Plain Talk

By Elwood Kirkpatrick
President

Could Water Use Legislation Affect You?

Over the last several months we have been closely monitoring the proposed Water Legacy Act and its implications to the agriculture industry. We are deeply concerned that the Water Legacy proposal, which, if passed would put dairy farmers and every landowner in Michigan at risk of losing their water rights.

Strongly supported by Governor Granholm, the Water Legacy proposal would step-up protection of the state's water, including strict regulations on water withdrawals and water diversions. It would also take away landowners' riparian water rights, which allow landowners to use any body of water (lakes, rivers, streams, etc,) that is on or adjacent to their property.

Supporters of the proposed Water Legacy Act want to increase water regulations based on an unsubstantiated fear that Michigan is running out of water. This concern, however, is not based on sound science according to recent water mapping research by the Groundwater Conservation Advisory Council. The Council, at the Michigan Legislature's request, spent the last two years drawing up underground aquifer maps of Michigan. Their findings reveal that Michigan has an abundant supply of water, but there are some areas of the state that could benefit from conservation efforts.

The Michigan Senate Natural Resources and Environmental Affairs Committee, led by Senator Patricia Birkholz (R-Saugatuck), held public hearings to review Michigan's water use. The Senator revealed that findings from the Committee indicated that, "in general, farmers, manufacturers, municipalities and other major water users have used our waters sensibly."

During the hearings, MMPA's Director of Manufactured Sales and Operations Clay Galarneau and I both presented testimony, stating MMPA's position as laid out in our Resolutions. From a farming aspect, we are opposed to permitting and need to protect agricultural interests. From a plant operations aspect, we voiced concerns that we wanted clarification that when we ship milk to southern markets like Florida, it will not be considered a diversion of the State's water.

Other agriculture groups present at the hearings gave the consistent message that water use is critical for agriculture production and that water remain accessible without burdensome regulation and cost.

At press time, Michigan Republican legislators were putting together alternate legislation that would address the impact of high-capacity wells, not how the water is used. The Republicans' plan would create a tool for new and expanding large-scale groundwater users – those that withdrawal over 100,000 gallons of water per day – to assess the potential environmental impact to surface water and wells. If the assessment reveals the withdrawals would hurt key natural resources, a permit could be required. If no impact was revealed, the endeavor could go on as planned, but the state could review the data.

Oversight of the Republicans' plan would rest with the Michigan Department of Agriculture and Michigan Department of Natural Resources not the Michigan Department of Environmental Quality.

We will be closely monitoring the impact of any proposed water use legislation and will do our best to keep you informed as this issue further develops. We urge you to monitor this issue as it progresses and encourage you to express your concerns to your legislative representatives. If you have any questions, please contact me at the Novi office.

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