

## Water Use Advisory Council (WUAC) Meeting

Tuesday, June 8, 2021

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

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

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Phone Conference ID: 201 623 328#

### 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. Chair Burroughs was unable to facilitate due to technical issues. Campbell 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, Bellaire, MI --AKT Peerless

Bryan Burroughs --Michigan Trout Unlimited

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

Dave Hamilton, Haslett, MI --The Nature Conservancy Retired

Doug Needham, Okemos, MI --Michigan Aggregates Association

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

Grenetta Thomassey, Petoskey, MI --Tip of the Mitt Watershed Council

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, Paw Paw, MI --Michigan Geological Survey

Kelly Turner, Hartland, MI -- Michigan Agricultural Irrigators

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

Margaret Bettenhausen, Wake Forest NC --Michigan Attorney General

Mike Frederick, Lansing, MI --Michigan Ground Water Association

Mike Gallagher, Richland, MI --Michigan Lake Stewardship Associations

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

Tammy Newcomb, Webberville, MI --Michigan Department of Natural Resources  
Tom Frazier, Haslett, MI --Michigan Townships Association  
Tom Zimnicki, Lansing, MI --Michigan Environmental Council

**WUAC Members/Alternates Absent:**

Buddy Sebastian, Michigan Ground Water Association  
Charlie Scott, Michigan Golf Course Owners Association  
Jason Geer, Michigan Chamber of Commerce  
Jason Walther, Michigan Agricultural Irrigators  
Kyle Rorah, Ducks Unlimited  
Nikki Ghorpade, Ducks Unlimited  
Rich Bowman, The Nature Conservancy  
Sue Hanf, Michigan Aggregates Association

**Non-members present:**

Andy LeBaron, EGLE  
Caroline Leithen, Michigan Manufacturers Association  
Christine Spitzley, OHM Advisors  
Christopher Gothberg, EGLE  
Clay Joupperi, EGLE  
Dave Lusch, MSU Retired  
Emily Finnell, Office of the Great Lakes  
Hannah Arnett, EGLE  
Jack Metty  
James Ostrowski, EGLE  
Jay Wesley, MDNR  
Jerimiah Asher, MSU  
Jim Milne, EGLE  
Joel Henry  
John Esch, EGLE  
Kyle Boone  
Leanne Hardisty, EGLE  
Mark Seamon  
Michael Alaimo, Michigan Chamber of Commerce  
Nathaniel Shuff, EGLE  
Ralph Haefner, USGS  
Todd Feenstra, Tritium

**3. Approval of Agenda—Roll Call Vote**

Campbell called for the approval of the agenda. With no objections or comments the agenda was approved by a roll call vote as presented.

**4. Approval of Minutes-Roll Call Vote**

Campbell called for approval for the April 13, 2021 meeting minutes. With no corrections the minutes were approved by a roll call vote.

## **5. Public Comment (Three Minute Limit)**

There was no public comment.

## **6. Legislative Report Implementation Update**

Campbell reported the only potential implementation of the WUAC Report is Senate Bill 488 introduced by Senator Outman on May 27 which addresses part of the WUAC recommendations including \$3 million for Geological Survey in priority areas. It was referred to the Appropriations Committee. Cliff reported there are current discussions setting targets and expectations and those decisions are expected in the coming weeks. There were no other updates reported.

## **7. City of Ottawa, Ontario Update**

Finnell updated the WUAC on the application by the City of Ottawa, Ontario to Quebec for a Large Quantity Withdrawal (LQW) of 185 Million Gallons per Day (MGD) from the Quebec portion of the Ottawa River. This request is to supply their community with drinking water for use in Ontario. On March 29, the City of Ottawa submitted application to Quebec to lift ban on water transfers on the basis of public interest. Under Quebec law it requires a public consultation process to specifically lift that ban. On May 21, Quebec public noticed the application for comment. The purpose is to move drinking water intake from the Ontario side of the Ottawa River to the Quebec side. She noted this is not a diversion application. The agreement requires a 90-day review period for LQW that exceed 5 MGD for a new or increased consumptive use over a 90-day period. This proposal for LQW will stay within St. Lawrence River Basin. Reason for submission is the current intake is prone to ice blockage. The new location on the other side provides better risk management and is at deeper part of the river channel. Pending public consultation, Quebec expects to give formal notice to parties in the Compact Agreement in the fall at which time Michigan would undertake its review. There is a slight increase in withdrawal amount being proposed. Exact numbers can be provided if there is interest. Finnell has not seen full application yet. Ettawageshik asked if there is any proposed change in return flow? Finnell replied the return will continue to be back to the St. Lawrence River. Confirming a remark by Campbell, Finnell stated the reason for application is that moving the intake from Ontario to Quebec caused Quebec to consider it a new withdrawal. Finnell noted this is a unique situation.

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

## **8. Committee Chairs Reports**

### **A. Data Collection Committee**

Zimnicki reported they have met once and have another meeting next week. The Committee's three main work tasks are: 1—data management and assessment to get a better, more consistent understanding of the data, 2—collecting information on inland lakes which has included good conversations with Wisconsin and Minnesota and 3--preparing for money to be appropriated and planning how that money can be rolled out efficiently for implementation.

### **B. Implementation Committee**

Needham reported they have not met since the last WUAC meeting but will meet again on June 24 at 9 a.m. They will be reviewing the matrix from the WUAC 2014

Report and will create a matrix for the WUAC 2020 Report. They will also begin a list of items to be considered for the WUAC 2022 Report. Anyone interested in these efforts are welcome to join.

### **C. Models Committee**

Hamilton reported the Committee has three different workgroups underway. The work groups meet and then bring their findings to the Models Committee who review and then bring to WUAC. One activity is downstream accounting with the major improvements in technology that allows for the addition of return flows. A simulation was run that allows accounting of downstream withdrawal and return flows. This was just completed and needs review. They also need to look at how precipitation over time may affect results. Also need to consider other hydrologic processes and how they may be included.

The Committee also looked at the half max rule and have found a technology that looks very promising with new techniques that were not available when the model was created. Kohler has agreed to do analysis on the same 30 example locations of large capacity wells that were evaluated in 2014. When Kohler completes this work, the Models Committee will review his results.

The third work group has been looking at index flows. Hamilton did a very detailed analysis of stream gauge results through 2018. Group reviewed to see if there are any geographic variations to consider due to weather patterns. EGLE is doing that analysis. When complete, the Committee will review prior to bringing it to the full WUAC.

### **D. New Topics Committee**

Staskiewicz shared the Committee's meeting notes from April 29. At the meeting Asher presented on the Groundwater Filtration Model the Institute for Water Research at Michigan State University is working on for groundwater treatment. Interest in discussing the topic went beyond the allotted meeting time. In order to share the complete presentation, Asher is taping it to share with those interested. Time will be scheduled for additional detailed discussions.

Campbell asked Asher to discuss the proposal to allow people to access water if they can increase infiltration to offset withdrawal or increase base flow into streams. Asher noted it is still very early and agreed upon terminology needs to be established. It would allow additional paths for people to access water by offsetting their withdrawals. Nothing would be outside the framework already established. He believes groundwater trading discussions are further down the line. Campbell asked Asher to confirm the intent is for individual Site Specific Reviews (SSR) to reduce withdrawals not trade between different users. Asher noted there are different levels to it and said to help clarify the groups understanding he will share a presentation with the WUAC that walks through the process and provides context. Ettawageshik said Campbell raised an interesting issue and that is a potential topic for Water User Groups and part of the WUAC business as a whole. Lusch asked Asher if they are differentiating between shallow and deep recharge? Asher agreed this is an important discussion that should take place across subcommittees. Zimnicki recognized it is early in the process, but it will be interesting to figure out if the trading is done for regulatory purpose or in a water management area would be allowed

since Michigan rescinded trading rules. Pat will share presentation when available and noted it could also be a presentation to the WUAC.

#### **E. Conservation and Efficiency Committee**

Turner reported new member, Ninah Sasy, Michigan Infrastructure Council Executive Director, gave quick update on the MIC to the Committee. She brings a strong network to that will benefit WUAC's efforts.

The Committee continued their speaker series with a presentation by Rachel Proctor, Consumers Energy on Consumer's programs to conserve water use during power generation. In July, the Committee will hear from Dr. Missy Stults, Sustainability and Innovations Manager for the City of Ann Arbor who will share their philosophy of water programs, conservation, and sustainability.

The Committee continues to learn and gather from various organizations their water conservation measures, processes and practices. Andy LeBaron reported that the Golf Course Owners Association feels it needs to take a deeper dive into BMPs and will be doing so this winter. Lyndon Kelley also reported there is a committee comparing the Michigan Agriculture Environmental Assurance Program (MAEAP) and Generally Accepted Agricultural Management Practices (GAAMP) to reconcile and update them.

The Dow Fellows Project is well underway and is currently transitioning to summer schedule. They are working on Goal 1 of their work plan a literature review and have drafted interview questions. For Goal 2 they have done the five-year program and literature review which included reviewing findings and pulling common themes. Finnell and Julie Stabling provide feedback to the Fellows on a regular basis.

Great Lakes and Fresh Water Week is June 5-13, 2021, and the theme is "Appreciate, Educate and Recreate". The celebration includes freshwater trivia and related information can be found at [www.michigan.gov/oql](http://www.michigan.gov/oql). Finnell noted meetings are recorded if anyone is interested.

#### **9. EGLE Update**

Milne announced three vacant positions have been filled in the in the Water Use Assessment Unit. Ross Helmer and Naomi Morgan are the two new SSR Geologists and Lena Pappas is the new Geologist 12 and will be an additional groundwater modeler. Ross and Naomi start on June 14 and Lena starts on June 28. Milne will introduce the three of them at the August WUAC meeting.

Milne shared a map with the Water Management Areas (WMA) shown in red that are in Zone D as of June 3. No WMAs have been added to this list since April. Staff is currently working to verify the status of some of these WMAs by taking stream flow measurements.

He noted in the allowable depletions column of the Depleted Watershed Table, 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 Unreported LQW Initiative ended some time ago. EGLE received 230 applications from property owners or their agents. EGLE approved 181 as being eligible to be treated as having baseline capacity. 47 were denied, including 37 applications that were still incomplete and were closed and denied. One application was retracted by the applicant. There was also one duplicate application.

Since the Unreported LQW Initiative ended, EGLE has authorized eleven newly discovered unregistered LQWs. All but two of those LQWs were existing LQWs on properties acquired by Ceres Farms who contacted EGLE regarding bringing them into compliance. When there is sufficient stream flow available to authorize the unregistered LQW, EGLE will issue an after-the-fact (ATF) registration. If there is not enough stream flow available to authorize the LQW as installed and operated, then it is in violation of Part 327 and EGLE compliance staff will work with the property owner to bring it back into compliance.

Benefits of adding additional staff in the unit and the evolving Covid safety procedures is that Water Use Program staff are able to spend more time in the field. USGS staff collect stream flow measurements for EGLE, but Water Use and other WRD staff also collect stream flow measurements at other locations. They are now able to do on-site meetings with property owners and/or their agents. This can be helpful, for example when evaluating withdrawals from lakes and ponds. EGLE is seeing an increase in complaints during the current drought period. Staff are also in the field for compliance site inspections. When possible EGLE likes to be in the field to observe consultants and other parties collecting data, drilling wells, conducting aquifer pumping tests, etc. The three new staff members need field training in all of these activities.

The Part 327 Annual Legislative Report will be available at the August meeting. Lusch asked if new modeler will be doing public water supplies or SSR support work? Milne shared Jill will continue to lead, and Lena will support work in both. EGLE hopes to establish modeling expertise in house to create and calibrate our own groundwater models.

Finnell provided an update on integrated assessment research work for the Water Users Committee. The single applicant proposed to develop a Water Users Guidebook. They have worked closely with applicants on preproposal revisions and shared quite a bit of feedback from EGLE to applicant. The full proposal was submitted on May 24. The next step is the Michigan Sea Grant process over the next few months and then the NOAA process begins. The NOAA process will be an expert peer review from outside of Michigan. This review process will determine if work will be recommended to NOAA for approval and funding which will be determined in fall. Project start date if funded would be February 2022.

Feenstra said that a number of growers would have questions about what compliance site visits would entail? Milne said it could be a number of things. An example would be going out to meet with owner/agent to answer questions to gain clarity on applications. Another could be a watershed with open violations with multiple withdrawals potential contributing to the problem. Staff would go on site to narrow down possible causes and identify which withdrawal(s) is causing the problem. LeBaron said compliance visits can be prearranged if the owner wants to discuss or show EGLE their site. EGLE does not

do property visits that are not prearranged although they may do windshield reviews in areas with concerns. Hannah noted the visits have been by invitation of property owner.

Feenstra noted Zone D map has been shared a couple times but asked what does Zone C look like? How close are we to other Zone Ds occurring? Milne replied that staff has been reviewing those and can share separately or at the August meeting. Lusch said he believes it would be useful, at the appropriate time, to share with the WUAC a map showing Zone C with less than 100 gpm as a metric in order to identify water management areas that are approaching capacity. Milne offered to create a subgroup to create a format that is most useful to identify these areas. LeBaron noted any of these maps can be produced and shared relatively easily and can also be seen via the online GIS tool. They are however of limited value and do not necessarily tell the full story. Asher suggested employing a method he has used using averages to predict future withdrawals.

#### **10. Next Meeting Dates and Formats**

Eggers noted the remaining 2021 meetings will be held on:

- August 10, 2021
- October 12, 2021
- December 14, 2021

Spitzley shared and Cliff confirmed that meeting formats will continue to be based on current local and state directives. Cliff stated the August meeting will likely be on the cusp of a return to face-to-face meeting options and EGLE will keep everyone informed of the meeting plan details.

#### **11. Open Comments (Three Minute Limit)**

Lusch noted that last week a CIGLR sponsored a Groundwater Summit with the objective of identifying major groundwater issues in Michigan with transferability to other Great Lakes States and Provinces. The outcome will be a white paper not to exceed twenty-five-pages that will be submitted back to CIGLR. CIGLR was asked by many members of the WUAC to mention the 2020 WUAC Report recommendations and to press for their earliest possible adoption.

#### **12. Motion to Adjourn**

There being no further business the meeting was adjourned.