

## **Water Use Advisory Council (WUAC) Meeting**

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

**Tuesday, October 10th, 2023**

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

ConHall-AT-A-B, South 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)**

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Phone Conference ID: 592 158 0#

### **DRAFT MINUTES**

#### **1. Welcome**

Laura Campbell, Co-Chair, welcomed members and guests. The meeting began at 1:00 p.m. EDST. Laura to cover items 1–5; Bryan to cover item 6; and Pat to cover items 7–11.

#### **2. Roll Call**

##### **WUAC Members/Alternates Present In-Person**

Christine Alexander, EGLE

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

Dave Maturen, Michigan Lakes & Streams Association

Bryan Burroughs, Michigan Trout Unlimited

Pat Staskiewicz, Ottawa County Road Commission

Laura Campbell, Michigan Farm Bureau

James Clift, EGLE

Kelly Turner, Michigan Potato Industry Commission

Megan Tinsley, Michigan Environmental Council

Dave Hamilton, The Nature Conservancy

Katy Lindstrom, Barr Engineering

##### **WUAC Members/Alternates Present via Teams**

Doug Needham, Michigan Aggregates Association

Tom Frazier, Michigan Townships Association

Margaret Bettenhausen, Attorney General

John A. Yellich, Michigan Geological Survey (MGS)

Rachel E. Proctor, Consumers Energy

Steve Kohler, Local Watershed Councils

**WUAC Members/Alternates Absent**

Charlie Scott, Gull Lake View Golf Course  
Frank Ettawageshik, United Tribes of Michigan  
Jim Johnson, MDARD  
Buddy Sebastian, Sebastian & Sons Well Drilling  
Jason Walther, Michigan Potato Industry Commission  
Kyle Rorah, Wetlands Conversation Organization

**WUAC Non-Members Present or Attending Via Teams**

Briana Hammontree, JetCo Solutions  
Jim Milne, EGLE  
Sherry Thelen, EGLE  
Austen York, EGLE  
Younsuk Dong, Michigan State University (MSU)  
Sherry Thelen, EGLE  
Megan Napier, AKT Peerless  
Ben Tirrell, Farm Bureau  
Adam Zwickle, MSU  
Mike Frederick, The Frederick Group  
Sara Pearson, EGLE  
Andrew LeBaron, EGLE  
Greg Skudlarick, Michigan Ground Water Association  
Joel Henry, Fishbeck  
Hannah Arnett, EGLE  
Jeremiah Asher, MSU  
Megan Cameron, EGLE  
Grant Poole  
Ross Helmer, EGLE  
Todd Feenstra, Tritium, Inc.  
Clayton Joupperi, EGLE  
Simon Belisle, EGLE  
Bridgett Carver, EGLE  
Emily Finnell, EGLE  
Lyndon Kelley, MSU Extension  
Matt Konieczki, EGLE  
Lauren Schnoeb  
Alyssa Olson  
Lena Pappas, EGLE  
Jeff Pierce, EGLE  
Howard W Reeves, United States Geological Survey (USGS)  
Rick Solle

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

Noted there is in-person quorum today.

Question on how to discuss recordings on committee meeting practices; will be covered during committee chair reports.

Question on discussing an anonymous email; will be covered during open comments.

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

Corrections were stated for the August 2023 meeting minutes. Richard Bowman is the alternate for David Hamilton on the WUAC. Jim Nicholas is no longer on the WUAC; Katy Lindstrom was appointed by the Governor to fill the position. Additional correction to the August 2023 meetings: previous statement read “56,00 wells”, should read “560,000 wells.”

Bryan Burroughs moved to have meeting minutes from February, April, June, and August approved upon amendment of corrections; Dave Maturen seconded the motion. No objections.

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

No public comments.

**6. Committee Chairs Report**

**a. Data Collection Committee**

Bryan Burroughs stated that the committee has not met since their last meeting. Will be sending out a schedule for the new meetings. He requested people email him or Megan items to be discussed, so they can be incorporated into future meetings.

**b. Models Committee**

Dave Hamilton thanked Jim Nicholas for his work while on the committee. Dave provided an update on the Models Committee. The committee has had several meetings since the last WUAC meeting. Dave noted that Katy Lindstrom is replacing Jim Nicholas on the WUAC.

The Models Committee continues to discuss the web-squared method of allocating stream flow depletions from wells. Dave scheduled a meeting with Todd Feenstra and Jim Milne to discuss having a presentation on site-specific reviews (SSRs) at a future WUAC meeting.

The Michigan Hydrologic Framework (MHF) is in progress with a work group already developed for this project. Dave Hamilton and Dave Lusch met with EGLE staff to discuss the Michigan Integrated Water Management Database. The two Daves believe that it can be incorporated into the MHF project.

Updating Key Aquifer properties (transmissivity and storage coefficient) is under review in EGLE, looking to move to Request For Proposals (RFP). The 2022 WUAC recommendations requested \$1.2 million funds; a total of two from the Models Committee, one from the Data Collection Committee, and one from the Water Use Conservation and Efficiency Committee. The Legislature did not appropriate any funding to implement these recommendations. The WUAC's Executive Committee will have further discussion concerning funding for the 2022 recommendations.

c. New Topics Committee

Pat Staskiewicz provided a reminder to send any questions that might be new topics to this committee.

There was discussion about reestablishing a water users committee and what this would be like. One possible topic is to define the terms environmentally sound and economically feasible project alternatives as used in MCL 324.32723. This may require consultation with the Department of Attorney General.

It was suggested that since MSU's project started in the New Topics Committee, that a presentation be taken back with any recommendations to the Water Conservation and Efficiency Committee

Kelly Turner stated the Office of Great Lakes (OGL) is coordinating the 2023 Water Conservation & Efficiency Program annual assessment report and is working with the Quality-of-Life agencies (Department of Natural Resources, EGLE, MDARD) to develop.

Discussed the Committee review of the previous Alliance for Water Efficiency (AWE) scorecard, in which Michigan was ranked in the bottom 10 of states reviewed. Michigan can use this report as a tool to develop future priorities and/or recommendations to strategize moving up to the top 10 on the list. Stated the report is looked at from a state-level, communities and counties may be doing some of this work, but the report is only looking at the state-level. AWE is a policy group that produces this report every five years along with other water efficiency tracking. Other Great Lakes states have decided to join the AWE which can be found with this link:

<https://www.allianceforwaterefficiency.org/>

Michigan's Scorecard can be found at the following link:

[https://www.allianceforwaterefficiency.org/sites/default/files/assets/AWE%202022\\_Scorecard\\_Michigan.pdf](https://www.allianceforwaterefficiency.org/sites/default/files/assets/AWE%202022_Scorecard_Michigan.pdf)

Discussed the implementation of Water Conservation and Efficiency Committee's (WCEC) 2020 recommendations. The OGL has developed an RFP for one project for \$100,000. Held a webinar to discuss the RFP and the application due date was August 28, 2023. Applicants were reviewed, with one applicant recommended for award; the expected start date is December 1, 2023.

Recommendation for Increasing Water Conservation and Efficiency Practices in Agriculture: MDARD and MSU-Ext provided final workplan to committee for review and was approved. MSU position was posted; hiring process underway with interviews on October 11, 2023, at 4 00 p.m. – two potential strong candidates.

d. Implementation Committee

Doug Needham updated the status of initiatives as many were waiting for October or the next quarter. Continuing to track 2020 recommendations and RFP development. Will add ways to address lobbying and advocating for recommendations from 2023 and future dates to the next committee agenda. Will schedule another meeting before December to have an updated report.

Kelly Turner posed a question regarding meeting policies for committees. What can/should be recorded for transparency from committee meetings. It was stated that recordings must be closed captioned if uploaded on an EGLE website to ensure accessibility requirements are followed. Determined that the internal EGLE team will review to ensure Americans with Disabilities Act (ADA)-compliance requirements are being met for those who choose to upload through EGLE. There is no set requirement for the committees to follow recording meetings. Regardless of approach used, notes should be taken to ensure that information is shared between members so all may be kept up to date.

**7. Michigan Large Quantity Users Survey Report, Speaker: Dr. Adam Zwickle, MSU**  
Pat Staskiewicz introduced Dr. Adam Zwickle, MSU. Dr. Zwickle presented the Large Quantity Water User's Survey Result.

Dr. Zwickle shared a survey that was sent out last year. Survey topics included methods and sample characteristics; perceptions of abundance, scarcity, and risk; water management, knowledge of water policy; water use committees; and trust. The survey was released via two ways: one to water users who report to MDARD and the other to water users who report to EGLE. MDARD received a 31 percent response rate and EGLE received a 29 percent response rate.

In summary, the survey results for perception of abundance showed two sides of the spectrum. Most of the users do not believe water is currently scarce and will not be scarce in the future. Additionally, respondents showed concern about other risks including water quality and government overreach. The survey suggested taking a listen-first approach when communicating with water users.

The survey results from water management found over half (~60 percent) of water users believe water use is affected by others by a moderate to great amount. Additionally, current levels of cooperation are relatively low; however, respondents indicated there is no harm in increased communication. The key takeaways from knowledge of water policy showed low levels of water policy knowledge, especially with respect to the Compact and Adverse Resource Impacts (ARI), higher levels of awareness of the Water Withdrawal Assessment Tool (WWAT), and that policy connections begin with knowing what ARI risk zone an individual's withdrawal is located in.

The survey found the results regarding water use committees (WUCs) to show that many individuals within communities are currently unfamiliar with WUCs, despite is serving as a possible solution to the vulnerability water users held towards possible denial of water shed use. A key takeaway was that before introducing WUCs as a possible solution, communicate the problem first and encourage participation. WUC could then act as a possible solution to increasing knowledge of water use practices and resources.

The final survey result focusing on trust found that 20 percent of people do not trust the state "at all" to manage resources. Ultimately, it showed water users believe neighbors are probably doing a good job and are managing water responsibility. The survey noted that WUC's could be used to address the distrust of government, as it can allow decision making among those they trust.

The final summary of the report found that: there are salient risks facing water users (water quality, government overreach, water quantity); there is a perception that water is abundant and not very threatened; knowledge of water policy is low; acknowledgement of interdependence; current communication is low; and there are social norms surrounding being a good neighbor.

WUAC members and participants had questions regarding some of the statistics provided in the presentation. These questions revolved around trying to understand the distrust towards government and water use. It was discussed that distrust likely caused by individuals not liking when the state told them what to do and that Michigan has different water regulation laws compared to other states.

An additional question was raised on “is there a perception of perceived interdependence of water use regarding cooperation and as a result, was there a need for cooperation”. Dr. Zwickle answered by explaining that the results showed individuals believed there is a little bit of a need to cooperate regarding water management decisions. Ultimately, the guide tries to put forth the “big picture” in an accessible way. The guide aims to help individuals understand the education component first – how water works; but also understanding the bigger picture that acknowledging individuals’ current perceptions is critical while also examining current water trends.

Next stages of the project will involve conducting two cases studies on water use committees: The Dickenson Creek (Montcalm County) and Whittmore Drain (working mainly with Saginaw County, but across three counties). These were selected due to size, need, and no history of past conflict. Currently positive feedback has resulted from the case studies with an update on the status of the report to be determined.

## **8. EGLE Update**

Jim provided a status update on EGLE projects.

Noted the MHF received its budget, schedule and workplan in place. A grant agreement has been drafted. The MHF requires an information technology (IT) review.

The RFP for transition Probability Mapping is currently under review in EGLE, Finance Division. Lena Pappas provided a presentation in September for the Models Committee. Lena can provide copies of her compiled research references upon request.

Noted must request an IT review from the Department of Technology, Management and Budget for the Aquifer Properties of WWAT RFP. WWAT user interface improvements under internal review and may require an IT review.

Stated will need to touch base with the Data Collection Committee for the next steps regarding the Long-Term Planning scope of work (SOW).

Stated currently working with USGS on an updated joint funding agreement for stream gages and miscellaneous stream flow measurements.

EGLE is currently developing Geographic Information System field apps to document National Ground Water Monitoring Network (NGWMN) well locations, conditions, and groundwater elevation data.

Stated EGLE staff met with Dave Hamilton and Dave Lusch; internal discussion in Water Resources Division (WRD) about next steps for Integrated Water Management Database. Currently to be determined.

Noted EGLE Groundwater Data Management System has received multiple bids and is currently conducting technical review of bids. Source of funding is \$7.1 million from the IT Investment Fund, separate from the \$10 million supplemental appropriation to implement the 2020 WUAC recommendations.

EGLE needs to meet with USGS to adapt their proposed SOW for additional monitoring wells to fill in the data gaps not covered by the NGWMN wells.

Update on AquaBounty has found that the project is currently delayed. Right-of-way access denial is being appealed by AquaBounty within the state of Ohio. USGS and EGLE are obtaining property access from private citizens and local units of government in Michigan to have EGLE Remediation and Redevelopment Division, Geological Services Section, drill monitoring wells. Will use drilling methods that will maximize retrieving intact geological core sections from the wells, which will be donated to MGS for their core repository after visual logging the core sections. Requested AquaBounty to do the same for their monitoring wells but were denied. AquaBounty will keep their core sections at their own facility.

Noted Michigan Potash has two WWAT registrations. Some wells were installed, but no pumps were installed in the wells and registrations expired. No current water resources permit applications have been submitted. EGLE, Oil, Gas and Minerals Division issued permits for solution mining/brine wells; proposed modification of U.S. Environmental Protection Agency permit for deep disposal wells. Also, an air quality permit for the solution mining and potash/salt processing.

Todd Feenstra noted that Michigan Potash is currently one of his clients. Equipment was installed in five monitoring wells, that provide continuous readings since 2019. Had a conversation with the client regarding the wells and getting pumps for their wells. The project is under development and will likely encounter delays due to project size. Inquired if it is a work in progress or is the client required to install a pump in the well for use. Jim noted that a Part 327 registration is not required for testing wells, but the Part 327 registrations expire if the wells are not constructed, pumps installed, and power connected to the pumps within 18 months. Michigan Potash went through multiple rounds of expired registrations before drilling wells. EGLE has no indication pumps were installed so they will need to re-register wells.

MMM Vella Pit – A violation notice was sent out for Parts 31, 91, 301, 303, and 327. Corrective actions are currently being conducted regarding these items. Any future questions about Parts 31, 91, 301, and 303 should be directed to WRD Jackson District staff. MMM Vella Pit proposed creating two separate systems for their water withdrawal and sand and gravel washing operations.



Part 327 Annual Legislative Report was sent out. 282 WWAT registrations and 195 SSR registrations. Stated there were 95 SSR determinations that were not completed within the 10-business day deadline. EGLE received 22 voluntary SSR requests, one of which was late. WUAC can forward legislative reports upon request. Pre-screening permit metrics: seven pre-screening reviewed completed, four Zone A, two Geology Pass, zero Zone C. Part 327 Permit Metrics: one permit issued; one application retracted; and one pending.

EGLE sent 78 compliance communications, six violation notices, and responded to two complaints.

James Clift provided an update on the budget. Currently no real update has occurred. Noted EGLE Groundwater Data Management System was primarily funded, and the MGS was funded. Further budget updates can be discussed at the next meeting. Stated Executive branch is currently reviewing budget and State budget office is already determining next year's budget. Should provide recommendations on prioritization. Determined a strategy should be developed to advocate for funds. Laura noted should be discussed during the next Implementation Strategy Committee meeting, gather questions, etc. and bring forward in the December meeting.

John noted MGS drilled two wells from surface to bedrock in Allegan County. Ottawa County is doing the same practice to look at the bedrock and glacial aquifers. Applied for their own grant. Trying to put monitor wells in certain areas. Monitoring well scheduled to go in Shelby Township.

## 9. Future

### a. Appointments

- i. Some letters have been sent out with appointments. Some of those letters may contain incorrect information. If this impacted you, reach out to the appointing authority for a correction.
- ii. Pat Staskiewicz has stepped in the 3<sup>rd</sup> tri-chair role. After all the appointments have been finalized, the tri-chair positions may be filled. Question regarding a conversation/vote to discuss who is covering the tri-chair roles. The decision was made to re-vote the tri-chairs once everyone is appointed to ensure it is documented. Pat noted the December meeting will allow for further discussion.

### b. 2023 Meeting Dates (at Con Hall unless others offer to host)

- i. December 12, 2023
- ii. 2024 Dates: Establish further meeting dates for the future. Would be every other month and ramping up to the legislative report every month starting in August. The first meeting would be in February 2024.
- iii. Ensure if hosting future events, organization hosting would oversee equipment, etc.

c. Formats

d. Quorum

i. Update tri-chairs, Bri, and Christine for attendance.

**10. Open Comments (Three Minute Limit)**

Dave discussed an anonymous email that was sent to EGLE addressed to the WUAC. Inquired if EGLE is reaching out to the individual who sent the anonymous email and what was the situation in Montcalm County. Determined EGLE will respond, letting the complainant know that the WUAC heard their concerns and if they want, a tri-chair could reach out to them. Additional comments or concerns are welcome to be provided to the WUAC as it is an open forum.

**11. Motion to Adjourn**

Pat Staskiewicz made a motion to adjourn. Seconded by Dave Maturen.