



Legislative Watch

Issues important to today's dairy farmers

Historic Water Legislation Passes in Michigan

The Michigan Farm Bureau (MFB) is applauding Gov. Jennifer Granholm's July 9 signing of new water use legislation, calling the package of bills a historic agreement that ensures Michigan's abundant water resources will be used efficiently to balance the state's economic, social and environmental demands.

"Michigan farmers rely on water to produce food. As such, this legislative package accomplishes two things that are critical to the continuation and growth of agriculture in this state. One, it protects the Great Lakes from diversion by ratifying the Great Lakes Compact into Michigan law. Secondly, it implements a water management system that includes the adoption of a first-of-its-kind water use assessment tool that will help water users to understand if a new use will adversely impact the environment," said MFB President Wayne H. Wood.

The legislation signed is a compromise package reached between the House and Senate. Pre-agreement, MFB had supported the Senate's water package and opposed the House version, but the compromise legislation fulfills a majority of MFB member-developed policy regarding water use in the Great Lakes, said Wood.

"The Michigan Farm Bureau would like to thank Senator Patricia Birkholz for her outstanding leadership on this very complex and important issue," said Wood. "Throughout long hours of preparation and negotiation, Senator

Birkholz created a process that respected Michigan's agriculture industry while being inclusive of all interests."

Some highlights of the legislative package include:

- A Great Lakes Compact that will retain authority of the Great Lakes within the eight Great Lakes states/provinces. Powers of the Michigan Legislature are recognized regarding Compact standards.
- Implementation of a science-based water use assessment tool for new large water uses through a phase-in period that allows farmers to test the tool in the real world. Existing uses are "grandfathered" from having to use the system.
- Seasonal water uses are acknowledged as different from year-round uses and are not required to obtain permitting.
- Reaffirmation that this law does not affect common law water rights, the riparian doctrine or private property rights.
- Farmers retain the option to register/report their water use to the Michigan Department of Agriculture (MDA) without fees.
- Provisions for transferring "grandfathered" water usage from surface water withdrawals to groundwater withdrawals.
- An extended opportunity for farmers with withdrawals that existed prior to Feb. 28, 2006 and who did not register and report the water use to the state, to do so prior to April 1, 2009 to establish baseline use.

- Provisions prohibiting the Department of Environmental Quality from creating additional water quantity related fees or rules.

While the legislation is a victory for Farm Bureau members, it does not represent the end of the road, according to MFB staff. The Compact still must be ratified by Congress. Also, the legislation calls for the appointment of a Water Resources Advisory Council to assist with evaluating and phasing in the water use assessment tool.

"While this legislation accomplishes a majority of Michigan Farm Bureau policy on this topic, we have more to do in the development of incentives for farmers and a greater recognition of the amount of water that open agricultural land brings into Michigan's water supply," said MFB legislative counsel Matt Smego.

Beyond the confines of the state Capitol, there is also work to be done in the countryside, according to Scott Piggott, manager of the MFB Agricultural Ecology Department.

"This is a very complex law, and we will be working with Farm Bureau members immediately to prepare for the evaluation of the new water use assessment process," said Piggott, adding that the outreach will involve county Farm Bureaus and educational opportunities this summer and fall.