Nestlé White Pine Springs Well Background information:

White Pine Springs Well is also known as PW-101. It is located in Osceola County near Spring Hill Camp within the 1836 Ceded Territories (See attachment A for maps). Nestlé uses the water extracted from this well to bottle and sell under their Ice Mountain Water Brand. Concerns over Nestlé North America's pumping in Michigan dates to before the signing of the 2007 inland consent decree with the decision in MCWC v. Nestlé (2003 amended in 2009) that reduces pumping levels during certain times of the year and forces real time ground water level monitoring on another one of Nestlé's wells.

Currently the white pine springs well pumps at 250 gallons per a minute (gpm) up from the original application of 150 gpm. They applied to the State of Michigan under the Safe Drinking Water Act to withdrawal from this well at 400 gpm in 2016. Since July of 2016 LRBOI has participated in five Nestlé specific meetings and/or consultations and calls to date with a sixth occurring March 16, 2018.

LRBOI has also commented through the official comment period on concerns over the data provided by Nestlé and concern over potential impacts to the surface waters and wetlands surrounding the well. Throughout this process LRBOI Staff along with staff from CORA and the other 4 CORA tribes have reviewed all data provided by Nestlé to the State of Michigan that has been shared.

There is great concern over the original model provided by Nestlé that included a higher groundwater recharge rate than can be found using other sources. Nestlé has submitted a new model that uses a different recharge rate that has been affirmed by MDEQ. *According to the section 17 of the State of Michigan's Safe Drinking Water Act and Section 32723 of the Great Lakes Protection Act the removal of ground water must not cause adverse impacts, substantial and unreasonable harm, unacceptable aquatic impacts, and impairment of creeks wetlands, and associated habitat, fish and wildlife, and associated environment.* This is the standard as to which LRBOI staff is reviewing the information and data provided in the reports by Nestlé.

Nestlé Water Withdrawal application at White Pine Springs Well in Osceola County Timeline

- Application packet to increase Water Withdrawal levels from 150 gpm (currently pumping at 250 gpm)to 400 gpm submitted to the State of Michigan Department of Environmental Quality in July of 2016 – Original public comment period ending November 3, 2016
- Public Comment period was extended to April 21st 2017, with the Tribal Government Comment period not ending. LRBOI Commented during these periods.
- First meeting between MDEQ and Michigan Tribal Staff occurred on December 14th 2016
- Second meeting between MDEQ and Michigan Tribal Staff occurred on February 7, 2017
- February 8, 2017 LRBOI Environmental Staff discusses withdrawal with USEPA Staff in Region V
- MDEQ makes a request to Nestlé for additional information on February 14, 2017
- Third Meeting between MDEQ and Michigan Tribes occurred on April 18, 2017
- MDEQ makes a request for Nestlé for additional Information on June 21, 2017
- Fourth Meeting between MDEQ and Michigan Tribes occurred on February 22, 2018
- Call between CORA technical staff and MDEQ technical staff on March 2, 2018
- Fifth Meeting between MDEQ and Michigan Tribes occurs March 16, 2018

Where we are at now:

In the meeting on February 22, 2018, MDEQ staff provided that they felt they had enough information to review the permit after several other requests not documented above to Nestlé. They feel that the most recent ground water withdrawal model that Nestlé has provided is adequate for reviewing the potential impacts to local streams, and wetlands.

LRBOI and staff from the other CORA tribes feel that the information provided by Nestlé and their contractors about fish, bug and wetland plant populations is inadequate to create a finding of no significant impact to the surface waters and landscape around the white pine springs well. We have had more meetings recently with MDEQ technical staff who are reviewing the permit to talk about these issues.

The permit was issued by MDEQ on April 2, 2018.

LRBOI Staff's major concerns about allowing 400 gpm water withdrawal from the white pine springs well:

- The reports by Nestlé state that there will be a decrease in surface water levels for wetlands that are connected to the aquifer. This drawdown could be up to one and a half feet in the drawdown area (1.5 feet) in some areas (ECT Assessment of Wetland Effects Report). The Last wetland survey was conducted in 2004. We currently have no idea if there are invasive species present in these wetlands from the original start of pumping at 150 gpm. We also do not know if there have been habitat changes since 2004.
- Decreased surface water at the headwaters of Twin and Chippewa creek which are tributaries to the Muskegon River.
- Changes to fish or macroinvertebrate (bugs that fish eat) communities due to a changing environment from decreases in groundwater inputs to streams
- Changes to the wetland communities surrounding this area, which are impacted by changes in ground water levels. This could include changes in duration of surface water during mating season for amphibians and reptiles, changes to wetland type or plant communities. Wetland type is based on what types of plants grow there such as trees vs. cattails.
- A different definition of a perched wetland determined by use of GIS technology and modeling. Based on elevations of the water table and elevation of the ground level.
- Relying on MNFI data to determine the potential for endangered or threaten species presence. MNFI is a great resource for finding general data on State and Federally Threatened and Endangered Species locations. While it is a great resource, a project of this magnitude and significance should have additional surveys on the proposed impacted areas.
- That even with the data provided that a determination that there will be significant impact to the streams, and wetlands surrounding this well due to a decrease in groundwater flow can still be concluded.
- Lack of sampling sites below the impoundments on Chippewa Creek. It is unknown what the fish and bug populations look like below the impoundments.
- General concerns over sampling methodologies for recent fish, bug, and wetland reports.
- Very little long term modeling taking place, though permit is for an indefinite amount of time.

Attachment A – Maps

Map of location of Nestlé's White Springs Well in reference to the 1836 Ceded Inland Territories