

Water Use Advisory Council (WUAC) Meeting

Hosted by the Department of Environment, Great Lakes, and Energy (EGLE)

Tuesday, December 12, 2023

1:00 p.m.- 4:00 p.m.

ConHall-AT-A-B, South Atrium, Constitution Hall
525 West Allegan, Lansing, MI 48933

Remote Option Available Via Teams

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Or call in (audio only)

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Phone Conference ID: 815 728 398#

DRAFT MINUTES

1. Welcome

Laura Campbell, Co-Chair, welcomed members and guests. The meeting began at 1:00 p.m. with Laura Campbell to cover Items 1-5, Bryan Burroughs to cover Items 6-7, and Pat Staskiewicz to cover Items 8-11.

2. Roll Call

WUAC Members/Alternates Present In-Person

Christine Alexander, EGLE

Abigail Eaton, Michigan Department of Agriculture and Rural Development (MDARD)

Bryan Burroughs, Michigan Trout Unlimited

Pat Staskiewicz, Ottawa County Road Commission

Laura Campbell, Michigan Farm Bureau

James Clift, EGLE

Dave Hamilton, The Nature Conservancy

Katy Lindstrom, Barr Engineering

Doug Needham, Michigan Aggregates Association

Buddy Sebastian/Mike Frederick, Michigan Groundwater Association (MGWA)

Jason Walther/Kelly Turner, Michigan Potato Industry Commission (MPIC)

Rex Vaughn, Michigan Lakes & Streams Association

WUAC Members/Alternates Present via Teams

John A. Yellich, Michigan Geological Survey (MGS)

Frank Ettawageshik, United Tribes of Michigan

WUAC Members/Alternates Absent

Dave Maturen, Michigan Lakes & Streams Association
Tom Frazier, Michigan Townships Association
Margaret Bettenhausen, Attorney General
Rachel E. Proctor, Consumers Energy
Steve Kohler, Local Watershed Councils

WUAC Non-Members Present or Attending via Teams

Hannah Arnett, EGLE
Clay Joupperi, EGLE
Jim Bakkel, Walters Gardens
Katie Mika, EGLE
Ben Tirrell, Michigan Farm Bureau
Jim Cassier, SLF
Travis Horkey, MPIC
Jeff Thorlund, MPIC
Bri Hammontree, JetCo Solutions
Jim Milne, EGLE
Luke Trachsel, Walters Gardens
John McGee, Michigan Valley Irrigation
Megan Napier, AKT Peerless
Doug Bloom, Bloom Farms LLC
Todd Feenstra, Midwest Water Stewards
Greg Skudlarick, MGWA
Sara Pearson, EGLE
Bruce Cotton, MPIC
Sherry Thelen, EGLE
Austen York, EGLE
David Lusch
Josh Russel
Troy Jenkins
Ann Allen
Ed Everett
Stephen Daunt
Ross Helmer, EGLE
Scott L. Beecher
Jennifer McKay, Tip of the Mitt Watershed Council
Brad Gernaat
John Esch, EGLE
Amie Baelstrom
Tom (guest)
Andrew LeBaron, EGLE
Howard W Reeves, United States Geological Survey (USGS)
Luke Lindsay
Lena Pappas, EGLE
Megan Cameron, EGLE
Devon Rosebrugh
Sydney Hart, EGLE

Emily Finnell, EGLE
Kurt Koella
Evangelia M. Murgia, MGS
Jill Van Dyke, EGLE
Dennis Iott, MPIC
Joe Hassle
Andrew Kok
Bryan Fischer
Lyndon Kelley
Jay Wesley, Department of Natural Resources

3. Approval of Agenda-Roll Call Vote

Noted quorum was held in-person today.

4. Approval of Minutes-Roll Call Vote Discussion

Correction requested to add John Yellich's last name on minutes for October.

5. Public Comment (Three Minute Limit)

No public comments made.

6. Committee Chairs Report

a. Data Collection Committee

Burroughs provided update on status of Data Collection Committee. Anticipated to schedule two meetings (early January and late January/early February 2024).

Burroughs stated he and Megan met with EGLE to discuss draft Request For Proposal (RFP) for the Long-Term Planning recommendation in the 2020 report to catalog, and inventory existing and relevant data within programs to identify gaps. EGLE reviewed and Megan is making updates and edits. Noted at the end of project the committee will need to prioritize items.

b. Models Committee

Hamilton noted the Great Lakes Compact was signed 15 years ago. Michigan was the last state to ratify but the first state to implement it due to Michigan's Legislature wanting to understand expectations.

Also provided an update on the Aquifer Performance Test (APT) Guidance. Consultants have additional comments and will develop a draft and then Hamilton will pass along updates.

Noted the Site-specific review (SSR) presentation later in this meeting.

Reminded those in attendance the next meeting to be held on December 20, 2023, from 9:00 a.m. -11:00 a.m. Yellich will be the speaker.

c. New Topics Committee

Staskiewicz stated nothing to report.

d. Conservation and Efficiency Committee

Turner noted meeting was held in December. Jeremiah Asher gave an overview of Maple River Watershed that would help build future recommendations.

Turner mentioned meetings have been scheduled for next week with the anticipated plan to follow the same cadence of the first Thursday of each month.

Work continues on the 2020 recommendations. Have begun to develop a profile for advancing conservation efforts throughout the state, climate change, and water infrastructure initiatives.

The 2020 recommendations for an RFP were released in June. A webinar was held in July and applications were due August 28, 2023. One applicant has applied but the process is not moving forward until all questions are answered. Hoping for a public announcement soon.

Regarding new Michigan State University Extension staff members, positions were posted, and applicants have applied. The interview process has begun; however, none of the applicants were suited. Will continue to look, with the posting reviewed and changed to find a qualified individual. Interviews are hoping to be done between January and February.

Emily noted a clarification that the Office of the Great Lakes submitted their annual program assessment for Michigan's Water Conservation efficiency program which is required under the Compact on an annual basis.

Introduced new staff member Katie Mika, who serves as the Great Lakes Stewardship coordinator and who will work with the water conservation. She brings extensive experience in water policy.

e. Implementation Committee

Needham stated they met November 14, 2023. Discussed the 2020 recommendations which either have RFP being developed or grant agreements being drafted. Noted that the \$10 million provided for in the 2020 recommendations must be obligated by September 30, 2024. Funding must be spent by September 30, 2026. Discussed the possibility of getting an extension, but Cliff noted extension likely not possible due to federal guidelines.

Noted that the committee went through 2022 report and looked at any recommendations that could be moved forward, despite no funding for the 2022 year. Needham noted committee will need to lobby to legislators to provide some

funding for 2022 projects. Burroughs noted the Executive Committee will need to provide a presentation to assist those who are able to contact legislators to try and build support for future funding.

Noted discussion on whether another committee was needed to follow up on previously approved recommendations. It was recommended that each subcommittee go through and relook at the recommendations list to bring forth items deemed valuable so they do not fall off the radar.

Campbell noted the idea to share 2020 Recommendation spreadsheet with Council members to track progress. Determined it may be valuable to share a spreadsheet of this information to committee members. Until then, contact Needham or Campbell to get the spreadsheet.

Burroughs noted Maturen had followed up with him to figure out a way to advocate for WUAC process. Noted since advocating for 2022 funding, there needs to be a determination made on organized lobbying efforts. It could be the Implementation Committee, the Executive Committee or a short duration committee of people who are comfortable and knowledgeable working on lobbying to develop a strategy for communicating with legislators.

Campbell suggested creating a legislative committee to develop a consistent process when lobbying with legislators. Burroughs noted he wants to think about whether an informal, yet functional group of people should strategize regarding lobbying or if something long-term and formal like a new committee needs to be established.

7. EGLE Update

Milne provided an EGLE update on the water use program. Noted currently in the process of filling a vacant geologist position in the Water Use Assessment Unit (WUAU), with expectations to be filled early January.

Milne noted 2020 recommendation updates. The Michigan Hydrologic Framework (MHF) has received an updated project budget, schedule, and work plan. The MHF now includes the Michigan Integrated Water Management database in the scope of work. Also, in the process of developing a grant agreement with EGLE Procurement staff.

Also noted, WUAU staff and EGLE procurement staff are currently reviewing bids received for the RFP for the transition of probability mapping recommendation. Currently waiting on information technology reviews from the Department of Technology, Management and Budget (DTMB) for the RFP for updating aquifer properties in the Water Withdrawal Assessment Tool (WWAT) and making improvements to the WWAT user interface.

Milne noted that a meeting was held with Pappas and the Data Collection Committee to discuss the draft scope of work for the long-term planning

recommendation. Suggested this may be a topic to discuss in future Data Collection Committee meetings.

Noted locations that are being added to the national Groundwater Monitoring Network (NGWMN) run by USGS. The scope of work only includes identifying well locations, well conditions, and establishing the link between EGLE's database(s) and the NGWMN. Noted EGLE still needs to meet with USGS to adapt their proposed scope work for additional monitoring wells to fill in some of the data gaps not covered by the National Groundwater Monitoring Network.

Milne noted multiple bids provided for the EGLE Groundwater Data Management System; however, he cannot provide details due to confidentiality agreement. Also noted contract start date is the first quarter of calendar year 2024. The source of the funding for the Eagle Groundwater Data Management system, \$7.1 million, is from the IT Investment Fund, which is separate from the \$10 million legislative appropriation for the 2020 recommendations.

Provided a quick update on AquaBounty, stating currently the project has been delayed. Word of mouth currently says AquaBounty was denied right-of-way access for piping and that it is currently being appealed in court in Ohio.

Meanwhile, USGS and EGLE staff are busy trying to obtain property access from private citizens and local units of government to have EGLE Remediation and Redevelopment Division (RRD), Geological Services Section drill monitoring wells in the State of Michigan within the proposed zone of impact for the AquaBounty wellfield. Currently working on getting a memorandum of understanding between Water Resources Division and RRD for the geological services for the wells.

Noted that the application for a Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (NREPA) permit for the MMM Vella Pit project in Ann Arbor Township was withdrawn by the applicant. Jackson District Office staff and Lansing staff went out and did site inspections at that facility to see how violation notice was issued for Part 31, Water Resources Protection; Part 91, Soil Erosion and Sedimentation Control; Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; and Part 327 of the NREPA. Corrective actions have been taken to address these violations or are in progress and have received a recent hydrogeological study to review. Project is an active sand and gravel mining project.

Noted statistics from the WWAT: total of 218 large quantity withdrawals authorized by the WWAT, and another 169 were authorized through SSRs.

39 pre-screenings and five permits were reviewed and authorized.

Regarding compliance metrics for water: 96 compliance communications and 12 violation notices were sent, and three complaints received. It was asked if this would be property owners not having enough water. Those complaints are handled under Part 317, Aquifer Protection and Dispute Resolution, of the NREPA. Gave an update on depleted water management areas (WMAs). Noted prioritizing water management areas by collecting flow measurements or adding USGS. Suggested

making a list to categorize what is going on to determine a better model to measure depletion. LeBaron noted indicators could look at streams to determine temperature and depletion level. Based on the information, EGGLE will review with these questions in mind and provide feedback at the February WUAC meeting.

8. **Site-Specific Review Case Study**

Hamilton noted a meeting was held by the Models Committee that worked with EGGLE and Tritium to explain the process for SSRs. The purpose was to provide the best estimate of index flow. The best estimate of the index flow and stream depletion from the proposed withdrawal are trying to be determined. The EGGLE uses multiple steps to complete these reviews: administrative and compliance review, if this step does not result in approval, then a technical review and analysis begins.

Joupperi provided information on the WMA the withdrawals are in (Cold-Transitional stream, Osborn Drain WMA 19606). Noted the index flow for the WMA is 3.5 cubic feet per second, the WMA has 56 agriculture pumps reported to MDARD, approximately 31 WWAT registration requests. Joupperi indicated the timeline that compliance communications were sent to the property owner, starting in 2016, and the actions taken to bring the withdrawals in question back into compliance in late 2021 through administrative and compliance work. This process coincided with the work being done by the Cass County Study. New data was used from this study to recalculate depletions from the withdrawals in the WMA. Noted APT ran in the study were all ran less than 24 hours (and ran through irrigation systems). EGGLE noted issues in the APT tests and was unable to determine if the tests were accurate.

Feenstra noted Osborn Drain hydrologic assessment determined what model would work best. Determined a lot of lakes and wetlands are present in the WMA with stagnant water.

Summary of the project to show the data and determine how we should we make the models, and ultimately discuss these models so we can protect these resources.

Noted some concerns including:

- Selecting hydraulic characteristics (T, K, Sy, S, B)
- Two-dimensional analytical models predict long recovery times
- Progressive depletion with cyclical pumping
- Long-term groundwater and stream data do not show depletion
- Model assumptions are not reasonable and representative
- Three-dimensional numerical model was needed but not enough time to construct one
- Should we form a committee to have it brought to a committee or experts to review? If there is a need to resolve conflict, etc.

There were many comments regarding if the adjustments made to the model are now representative and reasonable and if the Models Committee should determine if data is appropriate. EGLE clarified that escalated enforcement process is a separate process. Members also acknowledged that the statutory deadline of the 10-day review timeline is difficult/impossible to meet for complicated situations.

Other questions were raised about aquifer pump test durations and using real data in the models. Sebastian commented that there will always be issues with pump tests. Other comments were made regarding the use of center pivots for the test. EGLE staff requested all data from the case study be shared. Acknowledgement that this type of work requires best professional judgement.

Hamilton wrapped up giving observations and concerns. Noted parties could not reach an agreement on a technical basis. Almost all effort was done by analytical models; however, he believes these answers cannot be derived from analytical models (with a 100 percent solution). Work is being done in the Models Committee to improve the screening tool. Need to better understand hydrogeology. Believes we are on the right track. Is not convinced the Model Committee can solve all of this but can move to try to get solutions when possible.

9. Future

a. 2024 Meeting Dates (at Con Hall unless others offer to host)

- February 13, 2024
- April 9, 2024
- June 11, 2024
- August 13, 2024
- September 10, 2024
- October 8, 2024
- November 12, 2024
- December 10, 2024

b. Formats

Clift provided an update on closed captioning and Americans with Disabilities Act (ADA) requirements. Information posted to EGLE website must follow ADA requirements. Committee recordings can be shared with other committee members. To have a quorum must have an appropriate number in attendance.

Noted should be able to record and share with other committee members, but when sharing with the public you must follow requirements when uploading to site regarding ADA compliance.

c. Quorum

d. Appointments

Campbell noted official appointments from the governor, but official signoff still needs to be completed by the Speaker and Majority Leader. Campbell asserted that individuals should be reaching out to the House or Senate regarding appointment statuses.

10. Open Comments (Three Minute Limit)

Open comments held. The following was noted:

Consideration for farmers as we sort through these modeling issues highlighted within the WUAC meeting.

Ettawageshik noted he attended the University of Michigan for the Compact signing anniversary celebration, discussing the implementation of the process and it was interesting to see history of the WWAT. And it puts into perspective all the work being done today from a historical context from managing our water resources.

Clift seconded, noting eight states passed the Compact, it is a thing of beauty.

11. Motion to Adjourn

Motion to adjourn made by Staskiewicz; seconded by Campbell.