

March 15, 2008

The Honorable Lisa Wojno  
State Representative  
State Capitol, P.O. Box 30014  
Lansing, MI 48909-7514

**Re: Michigan Water Withdrawal Legislation (SB 860; HB 5069)**

Dear Lisa,

My purpose in writing is to express my views regarding the proposed legislation being developed to establish the legal and regulatory framework for future large quantity water withdrawals in our state. The main bills are SB 860 and HB 5069.

This legislation is vital to the interests of the State of Michigan and the welfare of its citizens. There is nothing more important than water law, and far-reaching consequences are involved with this legislation. Water will be the gold of the 21<sup>st</sup> century. Being a water-rich state, there is great interest and huge political and economic forces that will come to bear upon our water resources in the coming decades. Your actions on this will be remembered at election time and will be part of your legacy to the future of Michigan.

I have been following the development of this legislation closely for the past several months. During this period, it has been reassuring that both Republicans and Democrats have been working toward a compromise and negotiating differences that existed in the original bill packages. In the past couple of weeks, however, the spirit of compromise has eroded. The House and Senate have drafted separate bills that are different in several critical ways.

I can no longer support the latest Senate version (SB 860). I am disappointed in its current form given its undesirable implications for water use in our state. I support the House bill (HB 5069) as providing a more balanced approach to the diverse users of water and a more realistic use of the available science in what is known as the "Water Withdrawal Assessment Tool."

I understand that the Senate version (SB860) is being actively supported by commercial interests, primarily agriculture and industry. It backslides on several previously agreed to compromises with the state's other outdoors commercial interests, primarily the tourism/recreation sector of cottages, motels/hotels, anglers, boaters, nature lovers.

This lop-sided pressure from one set of commercial interests threatens to undermine Senator Patty Birkholz's leadership efforts in crafting an innovative and forward-thinking approach to water resource use and conservation that would be a win-win for all water users.

In its current version, SB 860 fails to embrace the huge economic value of the state's tourism/recreation sector. By doing so, it fails to acknowledge the value of "Water in its place", and instead assigns greater value to water as a commodity ingredient for commercial products and processes. Here in Michigan, Water has value for both purposes. Taken together, the Senate and House must jointly find the proper balance between them.

Rivers, streams, lakes, wetlands, and the Great Lakes are part of the unique fabric of Michigan and its high quality of life. They are the economic backbone for the majority of northern Michigan communities. People own vacation properties in "up north" communities and spend vacations in motels and campgrounds because of these water resources and pay taxes which help support these communities. 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.

Why then, despite the reliance of Michigan's economy on these current economic uses of the water, are they not "grandfathered" under the proposed legislation and are not being valued and protected like the other commercial water users?

I encourage you to consider the following points:

The allowable water withdrawal amounts proposed in SB 860 are unacceptable for Michigan's rivers and streams. Fisheries would be damaged, recreation use would be harmed, and aesthetics of property owners lost. The underlying science cannot determine the impacts on nearby lakes and wetlands, either. I boat, canoe and fish many of the state's rivers...it is unimaginable to me to allow 1/4 and more of summertime river levels to be withdrawn.

I support the opportunity for meaningful public input concerning decisions about public resources, and support permitting requirements.

You must recognize that the waters of the state are all connected, and must be managed for the public trust. The House bill seeks to explicitly recognize that the state has duties to protect groundwater under the Public Trust, since surface waters are a Public Trust resource and groundwater and surface waters are interconnected. The Senate bill resists explicitly recognizing this for fear of its ramifications in providing for greater public oversight of water management.

Current Michigan law prevents new large quantity water withdrawals from having an adverse impact on aquatic resources. New proposed legislation would define "adverse impact" to allow reductions in fish populations, even in the state's blue-ribbon trout streams. This will set a dangerous precedent that our public resources can be degraded to allow private commercial ventures to support profit-making enterprises with water that essentially costs nothing to them.

The Senate bill does not require a permitting process for proposed water users (unless the withdrawal is over 2 million gallons per day - as required by the Great Lakes Compact). This permitting criteria is what allows for public input in the decision making process. There currently is no permitting criteria required for withdrawals less than 2 million gallons per day for many of Michigan's rivers.

One final thought. The proposed legislation is grounded on the work performed for the Legislature by the Michigan Groundwater Conservation Advisory Council, as set forth in 2006 PA 34. In its July 2007 report to the Legislature, the following points were made in the Summary & Recommendations:

*"The recommended Water Withdrawal Assessment Process must be viewed as a work in process...the Council unanimously believes that both the process and the imbedded tool will require further development and testing prior to implementation.*

*"We likewise believe that even after it is implemented, this work must be made adaptable and allowed to continuously develop through time...Any implementation must include a plan for ongoing, periodic field testing and review and revision of the process and tool...we recognize that parallel work remains to be done with respect to surface water ecosystems.*

*"The Council also began to explore the broader, socio-economic processes and contexts within which the Water Withdrawal Management Process would be used...many aspects related to balancing social values and identifying acceptable sets of societal outcomes for various regional settings remain far from settled, and will require substantial attention in coming months prior to the process being implemented."*

In light of these recommendations made by the Legislature's own designated Groundwater Conservation Advisory Council, the current path of the proposed legislation as embodied in SB 860 is unfounded and ill-advised.

I would appreciate any and all information and views you have on this matter, and welcome all dialogue that can take place. I hope that this issue is carefully considered and discussed within the legislature and with the public in the coming weeks.

Best regards,

Dan Keifer

Staff, Clinton River Watershed Council  
Member, Challenge Chapter Trout Unlimited  
Member, Metro West Steelheaders Club  
Member, American Canoe Association  
Member, Anglers of the AuSable  
Member, Anchor Bay Yachting Association

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