MICHIGAN ENVIRONMENTAL COUNCIL

April 3, 2020

Michigan EGLE- Water Resources Division
P.O. Box 30458
Lansing, MI 48909

**RE: Lake Erie Adaptive Management Plan**

Directors Clark, McDowell, and Eichinger-

Thank you for the opportunity to comment on the Draft 2020 Lake Erie Adaptive Management Plan (AMP). The Michigan Environmental Council (MEC) is committed to the long term ecological and environmental health of Lake Erie and believe the AMP and the broader Domestic Action Plan can be vital roadmaps for achieving water quality improvements. We appreciate the commitments by your agencies to address environmental concerns in Lake Erie and hope that our comments are useful in revising the draft AMP.

**Adaptive Management Approach**

Overall MEC is disappointed by the draft AMP. This report emphasizes the process and theoretical underpinnings of adaptive management at the expense of laying out novel, rigorous approaches and standards to combat pervasive and expanding nonpoint source (NPS) pollution throughout Lake Erie, particularly in the Western Basin. This report unfortunately doubles down on the same voluntary strategies for NPS reduction that, ironically, spurred the need to develop the DAP and AMP.

MEC is concerned that the fundamental process of adaptive management will stagnate water quality improvements in Lake Erie. As it is designed and illustrated throughout the document (specifically Figure 10), adaptive management involves continually/annually assessment of strategies, goals, and progress. While we certainly support continual improvement and reevaluating strategies we question how long this process will continue before the state decides that incremental changes inherent to adaptive management are not sufficient and instead a more drastic course correction is needed. Absent this 'off ramp' the State will always be able to claim success under adaptive management because, by definition, a successful adaptive strategy is one that continually reassesses but does not necessarily deliver on tangible improvements. We believe it is vital for the Departments to articulate how the State will avoid becoming stuck in an endless cycle of assessing, implementing, and not delivering the necessary water quality improvements in Lake Erie.

**Voluntary Programs**

GAAMPs

Page 8-9 discusses how the 2019 *GAAMP for Manure Management and Utilization* is "expected to have some impact on water quality in these areas…". This statement is vague and does not identify targeted reductions resulting from the GAAMPs nor does it identify load reductions to date as a result of implementing the GAAMP.

The continued reliance on GAAMPs (both Manure Management and Siting) to deliver sustained water quality improvements is inappropriate given that all GAAMPs are voluntary and, more importantly, the standards change annually. Assuming that the AMP identified the expected benefits of GAAMPs in 2019, the standards could radically change in 2020, 2021, etc based on the direction and composition of the Commission on Agriculture and Rural Development. Relying on the adoption of voluntary standards that change annually and that are subject to limited enforcement from MDARD (and none from EGLE) is not an effective long-term strategy for improving water quality in Lake Erie and its tributaries.

MAEAP

Similar to GAAMPs, MAEAP relies exclusively on the adoption of voluntary standards to achieve watershed scale water quality improvements. While MAEAP has likely increased awareness within the agricultural community of various environmental stressors and basic BMP implementation it remains voluntary and without any enforceable component. Purely voluntary and unenforceable programs used throughout the country consistently fail to deliver necessary water quality improvements. We question why Michigan believes the outcome will be any different in Lake Erie using the same voluntary principles.

MiCLEAR

Since the inception of MiCLEAR MEC and its partners have questioned the purpose, anticipated benefit, and successes of this program. To date this program has served only as an additional public relations tool for the agricultural industry to claim success and innovation while doing little more than maintaining the status quo. Until quantifiable benefits of this program are articulated the State should stop claiming MiCLEAR to be an effective tool in the toolbox.

Accountability

Page 18 appears to note that accountability is an important aspect of achieving AMP goals. MEC and its partners question what tools and methods the agencies have to hold agricultural entities accountable for nutrient discharges outside of the CAFO General Permit and voluntary programs. We ask the Departments to identify any additional tools at their disposal to increase agricultural accountability.

**New Research and Initiatives**

Drainage Water Management (DWM)

The state continually promotes DWM and the ongoing research in WLEB as a tool to achieve P reduction goals. However, unlike nitrogen DWM does not reduce phosphorus loads in tile lines, it only delays the timing of the loads. While volume control (using DWM) is an important component of holistically managing phosphorus loads it does not, on its own, reduce phosphorus concentrations. Additionally, DWM requires very specific field conditions in order to be effective (i.e. soil type, slope, etc). In the DAP the State identified that over a three year period upwards of 3,000 acres/yr would be covered by DWM but based on follow up conversations with the Departments and the researchers it remains unclear if there are even 3,000+ acres/yr of suitable land for DWM.

We ask the final language of the AMP to be realistic about both the scale and nutrient reduction capacity of DWM.

Social-based metrics

MEC is currently working on several projects with partners in the agri-business, NGO, and academic research community to better understand the social drivers and barriers to farmer adoption of conservation practices. We understand the importance of this work especially as it relates to designing and implementing effective conservation programs. While we support the state recognizing the social dynamics involved with nutrient reduction strategies for Lake Erie we are concerned that too many of the state programs, particularly within MDARD, are straying away from delivering instream water quality improvements and focused more on designing social support programs. For example, MAEAP has made a considerable investment to increase verifications through communication and engagement tools designed by the Department and Water Words that Work. MEC questions how the Department plans to measure the value, in terms of nutrient reduction, that these investments will deliver. Furthermore, MEC questions the expertise within the Department to evaluate (social) program effectiveness since to our knowledge the Department does not employ social scientists nor do the current programs have a dedicated component of program evaluation.

If the Departments, particularly MDARD, plans to use social-based metrics we urge the final AMP to identify: 1) the quantifiable water quality outcomes expected from social program implementation, and 2) personnel within the Departments (or partner organizations) with the expertise to evaluate social program design and successes.

**Biodigesters**

MEC remains alarmed by the Departments collective push of biodigesters as a means of reducing nutrient, especially phosphorus, loads to the Western Basin. While digesters may be an effective tool for reducing pathogens, the goal of the DAP and AMP is to address nutrient loading. If digestate (both solids and liquid) is not further treated then the nutrient content is effectively no different than applying manure. In fact, since digestion converts organic P into inorganic P the negative impact on water quality could be exacerbated by the use of digestion (absent additional treatment).

We ask the Departments to be realistic about the nutrient reduction value of biodigesters as well as the scalability of these operations in the final AMP.

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Improving the health of Lake Erie is of great concern and importance to our members and partners across Michigan and the Great Lakes Region. The DAP and AMP can serve as an important tool to identify strategies and metrics to drive conservation and hold industry accountable. We urge the Departments to focus on delivering safe water to the millions of individuals that rely on this resource and not fall victim to inaction and political capitulation that plagued the previous administration.

We appreciate the opportunity to comment on the Draft Adaptive Management Plan for Lake Erie and look forward to continuing to work with your dedicated staff on this and other important issues for Michiganders.

Sincerely,

Tom Zimnicki
Program Director, Michigan Environmental Council

Joel Brammeier
President, Alliance for the Great Lakes

Gail Philbin
Director, Michigan Sierra Club

Nick Occhipinti
Director of Government Affairs, Michigan LCV

Pam Taylor
ECCSCM