

Water Use Advisory Council (WUAC) Meeting

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

Tuesday, February 13, 2024

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

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

Remote Option Available Via Teams

[Click here to join the meeting](#)

Or call in (audio only)

[+1 248-509-0316, 55348400#](#) United States, Pontiac

Phone Conference ID: 553 484 00#

MINUTES

1. Welcome

Laura Campbell, Co-Chair, greeted the committee and guests. Laura Campbell had the room introduce themselves, followed by those on the call. The meeting began shortly after 1:00 p.m. ET. Items 1-6 were covered by Laura Campbell, Items 7-8 were covered by Bryan Burroughs, and Items 9-11 were covered by Pat Staskiewicz.

2. Roll Call

WUAC Members/Alternates Present In-Person

Pat Staskiewicz, Ottawa County Road Commission

Laura Campbell, Michigan Farm Bureau (MFB)

James Clift, EGLE

Bryan Burroughs, Trout Unlimited

Dave Hamilton, The Nature Conservancy (Retired)

Katy Lindstrom, Barr Engineering

Doug Needham, Michigan Aggregates Association

Rex Vaughn, Michigan Lakes and Streams Association

Megan Tinsley, Michigan Environmental Council

WUAC Members/Alternates Present via Teams

Christine Alexander, EGLE

John A. Yellich, Michigan Geological Survey (MGS)

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

Buddy Sebastian/Mike Frederick, Michigan Groundwater Association

Jason Walther/Kelly Turner, Michigan Potato Industry Commission

Jay Wesley, Department of Natural Resources (DNR)

WUAC Members / Alternates Absent

Frank Ettawageshik, United Tribes of Michigan
Charlie Scott, Gull Lake View Golf Course
Jim Johnson, Environmental Stewardship Division
Kyle Rorah, Wetlands Conversation Organization

WUAC Non-Members Present or Attending Via Teams

Jim Milne, EGLE
Briana Hammontree, JetCo Solutions
Clay Joupperi, EGLE
Jeremiah Asher, Michigan State University (MSU)
Hannah Arnett, EGLE
Sara Pearson, EGLE
Lena Pappas, EGLE
Younsuk Dong, MSU
Todd Feenstra, Midwest Water Stewards
Ross Helmer, EGLE
Grant Poole
Simon Belisle, EGLE
Megan Napier, AKT Peerless
Marian Maier, EGLE
Joel Henry, Fishbeck
Andy LeBaron, EGLE
Ben Tirrell, MFB
Austen York, EGLE
Val Vail-Shirey
Jill Van Dyke, EGLE
Evangelia M. Murgia
Howard W. Reeves
Brock Howell, EGLE
Anna Clark
Travis Bauer, EGLE
Jan Albright
Emily Finnell, EGLE
Dave Lusch
Phil Argiroff, EGLE

3. Approval of Agenda-Roll Call Vote

Kelly Turner requested to add a short update on MSU Water Users Pilot Project to the agenda for future meetings as a standing item. Jim Milne noted the WUAC could invite a member of the MSU Water Users Pilot Project to provide additional information as needed. Emily will check availability with the project lead.

Jim Milne mentioned adding a question for the New Topics Committee.

4. Approval of Minutes-Roll Call Vote Discussion

Laura Campbell stated no official quorum was present.

An update to December meeting minutes was noted on page 6, (EAGLE to EGLE).

Laura Campbell stated approval of the amended minutes requires a quorum and noted that the December meeting minutes need to be approved.

5. Public Comment (Three Minute Limit)

No public comments were received.

6. Strategizing Connecting with Leadership and Legislature

Laura Campbell noted 2023 budget did not include funding for additional recommendations from the WUAC . Therefore, it was noted there is a need to develop a strategy advocating for funding for the 2022 recommendations and future recommendations. One strategy discussed included developing informal talking points for members to discuss with an individual's legislator.

Laura Campbell stated that the Executive Committee will schedule meetings with the appropriate chairs and invite individuals to testify as needed.

Stated that Christine Alexander and Laura Campbell may be able to provide a presentation to the Legislative Committee(s) as well to discuss recommendations.

James Clift stated they are still in early discussion about presentations to the Legislature regarding subcommittees and the WUAC. A question was raised if the WUAC is in these discussions. Laura Campbell stated they previously used EGLE presentations to share information with the Legislature. James Clift stated that there likely will not be an issue with using EGLE presentations.

Bryan Burroughs will continue reaching out to Dave Maturen to see what he can achieve from afar to connect with legislators. Bryan Burroughs stated we should reach out to see if we can present. Rex Vaughn offered to help where he can connect with legislators. Bryan Burroughs encouraged individuals to reach out personally to discuss the 2022 recommendations.

Laura Campbell discussed whether it is appropriate to form a committee to engage with the Legislature. Stated this is in a legal gray area that may cause issues for EGLE due to lobbying laws. To mitigate this challenge, the process will remain informal with no committee formed.

Laura Campbell stated she is currently working on a putting a one-pager together for individuals to use to reach out to legislators on behalf of their organizations.

Question posed whether individuals who are part of state government are not able to lobby. Bryan Burroughs offered to work with people to help them share information regarding the 2022 recommendations if needed.

7. Committee Chairs Report

a. Data Collection Committee

Bryan Burroughs stated the Data Collection Committee will meet on the February 23, 2024, from 11:00 a.m. to 1:00 p.m. A zoom meeting link with a rough agenda will be sent out to those interested. The committee is still determining future

meeting dates. Discussions next week will be covering coordination and strategy for identifying data needs and addressing data gaps.

Bryan Burroughs noted that in the previous meeting, the committee discussed the Request for Proposal (RFP) on the long-term data planning recommendation in the 2020 report. The discussion should determine where we have data, where we do not, and then prioritize the different types of data, where the state will focus efforts to obtain the data and the cost involved. Ultimately, this could be used to determine where money is most needed in the future.

Bryan Burroughs stated there were plenty of federal funding opportunities that came to the state and pieces from the data collection has moved, but not to the degree that they like. They are now looking for a way to collect this data more effectively.

Discussion will include:

1. Addressing the RFP and getting the contract process going.
2. Making sure the right entities are involved to collect data.
3. Discussing with members what the Data Committee will do in the future based on the protocols (how it is collected and what you do with the data to make it useable).

Dave Hamilton clarified that funding for 2020 recommendations did come through and the creation of the RFP would allow for an individual to be found to perform the work. The committee will then specify work to be done.

Bryan Burroughs noted the RFP draft was shared for review and will lead to further discussions. The meeting will also discuss how the proposal will be cost effective and determine what needs to be discussed.

b. Models Committee

Dave Hamilton said there are work groups forming to address some of the 2020 recommendations. One work group is working on the aquifer performance test and is waiting on language from the consultants for the report. Another work group is working on the technical issues for the site-specific review (SSR) as many questions were posed from previous presentation during the December WUAC meeting.

Currently finalizing the SSR technical issues work group and have the discussion topics to include: how to determine common ground for the information; developing a roadmap to better understand when wells are drilled; the time limits on the review is problematic--will look at this and where items will need more time; will also talk about practices for identifying aquifer hydraulic characteristics; will look at the recovery time of models to cyclic pumping; will examine long-term well data and completion; and, will discuss limits on models and when they should be developed. This will be compiled into a proposal for review.

Dave Hamilton stated John Yellich provided an informative geological presentation. MGS is working on making their geologic mapping Geographic Information System (GIS) compatible. Stated it may be worth having John Yellich come in and provide a presentation. Dave Hamilton stated he has copies of John Yellich's presentation he can share with the WUAC if interested.

c. New Topics Committee

Emily Finnell reported that a presentation was given on the water users survey and a draft was completed of the water users group guidance but is still under review. The research team is currently looking at pilot communities. Emily Finnell stated she met with Pat Staskiewicz and James Clift and discussed if/when it makes sense to bring together the subcommittee based on this recommendation to discuss with the WUAC. It was proposed that Adam Zwickle could present status updates to the WUAC when there is content to share and once a final report was made. It was noted a request was made for a one-year extension of the project, as was expected since this is a three-year project. Noted that the three guides were reviewed in December and feedback was provided. The projects team has been trying to host informational meetings for the water management areas (WMA) and solicited further input from the committee and water users as well. Will follow up with Adam Zwickle to determine what the updates would best look like. Emily Finnell stated she intends to attend the next project management meeting.

Pat Staskiewicz stated that after this discussion, they will determine if a new subcommittee is needed, but reports will continue through New Topics. Reach out to Emily so she can reach out to Adam Zwickle if interested.

Jim Milne stated he was recently viewing a webinar on managed aquifer recharge, which is a topic that overlaps the water use program and other programs. He stated the webinar presented case studies of potential interest for the committee. Jim Milne wanted to pose this as a possible area of interest for the New Topics Committee. Pat Staskiewicz stated that Ottawa County is struggling and wants their groundwater better managed. Managed aquifer recharge is part of this topic. Have considered aquifer recharge as a possible option to address some of the groundwater issues in Ottawa County. Pat Staskiewicz stated he will talk to the Models Committee and will determine where it would best fit.

Sara Pearson is a part of the Interstate Technology and Regulatory Council (ITRC) and provided information. ITRC provides webinars and so Jim Milne had webinars sent to him via Sara.

Pat Staskiewicz stated that the Marshall Formation bedrock aquifer has no local recharge in central Ottawa County. Pat Staskiewicz will follow up with Jim Milne to get more information on the topic. Jeremiah Asher's research project was mentioned as well.

John Yellich stated Ottawa County has a unique soil profile. Stated an issue that farmers need to drain water off the fields and there has been talk of using that water for aquifer recharge to prevent it from going downstream, which has received pushback. Nutrients in the water create water quality issues. The western side of the state has sand near the surface resulting in shallow water. There may not be clay between groundwater and septic tanks which could include waste getting into the water. Another issue is the water being pumped up, which prevents natural recharging. More discussion is needed to address water quality concerns.

Rex Vaughn stated work being done at the former Wurtsmith Air Force Base in Oscoda may provide insight to this issue.

John Yellich stated that there may be a negative impact (e.g., algal blooms) from the runoff into streams and lakes. Putting the nutrients back onto the fields will not result in negative impacts.

Laura Campbell stated a grant proposal was granted for research done by MSU to look at tile line runoff to determine how this could be used for agriculture.

Jim Milne stated there are slides from the webinar and he will check to see if the webinar can be shared.

Bryan Burroughs agreed this is an important topic to explore for water recharge use.

d. Water Conservation and Efficiency Committee

Emily Finnell stated the committee will continue to meet monthly (first Thursday of each month at 9:00 a.m.).

Stated they had a speaker in January who discussed the Wisconsin water use program and their water conservation efficiency program and how they use the Alliance for Water Efficiency Scorecard. All presentations for committee members are recorded.

There are currently plans to have the state of New York present at future committee meetings about their water conservation efficiency program and their innovative programs. If interested, reach out to the committee to get more information.

Stated work plans have been updated for the 2024 year. The work plan will focus on continuing progress to implement recommendations from 2020 and 2022. An internal work group will also be formed to look at existing programs and policies that address climate, energy efficiency, and decarbonization, as well as water structure and some work providing funding for underserved communities where water conservation efficiency can be integrated.

Another large focus this year is education and outreach types of water stewardship, ramping up work through the new position with the Office of Great Lakes and Great Lakes Stewardship Coordinator.

Emily Finnell also stated that the committee has applied for Great Lakes Restoration Initiative funding to build out additional phases of students to stewards initiative.

The committee is also seeking to finalize the grant agreement with Alliance for Water Efficiency. This is for a project will be looking at innovative practices for various sectors, including business sectors, public water supplies and agricultural sectors, to examine water conservation efficiency.

The committee is also seeking to make some progress with 2020 recommendation to increase water conservation efficiency through agricultural sectors and expanding into animal industries.

An update was provided that they are still seeking to fill the two MSU Extension positions, with the education requirement lowered to a bachelor's degree with expectations that MSU will eventually repost these positions.

e. Implementation Committee

Doug Needham stated no update. Will be scheduling a meeting soon.

Laura Campbell added the Executive Committee discussed finding a way to share updates through a shareable spreadsheet for committee members. They are still seeking a solution for how this could be done.

8. EGLE Update

- a. Including discussion of Zone-D WMA
- b. Budget Update, if available

Jim Milne provided the EGLE updates. Introduced new staff member Marian Maier, an SSR geologist. Marian Maier provided a brief introduction.

Jim Milne then provided an update on 2020 recommendations.

Stated the Michigan Hydrologic Framework currently has a project budget, project schedule, and project work plan which now includes the Michigan Integrated Water Management Database. The agreement is currently being drafted.

A contractor was selected for the Transition Probability Mapping project and EGLE procurement staff is finalizing the contract for this project.

The recommendations to update the Water Withdrawal Assessment Tool's (WWAT's) aquifer properties and the WWAT's user interface are waiting for Information Technology reviews by the Department of Technology Management and Budget. Dave Hamilton asked if there is any way to expedite this process? Jim Milne stated there are current internal discussions within EGLE.

Coordinating the long-term data collection recommendation with other data collection projects by EGLE, MGS, and United States Geological Survey (USGS) will be discussed at the next Data Collection Committee meeting.

Jim Milne stated work is being done with the USGS on a new joint funding agreement for stream gages and miscellaneous stream flow measurements.

EGLE staff are currently identifying wells to be included in USGS' National Groundwater Monitoring Network (NGWMN). EGLE has a two-year grant from USGS to become a new data provider. This runs out July 2025 and the current project lead, John Esch, is retiring. Jim Milne will take over in an interim capacity as the grant administrator.

Jim Milne stated part of the \$15 million in funds from the groundwater proposal for change will be used to create three new positions in the Water Resources Division. One will coordinate all things related to groundwater (the NGWMN grant duties will fall under this position); one will provide GIS technical support; and one will provide database support. Dave Hamilton asked if this monitoring network will use previous data when available or start new. Jim Milne stated the new wells being added to the NGWMN include inactive USGS wells and new wells installed by MGS.

John Yellich discussed how MGS looked at how many inactive wells could be reactivated, but right now MGS is working with EGLE to do this. Allegan and Ottawa Counties have installed a total of 16 wells and MGS will look at these. John Esch will be working full-time at MGS.

Jim Milne stated he still cannot provide much detail on the EGLE Groundwater Data Management System due to confidentiality agreements. A contractor has been selected and the contract is being drafted. The objective is to break down all of the silos. The data is hardcopy and digital and the goal is to make this data accessible to everyone. The project will have to be completed in phases.

Jim Milne shared an Aqua Bounty update that USGS and EGLE are obtaining property access from residential owners and local units of government in Michigan. Aqua Bounty is in Ohio and they have a proposed well field whose zone of influence is predicted to extend into Michigan. The recovered core sections will be donated to MGS after visual logging and field screening. Pat Staskiewicz asked if this is a state or Great Lakes Compact issue? Jim Milne stated that the project is not subject to the Compact, and Michigan has no regulatory authority under Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) for withdrawals in Ohio. The right-of-way access denials in Ohio for the piping are under appeal.

John Yellich clarified that Aqua Bounty is a salmon farm and that the groundwater is only being used for cooling the aquaculture process water. Treated wastewater is discharged into a tributary of Lake Erie. The concern is that Aqua Bounty will not be returning the water to the aquifer.

Bryan Burroughs noted that this was also raised to the Conservation and Efficiency Committee as well, especially pertaining to wildlife (fish).

Emily Finnell met with the aquaculture association and received a presentation. She concluded that their business model is not very sustainable, and the private sector was not interested in looking at water conservation and efficiency, except for perhaps DNR.

Dave Hamilton posed what would this look like if it was in Michigan? Jim Milne stated it would need a Part 327 permit and would have a much more rigorous review and likely would be an administratively incomplete application since AquaBounty did not provide groundwater modeling files to Michigan.

Jim Milne noted the MMM Vella Pit corrective actions are currently in progress 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, Great Lakes Preservation, of the NREPA. The Water Use Assessment Unit is currently reviewing groundwater models for this project.

Jim Milne presented a sample of depleted watersheds as of February 9, 2024. Some of the depleted WMAs are due to changes in how bedrock aquifer depletions are assessed. When the WWAT was developed, it included a bedrock auto-pass feature that automatically passed withdrawals in bedrock aquifers that were not believed to be hydraulically connected to surface water. The bedrock auto-pass feature was discontinued, and these watersheds were reevaluated and put into Zone D. WMAs in light green highlighting are based on EGLE reviewing the watersheds and disregarding the half-max rule. Dave Hamilton stated that you should recalculate depletions based on the watershed that you think will be affected by the proposed withdrawal. This will be revisited in the SSR technical issues workgroup based on this feedback.

Jim Milne displayed a slide showing which of these depleted WMAs currently have stream flow monitoring. USGS will go and collect water stream measurements in red highlighted areas and EGLE is getting measurements from the green highlighted areas. Jim Milne stated EGLE will be preparing more information for the April meeting.

Laura Campbell stated she has heard concerns related to Zone D WMAs as it can impact farmers/water-users. Suggested determining what the next steps would appear like. Question posed on what clarity can be provided to existing water users for watersheds in Zone D.

James Clift stated this data collection is building the narrative to answer this question. A deeper discussion will be held in April.

Jim Milne provided a general response if the watershed has a 0 or negative depletion balance, no new withdrawals can be authorized by the WWAT or an SSR. EGLE would have to show through a preponderance of evidence (over 50 percent) that a large quantity withdrawal authorized by the WWAT or an SSR is likely to cause an adverse resource impact (ARI). The statute allows water user committees to form at any time. For those in Zone C (or Zone B cold-transitional), EGLE informs these individuals they are approaching Zone D, but no committees have been formed. If EGLE declares that there is an ARI and there is no committee, EGLE will invite water users to a meeting. The water users have 30 days to develop a proposal in response to the Zone D. If no proposal is made, EGLE can make its own proposal, but the water users are not required to follow it. There is currently no ARI in any WMAs; however, internal discussions are being held to determine what an ARI would look like.

Howard Reeves stated that individuals can still form a water user committee or apply for a Part 327 permit to have administrative appeal rights. Also have common law rights. It was noted that water law did not change with the passage of Part 327. We need to be clear that we are not moving away from the riparian system. Avoid telling people "first in time, first in right" because it causes confusion.

James Clift stated there is no budget for the 2022 recommendations. Progress may be a little staggered based on House numbers, expected to see budget move across chambers in April.

John Yellich stated that geological surveys are in the budget. Bryan Burroughs asked to confirm with sources and send those pages of the bill to Bryan Burroughs, Laura Campbell, and Pat Staskiewicz so they can ensure they are in the upcoming report.

A draft Frequently Asked Questions (FAQ) document is on Water Use Program website draft and was shared with the full council for review. It can be found here: (<https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Groups/WUAC/Presentations/Presentation-2022-02-08-overview-and-FAQ.pdf?rev=258d1c1f72a94cd99cad8daeaa957549>)

Todd Feenstra asked how EGLE make its decisions and determines how much depletion is occurring and what that change would look like to address the depletion. Do we have an idea of what type of data is needed or a timeline on putting that together? Jim Milne said internal discussions are occurring and April should see narrative on the timeline for this.

9. Future

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

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

Pat Staskiewicz covered next meeting dates and reminded members and/or their alternates to attend to ensure quorums can be held as the next Legislative Report is due in December 2024.

b. Formats

EGLE is required to follow Americans with Disabilities Act (ADA) formats for posting on its websites. Document that are internal to the committee members do not need to follow the ADA formats, just ensure you provide it to interested individuals.

c. Quorum

No quorum was present.

d. Appointments

Bryan Burroughs touched base with the Senate Majority Leader's staff to determine status of appointments and the staff believed they were done but will determine status. The Governor's appointments will expire in 2027. Director appointments will be needed from EGLE. The Speaker of the House's appointments are probably fine.

10. Open Comments (Three Minute Limit)

No comments received.

11. Motion to Adjourn

Pat Staskiewicz motioned to adjourn and seconded by Rex Vaughn.

Links:

Additional links discussed during the February 13, 2024, meeting, have been provided below for additional resource reference.

Water Use Programs FAQs

<https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Groups/WUAC/Presentations/Presentation-2022-02-08-overview-and-FAQ.pdf?rev=258d1c1f72a94cd99cad8daeeaa957549>

AquaBounty Timeline for Ohio Site

<https://aquabounty.com/our-farms/pioneer-ohio>

National Ground-Water Monitoring Network

<https://cida.usgs.gov/ngwmn/>

Model Analysis of the Impact on Ground-Water Conditions of the Muskegon County Wastewater Disposal system

<https://mi.water.usgs.gov/reports/Fleck1.html>