

WATER USE ADVISORY COUNCIL DRAFT MINUTES

February 18, 2020
1:00 p.m. - 4:00 p.m.
Constitution Hall
Lansing, Michigan

1. Welcome and Introductions – Water Use Advisory Council (WUAC) Chairs
 - WUAC Members/Alternates Attending:
 - Christine Alexander, Department of Environment, Great Lakes, and Energy (EGLE)
 - Margaret Bettenhausen, Attorney General
 - Taylor Ridderbusch, Michigan Trout Unlimited
 - Laura Campbell, Michigan Farm Bureau
 - James Cliff, 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 Frederick, Michigan Groundwater Association
 - Mike Gallagher, Michigan Lake Stewardship Association
 - Dave Hamilton, The Nature Conservancy (via conference call)
 - Steve Kohler, Kalamazoo River Watershed Council
 - Doug Needham, Michigan Aggregates Association
 - Jim Nicholas, Nicholas-H2O
 - Charlie Scott, Michigan Golf Course Owners Association
 - Pat Staskiewicz, Michigan American Water Works Association
 - Jason Walther/Kelly Turner, Agricultural Irrigators
 - Tom Zimnicki, Michigan Environmental Council
 - Members/Alternates absent:
 - Rich Bowman, The Nature Conservancy
 - Bryan Burroughs, Michigan Trout Unlimited
 - Clyde Dugan, Michigan American Water Works Association
 - Frank Ettawageshik, United Tribes of Michigan
 - Jason Geer, Michigan Chamber of Commerce
 - Sue Hanf, Michigan Aggregates Association
 - Jim Johnson, MDARD
 - Tammy Newcomb, Michigan Department of Natural Resources (MDNR)
 - Kyle Rorah/Nikki Ghorpade, Ducks Unlimited
 - Buddy Sebastian, Michigan Groundwater Association
 - Jon Scott, Non-Ag Irrigators
 - Matt Smego, Michigan Farm Bureau
 - Grenetta Thomassey, Michigan Environmental Council
 - John Yellich, Michigan Geological Survey

- Non-members present:
Hannah Arnett, EGLE
Jeremiah Asher
Christopher Gothberg, EGLE
Clay Joupperi, EGLE
Mark Kramer, DTMB
Dave Lusch, MSU
Jim Milne, EGLE
Aaron Rice
Nathaniel Shuff, EGLE
Christine Spitzley, OHM
Sherry Thelen, EGLE

2. Approval of December 10, 2019, meeting minutes
 - No comments/edits received
 - Meeting minutes were approved by consensus

3. Committee Chair updates

- **Models Committee.**

Jim Nicholas, Nicholas-H2O and Dave Hamilton, The Nature Conservancy

The Models Committee has two working groups—one group is reviewing the draft Aquifer Testing Work Plan Guidance developed by EGLE and the other group is looking at the Water Withdrawal Assessment Tool (WWAT). Committee is looking to see what can be done to improve the registration process using the WWAT. Jim will be compiling comments on the EGLE draft model guidelines. Aquifer Pumping Test Work Plan Guidance will be reviewed by consultants; the group met in January.

Dave Hamilton put together a technical workgroup on updates/improvements on WWAT (see attached handout from February 11, 2020). Tool uses data circa 2004-2005; many aquifer tests and wells installed since then. How do we provide more accuracy? Updated aquifer storage coefficient and transmissivity are a couple of items that need to be updated into the tool. Numerical models also been developed-how do we decide what should be incorporated into the tool? Specific actions will be outlined in a workplan and budget will be brought to the Council. Encouraged Council members to share any thoughts with committee.

- **Implementation Committee**

Doug Needham, Michigan Aggregates Association

What is highest priority? List of recommendations from Underpinnings Committee included: adjusting non-perennial streams, streamline registrations that meet 'as built', working with stakeholders to describe site specific review criteria, collecting data that is already available, implement high quality data to improve WWAT and Site Specific Review (SSR) process.

Of 78 items, there was a matrix from a previous memo (dated August 19, 2015). Sorted by high effort, high urgency. Looked at high impact/high urgency effort. Are actions in progress, incomplete, not worked on. Asked people to rank 30 plus items by priority. Determine highest priority. Three items received five high impact votes. Which ones should be looked at and brought to this committee?

The WUAC chose not to provide recommendations to the Quality of Life agencies and left it to agencies to prioritize. Also mentioned that recommendations would need to be re-evaluated. Past Council recognized that there would always be things to do. Question: would Council wait until EGLE hits a barrier to getting work done?

This committee will work on 8-10 items that they view are important and add to other committees' top priorities and work out prioritization. Thought was that all the committees would work together on developing short list with appropriation ask.

- **New Topics Committee**

Pat Staskiewicz, Michigan American Water Works Association

Focus on using past recommendations looking at conservation and water users' group. When will these be formed? Timelines—how can this group be kept in the loop? The state could form a water users' group—by statute. Water users not required to follow a plan developed by EGLE. EGLE hasn't made any efforts to reach out to users at this point. Zone C SSR authorization letters let users know they can form a committee. Questions regarding an Adverse Resource Impact (ARI) and when it's triggered. EGLE position is that it's based on the accounting in the statute.

SSR denial letters contain a checklist documenting the decision-making process, which is one of the products of the former SSR Communications Work Group during a previous version of this council. EGLE has stream flow depletion also cited in denial letter. Need to make sure the water users gathering is as beneficial as possible and that locals embrace process. Noted the difficulty in messaging given flooding situation many areas are facing. Will likely need to have facilitators to keep users talking.

Discussed the Pigeon River, Water Management Areas (WMA) 15183 and 15367, Ottawa County. Cumulative stream flow depletion tracking puts WMA 15183 in Zone D (potential for an ARI). A stream gage installed at the mouth of WMA 15183 documented significant drops in the stream stage during the summer months in 2017, 2018, and 2019. Can we conclude withdrawals are causing a depletion? Many violations have been noted in these WMAs, will there be follow-up? EGLE has revised the stream index flow but further investigation is needed. Approximately 12 different water users in the management unit. Are there opportunities for conservation? If EGLE can bring total water use to the table, perhaps capacity can be discussed.

- **Data Committee**
Tom Zimnicki, Michigan Environmental Council

Discussing past recommendations and plan to meet again next week. The committee noted the short timeline for recommendations from the committees for the final report.

Other questions:

What is timeline for when committees need short lists from committees to get ready for reporting? The Executive Committee hasn't discussed yet.

4. Follow-up regarding use of State e-mail accounts and Freedom of Information Act (FOIA) for WUAC members
Margaret Bettenhausen, Attorney General

Council members can use their own e-mails and comply with FOIA but they are subject to FOIA. Recommend people establish a separate folder for in/sent e-mail if they use their own e-mail though protection is offered by using the state e-mail account. Clarified that state e-mail accounts were issued for WUAC members only. Instructions were provided to access state e-mails and will be provided again. Specific questions should be sent to Jim Milne.

There are a few members who want to use state e-mail accounts and the thought is that an attempt should be made to use them. Question was asked: can WUAC members get notification when they get e-mail to state account? Would require a rule in their personal e-mail.

5. Updates from the Water Use Program
Jim Milne, Department of Environment, Great Lakes, and Energy

Working on miscellaneous streamflow measurements in 30 different locations in the Lower Peninsula. Some locations will be measured before, during and after irrigation season; most will be measured during the irrigation season. Installing new stream gages in Dickinson Creek, Calhoun County, and Dowagiac Creek and Osborn Drain in Cass County.

Also have two additional SSR positions filled, starting February 24, 2020. The posting for a third position (groundwater modeler) closed but will need to be reposted after a targeted recruitment effort due to not receiving a sufficient number of qualified applications. The program will be at nine staff once all the positions are filled.

Staff are working with stakeholders for large quantity water withdrawals and construction de-watering. Putting together an outreach strategy for stakeholders to comply with Part 327. Is there a temporary measure like construction de-watering? If it's below two million gallons per day, register through WWAT. If it's above that threshold, they would apply for a Part 327 permit, register the withdrawals, debit the watershed and credit when the pumps are shut off.

Metrics:	Metric	Year 9*	Year 10*	Year 11*
	Alternative Analyses received under MCL 324.32706c	N/A**	4***	0
	Total SSRs Submitted	173	195	61
	SSR decisions not made within 10 business days	131	129	8
	Total SSRs Still Pending (Backlog)	75	46	16
	% SSR decisions made within 10 business days	17	21	84
	Average number of business days to make SSR decision	60	46	8

* Water Use program year runs from July 9 to July 8 of the next calendar year.
Year 9 are from 7/9/17-7/8/18.
Year 10 are from 7/9/18-7/8/19.
Year 11 metrics are from 7/9/19-12/9/19.

** The alternative analysis process wasn't created until 2018 PA 209 became effective in June 2018.

*** The first 2 alternative analyses were ineligible (> 1 MGD).
The 3rd alternative analysis was administratively incomplete, closed, and returned to the applicant.
The 4th alternative analysis (resubmittal of the 3rd analysis) was denied due to insufficient stream flow available in the affected watershed and modeling errors by the qualified hydrogeologist submitting the alternative analysis.

6. Other business

Are committee meeting minutes available? Committees report out to full WUAC; contact committee chairs for specific questions.

Christine Spitzley, OHM Advisors, will be providing administrative and logistical support to the Executive Committee and the full council going forward.

Next meeting date: June Compact Council meeting may have conflict with WUAC members in June. June 23rd offered as alternate, Greenstone FCS has been booked for the April 21st, June 23rd, and August 18th meetings.

Technical Advisor: Todd Feenstra, information shared and approved as an advisor. Todd is working with various committees.

Timeline for recommendations:

Data committee would be helped by having a deadline. Bubbling items up June through August to give us October meeting. Suggested talking about dates to work from. Christine Spitzley will reach out to committee chairs to talk about deadlines.

Southwestern Michigan group met in December to evaluate path forward after Cass County pilot project. A new group of Farmers, Mid-West Water Stewards formed. Northern Indiana and southwest Michigan farmers focusing on data modeling and water stewardship and communication to stakeholders. Michiana group is similar in membership but more specific membership for Mid-West Stewards. Will investigate group coming to a future WUAC meeting.

Can this group register as water user group? Don't have to wait for an ARI to form a committee. Water User committee generally on a water management scale. There are watersheds of concern in this area so this might be related. Local Units of Government would also need to be included in a water users committee. The local units of government can also form an ad hoc subcommittee of local residents to advise their efforts.

Cass County Pilot project will be on the April meeting agenda.

7. Public Comment

No public comment received

8. Action Items to Review

- Information regarding the light e-mail accounts will be resent to WUAC members
- Jim Milne will provide rule information to WUAC regarding personal e-mail notification when e-mail is sent to the light e-mail accounts.
- Committee meeting logistics will be posted on the WUAC website. Provide information to Sherry Thelen.

9. Adjourn

*Note: 2020 Meeting schedule is as follows:

- February 18, 2020, from 1:00 p.m. – 4:00 p.m. at Constitution Hall, ConCon Room, located at 525 West Allegan, Lansing
- April 21, 2020, from 1:00 p.m. – 4:00 p.m. at Greenstone FCS, Room 111, located at 3515 West Rd., East Lansing, MI
- June 23, 2020, from 1:00 p.m. – 4:00 p.m. at Greenstone FCS
- August 18, 2020, from 1:00 p.m. – 4:00 p.m. at Greenstone FCS
- 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