

Water Use Advisory Council (WUAC) Meeting

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

Tuesday, February 14, 2023

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

Lee Walker Conference Room
North Atrium, Constitution Hall
525 West Allegan
Lansing, MI 48933

Remote Option Available Via Teams

[Click here to join the meeting](#)

Or call in (audio only)

[+1 248-509-0316,,979460526#](#) United States, Pontiac

Phone Conference ID: 979 460 526#

AGENDA

1. Welcome

Laura Campbell, Co-Chair, Farm Bureau, welcomed members and guests and shared the logistics for participation in the meeting. She noted she would be sharing the Chair role with fellow Chair Eggers.

2. Roll Call

Campbell took roll call attendance of members and/or alternates.

WUAC Members/Alternates Present at Constitution Hall:

Ben Tirrell, Michigan Farm Bureau
Buddy Sebastian, Michigan Ground Water Association (MGWA)
Christine Alexander, EGLE
Kelly Turner, Michigan Agricultural Irrigators
Laura Campbell, Michigan Farm Bureau
James Clift, Deputy Director, EGLE
Megan Tinsley, Michigan Environmental Council

A quorum was not physically present therefore the WUAC could not take any official actions requiring a vote during this meeting.

WUAC Members/Alternates Present via Teams:

Dave Hamilton, The Nature Conservancy (retired)
Brian Eggers, AKT Peerless
David Maturen, Michigan Lake Stewardship Association
Pat Staskiewicz, Michigan Section American Water Works Association
Rachel Proctor, Consumers Energy
Steve Kohler, Kalamazoo River Watershed Council
Tom Frazier, Michigan Townships Association

WUAC Members/Alternates Absent:

Charlie Scott, Michigan Golf Course Owners Association
Clyde Dugan, Michigan Section American Water Works Association
Doug Needham, Michigan Aggregates Association
Frank Ettawageshik, United Tribes of Michigan
Grenetta Thomassey, Tip of the Mitt Watershed Council
Jason Geer, Michigan Chamber of Commerce
Jason Walther, Michigan Agricultural Irrigators
Jay Wesley, Michigan Department of Natural Resources (DNR)
Jim Johnson, Michigan Department of Agriculture and Rural Development (MDARD)
Jim Nicholas, Nicholas-H2O
John Yellich, Michigan Geological Survey
Kyle Rorah, Ducks Unlimited
Margaret Bettenhausen, Michigan Attorney General
Rich Bowman, The Nature Conservancy
Sue Hanf, Michigan Aggregates Association
Bryan Burroughs, Michigan Trout Unlimited

Non-members present:

Arlene Anderson-Vincent, Blue Triton
Aaron Asher, Michigan State University (MSU)
Andy LeBaron, EGLE
Austen York, EGLE
Clay Joupperi, EGLE
David Lusch, MSU (retired)
Emily Finnell, EGLE
Grant Poole
Hannah Arnett, EGLE
James Milne, EGLE
Joel Henry, Fishbeck
Lena Pappas, EGLE
Michael Frederick, MGWA
Howard Reeves, United States Geological Survey (USGS)
Ross Helmer, EGLE
Sherry Thelen EGLE
Teresa Seidel, EGLE
Yunsuk Dong, MSU

3. Approval of Agenda-Roll Call Vote

Campbell noted there is not a quorum in person today so the approval of agenda could not be voted on.

4. Approval of Minutes-Roll Call Vote

Campbell noted there is not a quorum in person today so the approval of minutes could not be voted on.

Maturen noted two corrections to the minutes for December. David Maturen was present as an alternate for Mike Gallagher and that Mike Gallagher represents the Michigan Lakes and Stream Association.

5. Public Comment (Three Minute Limit)

There were no comments.

6. Legislative Update

Campbell reported that the 2022 legislative report went out on time in December, and they will be resending to the newly appointed members in the near future.

Clift shared there are no updates on the legislative front. As usual with a new legislative session, focus is being spent bringing new members up to speed on what EGLE is and what it does. Once that has been completed, they will discuss specific needs.

Campbell asked if any of the Governor's budget proposal funded any of the 2022 recommendations. Clift indicated that \$23.5 million is being proposed for funding for a groundwater data management system.

7. WUAC Membership

Reappointment Process

Campbell reported the chairs have been working on a form letter to send to the speaker, house representative and Governor. The letter will state the importance of the WUAC and request the current members, that wish to be, be reappointed. Campbell asked that everyone that wants to be reappointed to let her know so the letters can be drafted and sent. Walther, Sebastian, Maturen (who will replace Gallagher), Hamilton, Procter, and Kohler confirmed they would like to be reappointed. Staskiewicz indicated he is looking for a replacement and would let the chairs know. Frazier indicated he would not be seeking re-appointment. Campbell indicated that those seeking reappointment will have to reach out to those who appointed them for that assignment.

8. Prairie River Update

Campbell noted that Jay Wesley had other engagements and could not update the WUAC in person today. He had, however, sent an email with his update. Campbell reported that the WUAC was informed about the stream temperature reclassification back in November 2022. Concerns about the reclassification were raised in the December 2022 WUAC meeting, and to the Natural Resources Commission. Due to these concerns, the Acting Director of the DNR has decided to collect three more years of data before the reclassification is reconsidered. Once more details about the data collection is known, it will be shared with the WUAC.

Clift indicated that EGLE's response on pending site-specific reviews (SSRs) has not been determined.

Campbell indicated that Farm Bureau has recommended a water users committee to the water users in the Prairie River. That this would be used for communication of information, not to discuss reallocation of water in the watershed.

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

9. Committee Chairs Report

A. Data Collection Committee

Tinsley stated the Data Collection Committee and Models Committee had a joint meeting on January 23 and that Hamilton can provide a better update on that meeting. There are polls out to find meeting times to discuss more topics.

B. Models Committee

Hamilton indicated the joint Models Committee and Data Collection Committee meeting was requested by EGLE. EGLE was looking for direction on how to deal with drains that cross water management area (WMA) boundaries. Two recommendations were made to EGLE: 1) to follow surface hydrogeology; and 2) the Models Committee did not recommend creating a large project for this concern. Any concerns that may come up in individual water management areas can be addressed during an SSR.

Hamilton pointed out that the water withdrawal assessment tool (WWAT) uses a stream layer that includes perennial and intermittent streams. EGLE and MSU have been working on this issue. Milne indicated that MSU's report was included in one of the appendices to the 2022 WUAC report to the Legislature. Hamilton indicated that there is work on a flow network, which may be incorporated into the tool and could fix this issue.

During the joint meeting, areas of the state where the WWAT has predicted 0 cubic feet per second index flow was discussed. During high Great Lakes water levels, surface water withdrawals are pumping from back flow from the Great Lakes. When Great Lakes water levels are high, the high-water levels may extend upstream in small county drains and other rivers and streams. Depending on the surface water pump's intake elevation, the pump may pump from the backwater and be dry during lower lake levels. EGLE explained their process for ground water withdrawals in these areas, the Models Committee agreed with the approach and recommended a write up on the approach be completed.

C. New Topics Committee

Staskiewicz stated there were no new updates for the New Topics Committee.

D. Conservation and Efficiency Committee

The Conservation and Efficiency Committee has had two meetings in 2023, the meetings are always the first Thursday of the month from 9:00 a.m. to 10:30 a.m. Finnell indicated that during the last few meetings the Conservation and Efficiency Committee has developed and approved their 2023 work plan. Finnell indicated some Conservation and Efficiency Committee member changes. They currently have speakers scheduled for future meetings and plan to arrange more in the future.

Finnell indicated that the Conservation and Efficiency Committee is working on two 2020 recommendations. First, to Advance Michigan's Water Conservation and Efficiency Efforts through State Climate, Energy, and Water Infrastructure Initiatives. The Conservation and Efficiency Committee has developed and refined the project concept and the next step is to prepare a request for proposals. Second, Increasing Water Conservation and Efficiency Practices in Agriculture: MDARD and MSU Extension are working to draft a workplan and deliverables. The Conservation and Efficiency Committee is reviewing and will provide feedback. Once any feedback has been addressed, the workplan will come to the WUAC for review.

Tinsley asked if there were specific pieces from the other groups that the Conservation and Efficiency Committee felt worked well for this program. Turner felt that they utilized some of the best pieces from programs that seemed to work well to try and build a solid program where the roadblocks and pitfalls have already been identified. They want the money to be spent wisely and still have a product that will meet objectives.

E. Implementation Committee

Campbell indicated that a meeting is scheduled for March 7, at 3:30 p.m. to discuss 2022 recommendations' implementation and if details are available from the Governor's budget recommendations.

10. EGLE Update

Milne reported that a grant application has been submitted for the National Ground Water Monitoring Network (NGWMN). EGLE expects a decision by late March. EGLE is proposing to collect groundwater elevation data from three monitoring wells in Allegan County and on state owned properties. EGLE staff will be able to use an app on their state cell phones or tablets to record the groundwater elevation data and upload it into a Geographic Information System (GIS) database that will be linked to the USGS' NGWMN. The initial round of grant funding covers establishing the links to become a new data provider. EGLE can apply for additional grants in future funding rounds for things like installing equipment in wells, drilling new wells, and repairing/redeveloping existing wells.

Milne presented an update on the Depleted WMA list as of February 8, 2023, indicating there are 19 WMAs on the list. Hamilton asked for clarification on the list. Arnett indicated this list of WMAs does not include WMAs with pending SSRs.

Milne shared compliance metrics thus far for 2023. To date there have been five compliance communications and one violation notice. Jill Van Dyke has taken over doing pre-screening reviews for new or increased public water supply large quantity water withdrawals for EGLE Drinking Water and Environmental Health Division. Overall, there has been one pre-screening review passed, 0 pre-screening reviews denied or retracted, and 13 pending pre-screenings. There have been two permits issued and one pending under Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Between January 1, 2022, and February 10, 2022, there were 39 WWAT registrations and 41 SSR registrations. Thirty-two SSRs were authorized, one was denied, and one was retracted by the applicant. Another seven were still pending when this data was queried.

Milne then shared a slide with a top graph that showed the cumulative trend in the average number of days to complete an SSR and a bottom graph showing the cumulative trend in the percentage of SSRs completed within 10 business days. The average number of days to complete an SSR was 7.6. Seventy nine percent of the SSRs were completed within the 10-business day statutory deadline. The average number of days necessary to complete an SSR has been steadily decreasing for the last several years.

11. Future

Eggers reiterated the goal to have the biennial legislative report ready by the December 2024 meeting.

a. 2023 Meeting Dates

- April 11, 2023
- June 13, 2023
- August 8, 2023
- October 10, 2023
- December 12, 2023

b. **Formats**

Campbell asked for suggestions on meeting formats. Eggers indicated he has similar experiences with other meetings subject to the Open Meetings Act. Clift indicated there is some talk of updating the Open Meetings Act to catch up with technology.

12. Open Comments (Three Minute Limit)

Turner asked for clarification on the WUAC members' obligations to let the WUAC members know of outside related activities. Campbell confirmed she is working on an email correspondence on this topic.

13. Motion to Adjourn

There was not a quorum in attendance so no motion to adjourn could be taken and the meeting was ended at 1:55 p.m.