

# Burroughs Weighs in on Water Bill

Michigan Council of Trout Unlimited Members and Conservation Partners,

This past week the House finished passing all of the bills in their water withdrawal legislative package. Both Senate and House water bill packages now stand even in progress, and remain to be negotiated. Among the remaining points of difference are:

**Adverse Resource Impact Definitions for Coldwaters:** The Senate is now at 3% reduction to thriving fish abundance (21% reduction in summer low water flows) for Coldwater "streams"; and "less than 1%" reduction in thriving fish abundance (20% reduction in summer low flows) for coldwater "small rivers". The House calls for "less than 1%" reduction of coldwater fish abundance in the coldwater "streams" as well as the "small rivers".

**Permitting:** The Senate calls for permitting only for new withdrawals over 2 million gallons per day average. The House calls for permitting for new withdrawals over 1 million gallons per day.

**Recognition of the public's trust in groundwaters:** Senate package has no recognition of this, House package has compromise language recognizing it.

**Grandfathering of Capacity (versus Use):** all current users' water use is grandfathered, and new withdrawals will be subject to the limitations of the "adverse resource impact" lines. However, existing users still have rights to their full (currently unused capacity for withdrawal). So the ARI lines could be reached and then an existing user could expand their use - utilizing their capacity and push the level of resource impact beyond what is allowed. The Senate bill states that this unresolved loophole will be taken up by the Groundwater Advisory Council in the future, with no explicit deadline (the "council" majority are water users, and would have no incentive for taking this up). The House would like to see capacity of existing users built into the water now available for use (explicitly recognized and treated to prevent illegal levels of resource impact).

**Date of Effect:** House recommends immediate effect (consistent with existing law in effect that prevents an "Adverse resource impact"). The Senate recently introduced a last minute exception to allow for 1 full year before this law takes effect. This would allow new uses of water to be exempt of causing damage for a one year period. This would create a large incentive for future users to rush in and register large quantity withdrawals before these laws (and existing ones) would apply to them (aka: be without rules for a year).

There are also a few smaller issues of difference between the two bills, but they are less significant than those mentioned above.

During the past week, there has been indication from the leaders of both parties, and the Governor's Office, that a formal conference committee may be purposefully avoided. The intent would be to drive the stakeholder groups involved in this to a final compromise faster (with less regard for the actual outcome). The indications and information received recently suggest that the politics involved on this may not have the compromise coming out evenly, with a forced settlement possible, as early as next week. This possible outcome is not certain, but is a possibility.

This may be our last chance to advocate for no impact to our coldwaters. The Senate is still holding at 3% impact to coldwater fisheries (a dangerous precedent to set). Now is the time to speak up and/or use whatever political means you or your chapter may have, to advocate for no allowed damage to coldwater streams (less than 1% reduction to fish abundance). At this point, calls to your legislators may still be helpful. More helpful may be focusing on Senators, and urging them to do whatever they can to get the compromise to "<1% impact to coldwater streams". Better yet would be calls or emails to party leaders, bill sponsors, legislators who have claimed to be fishermen (ex: Sen. Patterson, McManus), and the Governor's office. Also, at the last Natural Resources Commission meeting (June 5) the MDNR portrayed the difference in damage to coldwaters between the two bill packages as trivial, and suggested that it shouldn't be a point of contention. This is a very disappointing attitude coming from the state agency charged with protecting these resources. Contacting your local MDNR Commissioner or the DNR Director about the importance of this for coldwater fisheries would also be appropriate.

Things appear to be evolving and progressing quickly. If you are to help affect the best possible outcome for our coldwaters, action must be taken now. What is at stake amounts to; allowing a precedent that our coldwaters are open for degradation, and either 21% or 14% less water in our streams during their lowest and most vulnerable point during summer.

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