



**Testimony Regarding House Bill 4540
House Committee on Natural Resources
Representative Andrea LaFontaine, Chair**

Submitted in writing by
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Tip of the Mitt Watershed Council
January 25, 2016

Tip of the Mitt Watershed Council, on behalf of its 2,500 plus members, wishes to express our concern regarding House Bill (HB) 4540, as currently proposed. This bill would exempt basic information “about the production, generation, transportation, transmission, or distribution of fuel or energy” from Michigan’s Freedom of Information Act (FOIA).

First, this legislation is duplicative and unnecessary given current existing federal law which already addresses national security issues to keep sensitive energy infrastructure information out of the hands of terrorists or bad actors who may seek to harm Michigan and its citizens. Federal regulation, 18 CFR 388.113, restricts access to critical energy infrastructure information. The federal program also includes a process for landowners and groups interested in protecting public safety and natural resources to access this information in a manner which protects any sensitive information.

As currently written, the state legislation creates a blanket exemption that would not allow landowners, lake associations, nongovernmental organizations, or any other parties to access the information under any circumstance. This broad sweeping bill hinders the ability of landowners and citizen groups to act as watchdogs and help protect the State’s valuable water resources. As an organization dedicated to protecting the environmental integrity and economic and aesthetic values of lakes, streams, wetlands, and groundwater in Northern Michigan, as well as statewide and throughout the Great Lakes Basin, we rely on such information to make technically sound and science based decisions. The exemption in this bill would block the public from accessing information related to Michigan’s network of pipelines and other energy infrastructure, thereby denying critical information to property owners, advocates, and citizens concerned about pipelines in the Great Lakes or near their homes..

In addition, Michigan’s FOIA law already has a provision that exempts from disclosure records that would jeopardize safety and security. Under MCL 15.243, a public body may already exempt from disclosure “records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building,