

Water Use Advisory Council  
February 15, 2013  
Constitution Hall, Lansing

Members or Alternates Attending:

Brian D. Eggers, Michigan Chamber of Commerce; Becky Humphries, Ducks Unlimited; Shada Biabani, Michigan Aggregates Association; Jim Byrum, Michigan Agri Business Association; Bryan Burroughs, Trout Unlimited; Gary Dawson, Consumers Energy; Robert Whitesides, Kalamazoo River Watershed Council; Steve Rice, Michigan Wetland Association; Ben Russell, Southwest Michigan Water Resources Council; Charles Scott, Michigan Golf Course Owners; Erin McDonough, Michigan United Conservation Clubs; Rich Bowman, The Nature Conservancy; Patricia Norris, Michigan State University (MSU); Pat Staskiewicz, American Water Works Association; George Carr, Michigan Ground Water Association; William Scott Brown, Michigan Lakes and Streams Association; Tom Frazier, Michigan Townships Association; Wayne H. Wood, Michigan Farm Bureau; David Lusch, MSU; Frank D. Ettawageshik, United Tribes of Michigan; James Clift, Michigan Environmental Council Howard Reeves, U.S. Geological Survey (USGS) Ex-officio; Al Kehew, Michigan Geological Survey Ex-officio; Jon W. Allan, Department of Environmental Quality (DEQ) Office of the Great Lakes Ex-officio; Jamie Clover Adams, Department of Agriculture and Rural Development (MDARD) Ex-officio; Tammy Newcomb, Department of Natural Resources (DNR) Ex-officio; Peter Manning, Department of Attorney General (DAG) Ex-officio; Bill Creal, DEQ Water Resources Division (WRD) Ex-officio; Dina Klemans, DEQ WRD Ex-officio

Members Absent:

Andy Such, Michigan Manufacturers Association; Michael Stafford, Cranbrook Institute of Science

Others Attending:

Laura Campbell, Michigan Farm Bureau; Mike Wenkel, Michigan Potato Industry Council; Sara Black, Michigan Farm Bureau; Laura Young, MSU Institute of Water Research (IWR); Abigail Eaton, MDARD; Bruce Washburn, DEQ WRD; Jim Milne, DEQ WRD; Andy LeBaron, DEQ WRD; Todd Feenstra, Tritium Inc.; Margaret Bettenhausen, DAG; Jason Geer, Michigan Chamber of Commerce; Larry Walton, Farm Bureau

Introductory Remarks:

Brian Eggers and Becky Humphries were named as starting co-chairs until the council selects its chairs.

Bill Creal, DEQ WRD Chief, welcomed the Council members on behalf of DEQ Director Dan Wyant. Director Wyant wants DEQ to focus on increasing environmental stewardship, being a partner in economic development and provide exceptional customer service. Director Wyant also wants the council to look at the impacts of large quantity water withdrawals on inland lakes and the Great Lakes. The Quality of Life (QOL) agencies (DEQ, DNR and MDARD) will be the state agencies that implement the Council's recommendations. The QOL agencies will be ex-officio members of the council. Director Wyant expects this council to be a two year process.

Jon Allan, Director of the DEQ's Office of the Great Lakes, said that water is a dominant part of Governor Snyder's strategy. The Council needs to look beyond just groundwater to also look at the Great Lakes, inland lakes, rivers, water use and water use conflicts.

We need to protect resources but also provide access to water for economic development. The previous statewide councils were collegial and had consensus based voices. Every problem is solvable by consensus.

#### Council Operations:

The Council discussed operating principles and expectations for members and alternates and agreed to the following.

Alternates must come to meetings fully prepared to participate and are authorized to act on members' behalf. The Council meetings need to be a forward moving process. When members return to subsequent meetings, there is no going back over past decisions (i.e., no take backs).

Agency representatives and other technical experts will serve as ex-officio members to inform and support the Council.

The Council is planned to meet for two years to address its charge, identify priorities and the timing for what is needed and when. The Council will help identify subcommittees that are needed to complete tasks, resources that are needed and decisions that need to be made.

Council meetings will be set up according to a plan and the amount of work that needs to be done rather than meeting on a stated frequency.

There was consensus that the full council meetings should be one-half day (three to four hours) meetings.

The Council agreed to have an Executive or Managing Committee to consist of three council chairs plus three additional members. The purpose of the Executive Committee is to:

- Facilitate the drafting of the council's scope of work.
- Organize meeting logistics and keep the meetings on track.
- Track the attendance of members and alternates.

The council nominated tri-chairs: Becky Humphries, Ducks Unlimited; Brian Eggers, representing the Michigan Chamber of Commerce; and Wayne Wood, Farm Bureau. The tri-chairs were approved by a unanimous vote.

The council reached consensus on 3 additional Executive Committee members: Pat Staskiewicz, AWWA for municipal water users; Dave Lusch, MSU for science; and Gary Dawson, Consumers Energy, for utilities. Dina Klemans and Jon Allan will be Ex-Officio members on the Executive Committee.

A web site will be established for the council.

There was discussion about whether members or alternates could participate in meetings by teleconference or videoconference but the council did not support participation by teleconference or videoconference.

Summary notes of the meetings will be taken rather than detailed meeting minutes. The summary notes will provide a summary of discussions; capture all motions, actions and assignments. Draft meeting notes will be e-mailed to council members. Council members have three days to review the draft notes. If no comments are received within three days, the draft notes will be considered approved and posted on the web site as soon as possible.

The council meetings aren't subject to the Open Meetings Act but the public is invited to attend all Council meetings. Future meeting agendas will include public comment on agenda items at the beginning of the meeting with three minutes allowed per group and public comment on non-agenda items or issues at the end of the meeting with five minutes allowed per group. The council has the ability to suspend the time limits by consensus. Since the council meetings will only last three or four hours, agenda management is the key factor. The opening public comments are limited to no more than 15 minutes. The council's web site will provide an opportunity for the public to submit comments to the council. People can request to make presentations to the council.

Howard Reeves, USGS, asked whether the council is requested to issue some sort of final report as one of its products. A discussion followed about the council having specific milestones and producing deliverable products at those milestones but no consensus was reached regarding a formal, final report.

#### Scope of Work:

A draft scope of work (attached) was handed out to the council. The following additional comments on the draft scope of work were captured:

- End products
  - Need to document findings and recommendations
  - What works
  - What doesn't work
- Clarify water user groups:
  - When are they formed?
  - What is DEQ's involvement with them?
  - Conflict resolution outside of the legal process
  - Local decision making
  - Facilitation
- Consider new categories of withdrawals
  - Lake augmentation wells
  - Fracking
- Water withdrawals impacting inland lakes
- Provide input to the Governor's Water Strategy
- Is Michigan prepared to say no to diversions outside the Great Lakes Basin during droughts?
- Do we have the needed tools?
- Testing the Great Lakes Compact
- Briefings on Great Lakes Compact
- Receive briefings and make recommendations on regional issues, e.g., proposed Waukesha, Wisconsin diversion
- Implementation of the Great Lakes Compact in other Great Lakes states

- Baseline water availability: Is it changing? Does it need to change?
- Concern over water volumes used for hydraulic fracturing and the current exemption in Part 327 for large quantity withdrawals for oil/gas production regulated under Part 615
- Concern over the Water Withdrawal Assessment Tool (WWAT) being a “black box”:
  - Accuracy of the Water Withdrawal Assessment Tool (WWAT)
  - Functioning of the WWAT
  - Can it be changed without any oversight?
  - Is the WWAT vulnerable to legal challenges?
- Site specific reviews (SSR)

Water Use Program Overview:

Jim Milne, DEQ WRD, gave a PowerPoint presentation. Council members requested copies of the presentation for the color slides and that keys be added to the slides with maps showing the locations of WWAT registrations, watershed management zones and SSR denials.

Assignments:

Dina Klemans will send out an updated scope of work. Each Council member will provide his/her priorities in two categories:

- The most important issues
- The most urgent issues

QOL agency staff will also submit their priorities.

The Executive Committee will review the priorities and draft a plan for addressing the issues, which will be considered by the Council at the next meeting.

Next Meeting:

A Doodle poll will be sent out to schedule the meeting at the end of March or in early April. Wayne Wood will host the next meeting at the Farm Bureau’s offices.