction in fish abundance to our marginal trout streams though (rivers like the Muskegon River, Manistee River below Tippy Dam and the Au Sable River Trophy waters).