

Water Use Advisory Council (WUAC) Meeting

Tuesday, February 9, 2021

1:00 p.m.- 3:00 p.m.

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

MINUTES

1. Welcome

Laura Campbell, Co-Chair, Farm Bureau, welcomed members and guests and shared the logistics for participation in the meeting. She noted she will be sharing the Chair role with fellow Chair Eggers who will also facilitate portions of the agenda. She then took roll call attendance of members and/or alternates and asked them to share the location they are participating from.

2. Roll Call

WUAC Members/Alternates Present:

Abbey Eaton, East Lansing, MI --Department of Agriculture and Rural Development (MDARD)

Brian Eggers, Saginaw, MI --AKT Peerless

Buddy Sebastian—Springport, MI/Mike Frederick, Lansing, MI --Michigan Groundwater Association

Christine Alexander, Okemos, MI --Department of Environment, Great Lakes, and Energy (EGLE)

Dave Hamilton, Death Valley, CA --The Nature Conservancy Retired

Doug Needham, Okemos, MI --Michigan Aggregates Association

Frank Ettawageshik, Harbor Springs, MI --United Tribes of Michigan

James Clift, Deputy Director, Lansing, MI --EGLE

Jim Johnson, Holt, MI --Department of Agriculture and Rural Development (MDARD)

Jim Nicholas, Shelby, MI --Nicholas-H2O

John Yellich, Kalamazoo, MI --Michigan Geological Survey

Kelly Turner, Hartland, MI -- Michigan Agricultural Irrigators

Laura Campbell, East Lansing, MI/ Ben Tirrell -- Michigan Farm Bureau

Margaret Bettenhausen, East Lansing, MI --Michigan Attorney General

Pat Staskiewicz—Grand Haven, MI/Clyde Dugan, Bath, MI --Michigan Section American Water Works Association

Rachel Proctor, Michigan Center, MI --Jackson Consumers Energy

Steve Kohler, Kalamazoo, MI --Kalamazoo River Watershed Council

Taylor Ridderbusch, Lansing, MI --Michigan Trout Unlimited,

Tom Frazier, Haslett, MI --Michigan Townships Association
Tom Zimmicki, Lansing, MI --Michigan Environmental Council

WUAC Members/Alternates Absent:

Bryan Burroughs, Michigan Trout Unlimited
Charlie Scott, Michigan Golf Course Owners Association
Grenetta Thomassey, Tip of the Mitt Watershed Council
Jason Geer, Michigan Chamber of Commerce
Jason Walther, Michigan Agricultural Irrigators
Kyle Rorah, Ducks Unlimited
Mike Gallagher, Michigan Lake Stewardship Associations
Nikki Ghorpade, Ducks Unlimited
Rich Bowman, The Nature Conservancy
Sue Hanf, Michigan Aggregates Association
Tammy Newcomb, Michigan Department of Natural Resources (MDNR)

Non-members present:

Andy LeBaron, EGLE
Caroline Leithen, Michigan Manufacturers Association
Christine Spitzley, OHM Advisors
Christopher Gothberg, EGLE
Clay Joupperi, EGLE
Dave Behrend
Dave Lusch, MSU Retired
Elle Gullotty, MDNR
Emily Finnell, Office of the Great Lakes
Grant Poole
Hannah Arnett, EGLE
James Ostrowski, EGLE
Jerimiah Asher
Jim Milne, EGLE
Joel Henry
John Steers, Kalamazoo
Laura Doud, MDARD
Mark Seamon
Michael Alaimo, Michigan Chamber of Commerce
Nathaniel Shuff, EGLE
Ralph Haefner, USGS
Teres Seidel, EGLE
Todd Feenstra, Tritium

3. Approval of Agenda-Roll Call Vote

Campbell called for approval of the agenda. With no objections or comments the agenda was approved as presented.

4. Approval of Minutes-Roll Call Vote

Campbell called for approval for minutes for December meeting. It was noted the minutes should read Data Committee not Date Committee. With this correction the minutes were approved.

5. Public Comment

John Steers of Kalamazoo, Michigan, thanked the current administration for allowing this to be a truly transparent process. He noted the use of Zoom makes the process more accessible. He also suggested the agenda items contain more detail to allow for more comments and for time limits to guide the length of comment opportunities. He let the Council know the previous Zoom recording was not yet on the website. Milne indicated the recording was being closed captioned and would be placed on the website in the very near future.

6. Next Step After Submission of Legislative Report

a. Discussion of next steps following up on report.

Campbell said the 2020 WUAC Report was sent to the Michigan Legislature leaders in December and again on January 26, 2021 to make sure Legislative leaders are aware it has been submitted and to set the stage for discussions and requests for support for the recommendations and funding requests it contains.

b. Identify people interested in advocating and supporting report recommendations.

It was suggested that the Majority Leader and Speaker be asked how they would like to hear more about the Report and how would they like to interact with the Council and EGLE. It will also be important to understand the budget requests schedules. Campbell asked how the WUAC members and their organizations are willing to support the Report requests to the Legislature? Tayler Ridderbusch stated he and Bryan Burroughs are willing to testify and attend meetings and to connect with legislators to understand how they would like the WUAC to present information. Michael Alaimo, Michigan Chamber of Commerce, would like to be involved especially regarding asks that will improve the data stream. Yellich said that the Michigan Geologic Survey will help address the geologic portion. Turner anticipates the Potato Growers will provide letters of support and/or testify as needed. Hamilton said the Nature Conservancy will provide support especially as it relates to the Michigan Hydrologic Framework. Lusch said that it was implicit that we had consensus among stakeholder group for Report. He asked if from political perspective it would be valuable to have member groups write letters to key committees to have available when needed. It was suggested that a letter template be developed to support this suggestion. He also offered to be a technical spokesperson if

needed for testimony. Zimnicki from MEC is willing to do a sign on letter with other environmental groups and members of the MEC. Eggers will provide support by attending and testifying before the Legislature and/or drafting letters of support as was discussed in the Executive Committee meeting. Ettawageshik cannot testify as a representative as this would have to be done by a tribal leader. He will ask tribal leadership what they would like to do but believes they would provide a letter of support. Lusch is willing to help draft and present an overview of water use program and how it came to be to provide a baseline understanding to the legislators, especially new members. Turner asked Feesntra if he would be willing to testify and he agreed to do so if needed.

Action items: WUAC leadership will work to connect with the Speaker and Majority leader and find out how they would like to proceed. A letter template will also be developed for various groups and agencies to use to express their support. The template will be shared with everyone on the WUAC mail list. Ettawageshik asked if there is a plan to provide additional information if requested by the Legislature. Campbell replied that is a good point that has not been discussed and that the response will likely be on a case-by-case basis depending on the request. Eggers noted there has not been any response from the Legislature to date. Response is anticipated once a specific ask is made.

(At this time, Co-Chair Brian Eggers assumed role of meeting Chair.)

7. Committee Chairs Reports

A. Data Collection Committee

Zimnicki reported their first meeting of the year was held this morning to chart action items from the 2020 Report and activities that can be undertaken while waiting for a Legislative response. The Committee plans to hold their next meeting in March. There is a lot of overlap with Data and Modeling Committees moving forward especially with new data acquisition and integration especially into SSR process and other databases the state may undertake. He encourages anyone who is interested in data who is not involved to reach out.

B. Implementation Committee

Needham reported the Implementation Committee is evaluating what their role is now that the Report has been submitted and short of having a response from the Legislature. Do they continue to look back at items that did not make the 2020 Report and keep a list in queue? Does this Committee help lead lobbying efforts to secure funding for initiatives? What would the WUAC like to see this Committee morph into? They will convene meeting with Committee members to help support the Report and move it into implementation. Campbell recommended the membership of the Implementation Committee be opened up to bring in additional people from member organizations for any connections they may have for lobbying.

C. Models Committee

Nicholas shared there is new work plan from Feenstra on the Cass County model and a meeting will be set to address that. Hamilton and Nicholas have discussed aquifer test guidelines and are moving forward on discussions with EGLE on that.

Hamilton is gathering a group to look at the Half-Max rule how and when to pursue addressing that. Campbell asked if any new topics and projects will be dependent on 2020 Report funding. Nicholas replied that 2021 activities can move forward without funding.

D. New Topics Committee

Staskiewicz reported this Committee is in holding pattern until a new topic is sent their way. The Water Users Group is the last project they worked on and all other topics have been addressed.

E. Conservation and Efficiency Committee

Turner reported the Committee has reviewed their membership and added members from MSUE, DTE, MCC, EGLE. The Committee has also scheduled standing monthly meetings for the year. They have developed a work plan for 2021 after reviewing the 2020 recommendations and will begin work on those initiatives. They have created a speaker list and will host regular speakers to increase Committee knowledge and awareness of relevant issues. Additional activities include providing review and input into the Michigan Water Conservation & Efficiency Program annual program assessment, a gap review by each water use sector to ensure they are up to date and looking at new technologies to build infiltration and recharge capacities.

Turner announced that thanks to Finnell's efforts, a Dow Fellows Project grant has been secured. Finnell will be meeting with the team assigned to this grant on February 11. To narrow the scope of this project specific tasks were identified including a review of federal programs, gathering information from water rich states, and looking for new innovative and technological approaches to water conservation and efficiency. Tasking the Fellows to review initiatives suggested in the Great Lakes Report is also a possible activity. A project timeline will be complete by mid-February with the final scope of work outlined by mid-March. The twelve-month project will wrap up in December of 2021.

Turner noted the opportunities to share key Committee messages during established water "theme" weeks.

Finnell added the Fellows will be reviewing the five-year program reviews for all of the jurisdictions under the Great Lakes Compact and Agreement. Each of the five Fellows receives a \$20,000 stipend through their participation in the program. Chair Eggers thanked Finnell for going forward and securing this opportunity and funding. Campbell asked that the resources and reports discussed be shared with the WUAC. Finnell said she is developing a set of resources for the students and will provide to this group. Turner noted the value of Finnell's communication efforts in sharing information, reducing redundant efforts, and breaking down silos.

8. EGLE Update

Milne provided updated metrics for Program Year 12 (July 9-January 2021) and updated cumulative metrics for program years 1-12 (2009-2021). The program year for the Part 327 Water Use Program runs from July 9 to July 8 of the following calendar year. He also provided an update on the status of depleted Water Management Areas (WMAs) and updated metrics for compliance actions and pre-screening reviews. Please note referenced illustrations and charts are contained in the meeting presentation which was included in the meeting mailing and posted on the EGLE WUAC website.

Water Use Program Metrics for Program Year 12

As of February 3, 2021, 386 Large Quantity Withdrawals (LQW) were authorized through the Water Withdrawal Assessment Tool (WWAT) and another 104 LQW were authorized through (Site Specific Reviews) SSR. SSR timeliness metrics have slipped somewhat, which reflects a reduction of two SSR staff and an increase of new SSR requests over the winter.

Cumulative Statistics Program Years 1-12

Milne shared graphs showing the cumulative trends over time for the average number of business days to complete an SSR and the percentage of SSRs completed within ten business days. Timeliness trends are leveling off but hopefully those trends will continue to improve after the vacant SSR Geologist positions are filled and new staff is brought up to speed.

Depleted WMA Status Update

The WMAs shown in red, are currently in Zone D. The Macatawa River, WMA 4135, in Ottawa and Allegan Counties is outlined in black because that WMA is in the area where the Council proposed increasing the default aquifer storage coefficient. The allowable depletions column are the maximum allowable depletions based on the stream temperature classification. For example, 4% of the index flow for a cold-transitional stream and 24% of the index flow for a warm stream. The Macatawa River, WMA 4135, is outlined in black because that WMA is in the area where the council recommended increasing the default aquifer storage coefficient.

Compliance Metrics for Program Year 12

Milne shared figure totals for the period between November 2020 and the end of January 2021. Amended registrations are for LQWs that were installed and/or operated differently than were authorized by the WWAT or SSR where there was stream flow available to authorize the as built/as operated LQW. After the fact registrations are issued when there is enough stream flow available to authorize unregistered LQWs after the fact. Missing pump information compliance communications are sent for well logs that are missing pump information, usually because the property owner installs the pump sometime after the well was completed (e.g., horizontal wells).

Pre-Screening Reviews

Jill Van Dyke performs pre-screening reviews (basically SSRs) for the EGLE Drinking Water and Environmental Health Division for proposed new or increased Type 1 Municipal Water Supply capacity. The Safe Drinking Water Act requires new or increased Type 1 water supplies to also meet the Part 327 standards for not causing adverse resource impacts.

Campbell observed regarding SSR's, that most of them are resolved pretty quickly. She asked Milne to describe the timelines and process for those SSRs that take longer. Milne gave examples of issues such as changes in the original proposal, the need for additional data collection, water use, options for conservation, etc. Any one of these examples will add time to the approval process beyond the ten days. Campbell asked if there is a plan as previously discussed to develop a guidance document for SSRs. Milne noted there is the information guide for LQWs which is posted on the Water Use webpage which includes options and pros and cons for various data collection methods. Additional guidance documents concerning work plans and reports for aquifer pumping tests and groundwater models are under development and input from Council members is always welcome.

9. Next Meeting Dates and Formats

Clift noted the next meeting of the WUAC will be on April 13 and the remainder of the 2021 meetings are posted. The current exemption from the Open Meetings Act runs through the end of March. EGLE will monitor the situation going forward and it is assumed the Legislature will readdress the issue. In the meantime, meeting dates have been scheduled through December 2021 using the Teams Meeting Platform to keep dates reserved and options open. Staff will share well in advance any updates to meeting logistics. Chair Eggers noted pros and cons to the remote meeting platform and the benefits of continuing to use it into the future.

10. Open Comments

John Steers asked that those with influence with Legislators impress upon them the importance of the issues contained in the WUAC report. He also stated the importance of transparency of information and reporting in the withdrawals and use of Michigan's water resources.

Laura asked that anyone who is interested in engaging with or joining a Committee please reach out to that Committee Chair. She noted the Implementation Committee needs assistance with the activities contained in the 2020 Report. Spitzley asked the Committee Chairs to share any changes and updates to their rosters with her so the updated rosters can be sent out with the meeting minutes.

11. Motion to Adjourn

There being no further business, it was MOVED by Yellich to adjourn the meeting.