

Michigan Water Resources Conservation Advisory Council

February 6, 2009, Meeting Summary

The Michigan Water Resources Conservation Advisory Council (WRCAC) meeting was held on Tuesday February 6, 2009, in the Charles V Park Library Room 337 on the Central Michigan University Campus at 300 East Preston Road in Mt Pleasant, Michigan from 10:00 am to 2:00 pm

Council members in attendance were Sumedh Bahl, Dr. Bryan Burroughs, James Clift, Jon Coleman, Frank Ettawageshik, Michael Gregg, Craig Hoffman, Jo Latimore, Mark Lemons, Peter Manning, Michael Newman, Scott Piggott, Frank Ruswick, Dr. Paul Seelbach, Dr. Pat Soranno, and Bob Walther. Absent members were Jon Allan, Timothy Neumann, Richard Slevatz, and Samuel Wendling. Guests present were Jim Cleland, Abby Eaton, Pat Fouchey, Fred Goldberg, and Dave Hamilton.

Welcome – Review of Minutes – Review of agenda and goals for the day

Mike Newman opened the meeting by welcoming everyone to Central Michigan University. All present were asked to introduce themselves. James Clift introduced Kathy Wilbur, CMU's vice president of government relations and public affairs, who was gracious enough to host today's meeting. Ms Wilbur said CMU is the 4th largest university in Michigan.

Mike Newman said the Chairs received a courtesy copy of a letter sent to Senator Bishop from Donna Stine. Donna Stine took a position with the Governor as Policy Advisor on Environmental Policy therefore is stepping down as the Angler Organization Representative on the Michigan Water Resources Conservation Advisory Council.

The committee as a whole approved the Summary of the January 6 WRCAC Meeting. The meeting summary is to be posted on the web as written.

The agenda, copies of Water Resources Conservation Advisory Council Report Responsibilities Section 32803 of NREPA 27 January 2009, and extra permit parking passes were available at the entrance table.

Review WRCAC Interim Report 2-3-09 Version.doc

Mike Newman asked if everyone had a copy of: Water Resources Conservation Advisory Council Report Responsibilities Section 32803 of NREPA 27 January 2009. A section by section review of the report was done. Mike Newman led the discussion. Scott Piggott made adjustments to the report as it was being reviewed. At 11:25 Mike Newman asked if there were any over all comments. There being none there was a short break.

Break

Mike Newman thanked James Clift for providing lunch.

Discussion of the Preventative Measures Issue

Bryan Burroughs had made up a page sheet listing the natural resources and environmental protections act regarding preventative measures and distributed it to all present – attachment.

From Noon till 1:00 the Council discussed what their role is on preventative measures. It was decided that the subcommittee would focus on making a framework of the assessment process as it applies to rivers. The council realizes there are two distinctive parties involved: the applicant and DEQ. The subcommittee will focus on what degree of criteria is helpful to them.

Law Conflict Subcommittee

Peter Manning has agreed to be the Law Conflict Subcommittee Chairman. Abby Eaton asked if the subcommittee is looking at conflicts in water quality and removal. Peter Manning said the subcommittee's charge is to look at how water users need to adhere to law, do the laws agree.

Conservation Subcommittee

Scott Piggott has agreed to be the Conservation Subcommittee Chairman. Abby Eaton asked what are the duties of the conservation subcommittee. The duties are to make recommendations on the development and implementation of the state's water conservation and efficiency program under section 4.2 of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

1:10 – 1:15 Educational Materials Subcommittee

Jon Coleman has agreed to be the Educational Materials Subcommittee Chairman. Meetings will be set up.

1:15 – 2:15 Test and Evaluation of Assessment Tool Subcommittee - Paul Seelbach

Paul Seelbach said the subcommittee on tract to get a report done by April 9, 2009.

Connecticut has just passed a law on water management. Massachusetts is close to passing a law on water management also. Massachusetts is using calculated fish curves differently than ours (Michigan).

The USGS has established an environmental flows website called Ecological Limits of Hydrologic Alteration referred to as Eloha. Leroy Poff, who did a peer review of the water assessment withdrawal tool, was instrumental in establishing this site. On their website is the work we have done. We are cited numerous times. This topic is expanding. It is of great interest. Paul Seelbach said he will interact with their staff to keep them updated. The website is <http://conserveonline.org/workspaces/eloha> . Paul Seelbach encouraged everyone to check out the website.

The North American Benthological Society will have the NABS 57th Annual Meeting in Grand Rapids Michigan on May 17 – 22. One section will be lead by Leroy Poff. There is a session on the model. Paul Seelbach will speak. (The North American Benthological Society Website is <http://www.benthos.org/index.cfm>).

The subcommittee found a problem with the water assessment tool. How tool is accounting for the up / down stream of stream segment where well will be placed. Bryan Burroughs explained the problem. One section of stream could be cool with surrounding segments not being the same stream type. Dave Hamilton said at this point it is just a theoretical problem but there is a stream that has a cold water stream segment with a transitional stream segment down stream. What impact would the withdrawal have all the way down stream? Hard to factor that in.

Bryan Burroughs said the subcommittee has decided that the short term fix is a flag be put in the tool. For long term fix, adopt a linear stream. This short term fix will be used to make this tool functional now.

Bryan Burroughs said in April must give report to legislature if tool works. The subcommittee will provide a report on this issue at our March meeting.

FYI - Introduction to Michigan's New Water Withdrawal Regulations - Workshop presented by the MSU Institute of Water Research February 13, 2009, at the University of Michigan – Flint. For more information go to: <http://www.iwr.msu.edu/>

Impacts on Lakes ++ Subcommittee

Chairman Pat Soranno said there are two meetings scheduled. One on Thursday February 26 from 3:00 - 5:00. One on Friday March 27 from 1:00 – 3:00. Both are at the MUCC Building.

Next Meeting

March 6, 2009, from 10 – 3 in the Department of Conservation Conference Room on the 7th floor of the Mason Building at 530 W. Allegan Lansing Michigan.

Attachment

Information Pertinent to the "Preventative Measures" Workgroup

From:

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

324.32701 Definitions; retention of established baseline capacity.

324.32803 Water resources conservation advisory council; creation; qualifications and appointment of members; appointment of technical advisory committee; duties of council; reports; "assessment tool" defined.

324.32723 Water withdrawal permit; persons required to obtain; application; fee; issuance; conditions; revocation; petition for contested case hearing; exemptions from permit requirements.

The Charge to the WRCAC: "Develop a framework for evaluating preventative measures designed to prevent adverse resource impacts."

Definition of Preventative Measures: "Preventative measure" means an action affecting a stream or river that prevents an adverse resource impact by diminishing the effect of a withdrawal on stream or river flow or the temperature regime of the stream or river."

"Not later than February 8, 2009, a progress report on the council's findings and recommendations under subsection (4)(c) to (h) as of that date." (*Includes the above charge*).

Information on the Use of "Preventative Measures":

"The department shall issue a water withdrawal permit under subsection (l)(a), (b), or (c) if all of the following conditions are met: (b) The withdrawal will be implemented so as to ensure that the proposal will result in no individual or cumulative adverse resource impacts. Cumulative adverse resource impacts under this subdivision shall be evaluated by the department based upon available information gathered by the department."

"In reviewing a proposed preventative measure, the department shall consider the effect of the preventative measure on preventing an adverse resource impact by diminishing the effect of the withdrawal on stream or river flow or the temperature regime of the stream or river. If the department approves a preventative measure in conjunction with a water withdrawal permit under this section, the department shall enter into a legally enforceable implementation schedule for completion of the preventative measure."

"A person shall apply for a water withdrawal permit under this section by submitting an application to the department containing the information described in section 32706c(l)(a) to (e) and an evaluation of existing hydrological and hydrogeological conditions. If the applicant proposes to undertake a preventative measure along with the withdrawal, the property owner shall provide the department with a detailed description of the preventative measure and relevant information as to how the preventative measure will be implemented. In addition, the applicant shall submit an application fee in the amount of \$2,000.00. The department shall transmit application fees collected under this section to the state treasurer to be credited to the water use protection fund created in section 32714."