



Brant O. Fisher
Water Bureau, MDEQ
P.O. Box 30273
Lansing, MI 48909-7773

15 March, 2007

Mr. Fisher,

The West Michigan Chapter of Trout Unlimited is opposed to all groundwater withdrawals that negatively impact our coldwater resources. After reviewing Nestle's application and the Michigan Department of Environmental Quality's Determination of No Adverse Resource Impact (ARI), other public documents, as well as our own independent review, we have a few concerns and comments on this finding.

First, I would like to commend Nestle for submitting to this public process even though their proposed water withdrawal level of 216,000 gallons per day falls under the threshold of 250,000 gallons per day where submission is required by the Michigan Natural Resources and Environmental Protection Act (NREPA).

Second, I would also commend the Department of Environmental Quality for opening up this process to public comment even though it is not required by the NREPA. With future applications, this process could be improved by allowing more time for public comment before the Department makes its final determination. This can be accomplished by requesting public comment prior to issuing a preliminary finding. I would strongly encourage the DEQ to continue to make this a public process.

1. It is insufficient protection to our coldwater resources to simply issue a finding of No ARI with an allowed water withdrawal amount and expect the resource to be protected under all extremes of weather and natural variation that can occur. Specific limits should be established regarding stream flows and water temperatures which would trigger a reduction or suspension of water withdrawal from the system during these extreme events prior to causing a measurable ARI. This mechanism should be public information, and a monitoring system should be maintained.
2. Is there any potential for a "Conflict Areas" in this aquifer where Nestle's proposed withdrawal could create a conflict with other existing groundwater users? Specifically, is there any evidence of potential conflict with the city of Evart's wells on Twin Creek which are currently operating at less than full capacity?
3. Have or will the Department notify other existing water users in this watershed of their assessment of maximum acceptable groundwater withdrawal levels that were determined during the Nestle application process?

4. In the Hydrologic setting paragraph of the DEQ's approval of Nestle's application, it is stated that it is "likely that the drawdown cone formed by pumping PW-101 (Nestle's proposed well) will intercept groundwater that naturally discharges further downstream in the two creeks as well as the Muskegon River." While a thorough analysis has been completed and reviewed for the potential impacts on Twin and Chippewa Creeks, the information on any potential Muskegon River impact is missing.
5. The use of a 13 percent habitat factor should be adjusted on a case by case basis by evaluating the variation of each stream's flow over time. A river or stream with a relatively stable flow regime can handle a given groundwater withdrawal amount much better than another river or stream with the same average flows, but with much higher variation in those flows.

Thank you for your consideration of the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read "David Smith". The signature is written in a cursive, flowing style.

David Smith
President
Schrems West Michigan Trout Unlimited

Cc: Pat Kochanny, Chairman, Michigan Council of Trout Unlimited
Kurt Brauer, Conservation Chair, Michigan Council of Trout Unlimited