

STREAM GAUGE PERMIT EXEMPTION

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House Bill 5043 (reported from committee as H-2)

Sponsor: Rep. Gretchen Driskell

Committee: Natural Resources

Complete to 5-19-16

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: The Natural Resources and Environmental Protection Act (NREPA) contains a list of activities that can be conducted without obtaining a permit under Part 301 (Inland Lakes and Streams). House Bill 5043 would add to that list: *the installation of stream gauges or other equipment designed to measure water levels in inland lakes and streams*, provided certain criteria are met. The bill amends Section 30103 of NREPA, and would take effect 90 days after the date it is enacted into law.

FISCAL IMPACT: House Bill 5043 could reduce revenue for the Department of Natural Resources by exempting structures that may otherwise be subject to a permit. It is not clear how many structures would be affected by this bill. Consequently, the extent of this fiscal impact is unknown. This bill would have no fiscal impact on local units of government.

THE APPARENT PROBLEM AND RATIONALE FOR THE BILL:

Generally speaking, Part 301 of NREPA requires a permit for activities which would alter water flow or the bottomlands of lakes and streams. There are several stated exemptions within Part 301 for activities that do not require a permit. Because these permits require periodic renewal, researchers seeking to install water level-monitoring gauges and equipment worry that the person who completes the initial installation may forget to renew the permit when the time comes.

According to testimony presented in committee, allowing individuals to install these gauges and equipment will allow researchers to "crowd-source" data collection of water levels. Once installed, any person wishing to do so could message the number posted on the gauge or equipment and relay the water level. A study cited in testimony noted that approximately 4,100 of Michigan's more than 65,000 rivers and lakes have such data. Once collected, the data would be made available, free of charge, to educational and other public entities for study.

THE CONTENT OF THE BILL:

Specifically, under House Bill 5043, if all of the following are true, a stream gauge or other equipment designed to measure water levels in inland lakes and streams would be exempt from permit requirements:

- The gauge consists of a face that is not more than 4 feet tall by 6 inches wide, contains readable calibration marks for measuring water levels, and is attached to

bottomland through the use of a wooden or steel stake that is not more than 6 feet long.

- The gauge is installed without changing site elevations and without the use of any other structure or fill, such as a foundation, anchor, or buoy line.
- The gauge is installed with the written permission of the landowner.
- The gauge does not cause more than a minimal adverse effect on navigation and fish and wildlife habitat, does not unreasonably interfere with the use of the water by others who are entitled to use the water, and does not interfere with water flow.
- Upon completion of use, the gauge is fully removed.

POSITIONS:

The following indicated support for HB 5043:

Michigan Environmental Council (5-10-16)

Michigan League of Conservation Voters (5-10-16)

Institute of Water Resources at Michigan State University (3-15-16)

Michigan Sierra Club (3-15-16)

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