

WATER USE ADVISORY COUNCIL MINUTES

December 10, 2019, 1:00 p.m. - 4:00 p.m.

Michigan Farm Bureau
7373 West Saginaw Highway
Lansing, Michigan

1. Welcome and Introductions

- Water Use Advisory Council (WUAC) Members/Alternates Attending:
Christine Alexander, Department of Environment, Great Lakes, and Energy (EGLE)
Margaret Bettenhausen, Attorney General (via conference call)
Bryan Burroughs/Taylor Ridderbusch, Michigan Trout Unlimited
Laura Campbell/Matt Smego, Michigan Farm Bureau
James Clift, Deputy Director, EGLE
Scott DeBoe/Rachel Proctor, Consumers Energy
Abigail Eaton, Department of Agriculture and Rural Development (MDARD)
Brian Eggers, AKT Peerless
Tom Frazier, Michigan Townships Association
Mike Gallagher, Michigan Lake Stewardship Association (via conference call)
Dave Hamilton, The Nature Conservancy
Steve Kohler, Kalamazoo River Watershed Council
Doug Needham, Michigan Aggregates Association
Tammy Newcomb, Michigan Department of Natural Resources (MDNR)
Jim Nicholas, Nicholas-H2O (via conference call)
Buddy Sebastian/Mike Frederick, Michigan Groundwater Association
Pat Staskiewicz/Clyde Dugan, Michigan American Water Works Association
John Yellich, Michigan Geological Survey (via conference call)
Tom Zimnicki, Michigan Environmental Council
- Members/Alternates absent:
Rich Bowman, The Nature Conservancy
Frank Ettawageshik, United Tribes of Michigan
Jason Geer, Michigan Chamber of Commerce
Sue Hanf, Michigan Aggregates Association
Jim Johnson, MDARD
Kyle Rorah/Nikki Ghorpade, Ducks Unlimited
Charlie Scott, Michigan Golf Course Owners Association
Jon Scott, Non-Ag Irrigators
Grenetta Thomassey, Michigan Environmental Council
Jason Walther/Kelly Turner, Agricultural Irrigators
- Non-members present:
Christopher Gothberg, EGLE
Joel Henry, Golder Associates
Clay Joupperi, EGLE
Andy LeBaron, EGLE
Dave Lusch, MSU
Jim Milne, EGLE
Howard Reeves, United States Geological Survey
Nathaniel Shuff, EGLE
Sherry Thelen, EGLE

2. Approval of October 15, 2019, meeting minutes

- No comments/edits received
- The October 15, 2019, meeting minutes were approved by consensus

3. Committee Chair updates

- **Models Committee.** Update given by Dave Hamilton Outlined

November 27, 2019, handout with eight main topic areas:

1. Draft EGLE “Groundwater Model Report Format Guidance.” Requesting consultant review of the guidance by mid-winter.
2. Draft EGLE “Aquifer Testing Work Plan Guidance.” Models Committee forming a subgroup including Jim Nicholas, EGLE staff, and consultants.
3. Michigan Hydrologic Framework (MHF). Discussed the need for additional data. The Committee is recommending that the WUAC move the MHF forward to the Legislature to create a process to request support. Discussed whether comments provided on the MHF in May 2018 were addressed. Concerns raised regarding water well data and that geologic data is not factored into the MHF document pointed out that the water withdrawal assessment tool (WWAT) is not updated with new water resources. Discussion clarified that the MHF is looking forward, uses real models, and that new data is needed. The Model Committee recognizes the need for three-dimensional data. Discussed the need for additional technical advisors, specifically, glacial geologists. Clarification provided that technical advisors can be added to the process as appropriate. Also mentioned the need for additional groundwater data sources as the location for water well logs are not always accurate.

The Models Committee clarified they had consensus to bring this recommendation to the full WUAC. Consensus was not reached to move this item forward. The chairs recommended that the committee go into additional detail regarding the comments received and encouraged all interested in this topic to participate in the committee discussions. Comments on the MHF from May 2018 will be resent to this committee for evaluation. Lengthy discussion regarding the need to move forward with additional quality data and the importance of geology in the MHF.

4. Determine how to incorporate information from calibrated models into the screening tool.
5. Additional work needed to represent streamflow depletion.
6. Develop a framework for return flow accounting and downstream accounting for withdrawals.
7. Review existing model applications and recommend potential use in the MHF.
8. Consider revising the “1/2 Max Rule” used to allocate stream flow depletions between water management areas in the WWAT.

- **Implementation Committee.** Update given by Doug Needham

2014 Recommendations. Committee reviewed 78 recommendations and noted that funding was not provided for implementation. Referenced the chart developed by EGLE to evaluate effort and progress on implementation. It was noted that EGLE is working on

implementing some recommendations, but not all. Suggested development of a process flow chart to evaluate completion of each recommendation. Components of the flow chart would include timelines, financial considerations, and notation of which recommendations were dependent upon implementation of other recommendations. The thought was to use this process to present the top priorities to the Legislature. Recognized efforts of previous WUAC. Question was posed regarding how the committee will decide on the process to move forward; will it be cost dependent? Committee will meet monthly moving forward.

- **New Topics Committee.** Update given by Tom Zimnicki

Considered the following topics:

1. Aquifer pump test. They will work with the Model Committee on this topic.
2. Timeframe for estimating stream flow depletions.
3. Adverse Resource Impact (ARI). Discussed how to document ARI; feel the statute is straightforward and noted this topic has been before previous WUACs.
4. Water User Groups. Discussed that no water users' groups have been formed to date. Discussed piloting a water users' group in the Pigeon River watershed (Ottawa County) with assistance from Pat Norris. Discussed that statute requires EGLE to convene a water users' group when an ARI occurs. The statute requires that EGLE develop a plan; however, users do not have to accept it. Question regarding how an ARI occurs considering statutory requirements. Clarification provided from EGLE that an ARI isn't authorized in any scenario. EGLE notes this condition may result from violations of registered withdrawals and/or unregistered withdrawals not accounted for in the WWAT.
5. Return flow.
6. Wetland/inland lake ARIs. This topic is a long-term priority; however, additional time will not be spent on this topic. The committee also noted the lake bathymetry project that is underway.

- **Data Committee.** Update given by Bryan Burroughs

The committee held their first meeting last week and will be scheduling meetings for the upcoming year; the group is small, so all are encouraged to consider participating. The committee discussed navigating past recommendations on environmental monitoring, data collection and providing feedback on priorities. They are also brainstorming a list of new topics. They will also be reviewing the presentation from the October 15, 2019, meeting by Elle Gulotty, MDNR.

Overall questions from committee discussions:

- How will the WUAC manage past/new recommendations?
- What is the process to bring recommendations to the full WUAC? It is anticipated all committees would work on tasks and bring recommendations forward for inclusion to Legislature by early summer. Considering the high number of recommendations, it is acceptable to bring recommendations forward sooner for implementation where possible.
- If committees are asking for cost estimates from EGLE, it was suggested that the committees be very clear in their requests, especially on technology related items. The specificity will help EGLE develop more accurate cost estimates.

- Feedback sought for committee process so far. Continue to send committee meeting dates and agenda to Sherry Thelen, for public noticing to comply with the Open Meetings Act.
4. Update Regarding State E-mail Accounts for WUAC Members
 - EGLE set up light-weight e-mail for WUAC members and alternates.
 - EGLE will send instructions to the WUAC on Thursday, December 12, 2019.
 - Question was posed if WUAC members can comply with the Freedom of Information Act using their own e-mail? Concern raised regarding additional time spent managing another e-mail account. EGLE to follow-up.
 5. Updates from the Water Use Program
 - Pigeon River ARI situation previously mentioned.
 - EGLE received three bid packages for contractor support for the WUAC; currently reviewing.
 - Introduced new EGLE staff; two additional positions posted that will focus on site specific reviews. WRD, Water Use Assessment Unit (WUAU) is waiting for Civil Service/Human Resources' approval to post a second modeling position. Once all staff are hired, there will be nine staff in the WUAU.
 - USGS installed additional stream gages on the following streams: Spring Creek, St. Joseph County; Rice Creek, Calhoun County; and Wolf Creek, Montcalm County. Two additional stream gages may be installed by USGS in 2020 on Osborn Drain and Dowagiac Creek in Cass County (locations that had a stream gage installed as part of the Cass County Pilot Study).
 6. 2020 Meeting Schedule
 - Meetings will be held the third Tuesday of every month beginning in February 2020. Discussed moving the meeting locations around the state. Several meeting locations have been reserved; locations may be updated.
 - Meeting schedule is as follows:
 - February 18, 2020, from 1:00 p.m. – 4:00 p.m. at Constitution Hall in Lansing
 - April 21, 2020, from 1:00 p.m. – 4:00 p.m. -- Location to be determined
 - June 16, 2020, from 1:00 p.m. – 4:00 p.m. at Constitution Hall in Lansing
 - August 18, 2020, from 1:00 p.m. – 4:00 p.m. -- Location to be determined
 - October 20, 2020, 1:00 p.m. – 4:00 p.m. at Constitution Hall in Lansing
 - December 15, 2020, from 1:00 p.m. – 4:00 p.m. at Constitution Hall in Lansing
 7. Other Business
 - Nomination of Technical Advisors. Executive Committee advised members to talk to prospective advisors to gage their interest, and willingness to participate. If potential advisors are interested, send Curriculum Vitae to Executive Committee. Materials submitted for the following people:
 - Jeremiah Asher, Michigan State University Institute for Water Research
 - Dr. Dave Lusch, Michigan State University
 - Joel Henry, Golder and Associates
 - Todd Feenstra, Tritium, Incorporated

Executive Committee mentioned that they didn't e-mail packets regarding potential advisors to the full WUAC; all packets will be sent to the WUAC as follow-up. Clarified that interested people will not be restricted from participating. The WUAC voted to approve the following people as technical advisors:

- Jeremiah Asher
- Dr. Dave Lusch
- Joel Henry

The WUAC will discuss Todd Feenstra and any other potential technical advisors at the February 2020 meeting.

- It was noted that Mike Gallagher requested to join the Data Committee.
- High Great Lakes water levels were discussed. It was noted that groundwater elevations are also rising. This could result in additional stream flow; question posed regarding the impact on the work of this WUAC? Noted that statute identifies index flows from 2008. Also discussed low water levels experienced six years ago. Noted cyclic fluctuations in water levels and that building structures in wetlands has resulted in flooding situations.

8. Public Comments

- No Public Comments were received.

9. Action Items Review

- EGLE will send the 2020 meeting schedule and Outlook appointment notices. For planning purposes, EGLE will reserve a conference room in Constitution Hall for the February meeting.
- Technical Advisor Packets will be sent to the full WUAC.
- EGLE will follow-up on question regarding Freedom of Information Act compliance for WUAC using individual E-mail accounts.
- An overview of the Cass County project will be placed on the February meeting agenda pending consultant's availability.
- EGLE will forward instructions for the light-weight e-mail accounts on Thursday, December 12, 2019.
- EGLE is seeking comments on Groundwater Model Report Format Guidance and the Aquifer Testing Work Plan Guidance. Will circle back on the status at the February meeting.

Next meeting will be on February 18, 2020, 1:00 p.m.-4:00 p.m. – Constitution Hall

10. Adjourn