

Director's Statement on Prairie River Stream Temperature Redesignation

1/9/23

- In 2006, Part 327 of the Michigan Natural Resources and Environmental Protection Act protects all rivers and streams from excessive decreases in flow caused by large quantity groundwater withdrawals of more than 100,000 gallons per day. New large quantity water withdrawal proposals must be applied for and registered through the Groundwater Withdrawal Tool managed by the Department of Environment, Great Lakes and Energy (EGLE).
- The Water Use Advisory Council (Council) that was established under Part 328 (NREPA) reviewed Part 327 and determined that the DNR, through the Natural Resources Commission and later DNR Director (through Executive Orders), has the authority to make stream classification changes. This has subsequently been confirmed by the Attorney General's office. The Council then recommended DNR draft procedures and criteria to be used to modify stream classification for those streams that were initially misclassified (completed in 2021).
- Stream classification type determines how much of a flow decrease can occur without causing a change in the fish community. Classification type is determined by stream size, temperature and fish species present.
- When stream flow is depleted below the limit allowed by the classification, the resulting condition is called an **Adverse Resource Impact**.
- All stream segments were developed from DNR fish and stream temperature survey data and statewide modeled predictions were developed in 2008. The 5,400 water management areas that were modeled were then reviewed by field staff at a coarse level. Data was not available for all 5,400 management areas when initially reviewed.
- Prairie River in Branch County is classified as a warm stream based on the 2008 model.
- Survey data collected by DNR between 2012 and 2016 suggests the Prairie River, specifically Water Management Area 20781, should be classified as a cold-transitional stream, and was mis-classified by the model in 2008 as a warm stream.
- The information that was collected for Prairie River was processed through an objective approach using the StreamCheck Tool that was developed to provide a scientific basis and understanding for any future proposed stream classification changes throughout the state.
- EGLE technical staff reviewed the Prairie River DNR fish and stream temperature data and confirmed the cold-transitional classification.

- The presence of several ages of brown trout in this stream segment since stocking ceased in 1992 is a good indicator that the stream is cold-transitional and supports a cold-water fish community.
- The Water Use Advisory Council was aware of the Prairie River data in 2015 and were formally notified that the DNR was recommending a change in November of 2022. The council was provided data and a presentation in December 2022.
- Although the Council has representation from several major water user associations, not all water users in the Prairie River Water Use Area 20781 were aware of the proposed re-classification.
- The re-classification may mean that this section of the Prairie River watershed could reach an Adverse Resource Impact limit. EGLE staff will need to review the current registered withdrawals and establish the actual quantity of water that is being used. If an Adverse Resource Impact is determined, this could prevent new withdrawals from occurring.
- Landowners seeking new water withdrawals in an Adverse Resource Impact area can work with EGLE, local agencies, and other water users to establish a Water Users Committee to seek solutions. For example, registered use minus actual use could yield available water for the area.
- In cooperation with EGLE, MSU has conducted social surveys and is currently holding focus groups to inform a Water Users Committee Guide to assist in the formation of committees.
- Based on the information I just provided, I am not going to sign the order at this time.