

DRAFT Dissenting Opinion Re: The Need for a Perpetual Mahomet Aquifer Task Force

At its November 19, 2018 meeting, the Mahomet Aquifer Protection Task Force approved the following motion:

Motion is to Develop a group with a mission similar to the Mahomet Aquifer Task Force and is a blend of other select individuals that serve in a quasi-government or government capacity to provide leadership administrative stature or process for regional water supply (Minutes from the Mahomet Aquifer Task Force Meeting, November 19, 2018, "Minutes" at 10).

The motion was approved by a vote of 15-3; however, despite there only being three "no" votes, it became evident from the conversation preceding the calling of the question that there were many questions and a great deal of unclarity regarding what this "Task Force 2" group would be or what function it would serve. (See Minutes at 9-10). At the following meeting on December 10, the Task Force then took the action of assigning numerous substantive issues to "Task Force 2" for future consideration. Whether all Task Force Members fully understand the scope or powers of this "Task Force 2" remains unclear. The Task Force member who originally made the motion for the creation of "Task Force 2" would not commit to it being a purely advisory body (Minutes at 10) and previous Task Force members have advocated for creation of governmental or quasi-governmental bodies with management or other authorities.

The undersigned object to both the creation of a "Task Force 2" with a loosely defined function and powers, and to its being assigned to address outstanding issues. Specifically, we object to task forces recommending that they remain in existence beyond their statutorily determined terms, scopes, and authorities; we object to the unnecessarily duplicative function that "Task Force 2" would serve; and we object to the assignment of issues that were deemed inadequate for the original Task Force's recommendation to a subsequent entity, thereby dragging-out the ability to focus on priorities and real threats to the aquifer.

An entity to study the Aquifer already exists

The Mahomet Aquifer Consortium (MAC) has been in existence for 20 years, and its mission is "to further study the Mahomet aquifer system, the river basins and surface waters... and to develop and recommend options for the planning and management of these valuable public resources." Experts from the ISWS and ISGS are active participants in the MAC's work, as are stakeholders with longstanding commitments to the aquifer. The undersigned are not aware of any shortcomings of the work of the MAC in furtherance of its mission to necessitate the formation of a "Task Force 2" to provide the same or overlapping functions. Additionally, the undersigned are not aware of what intended function(s) of "Task Force 2" could not be adequately performed by the MAC. The undersigned further believe that the creation of yet another body, with an unknown authority or power, would show a lack of confidence in the well-established MAC.

A process to further support water supply planning already exists

The IDNR oversees and funds regional water supply planning. In the Mahomet aquifer area (East-Central Illinois Region) the ISWS, ISGS, and MAC have worked with the Regional Water Supply Planning Committee (RWSPC). The undersigned are not aware of any shortcomings of the work of the RWSPC, such that a “Task Force 2” is necessary to provide the same or overlapping functions.

The Task Force should not use the “Task Force 2” as an excuse to put off addressing issues

The Task Force, through its final report and recommendations has identified the most significant threats and actions to ensure the protection of the aquifer. The full implementation of these recommendations would likely take several years and a significant commitment of effort and resources by the State and all stakeholders. Despite these identified threats and actions, a number of additional issues have been assigned for later consideration by “Task Force 2.” These additional substantive issues include those that are not supported by the full Task Force or that require substantial additional analysis to better understand. The undersigned are concerned that this perpetuation of the Task Force via future recommendations coming from “Task Force 2” will weaken the commitment to implement the Task Force’s report, and create additional unnecessary uncertainty among those stakeholders in the aquifer area with regard to additional future recommendations or requirements. Further, the undersigned are concerned that assigning issues to future task forces shows an inability of the current Task Force to properly discuss and disseminate potential threats and possible actions that could be taken to protect the Mahomet Aquifer.

For the reasons articulated above, we object to the formation of a “Task Force 2” being among the recommendations of the Task Force.

Alec Davis, Illinois Environmental Regulatory Group

Donovan Griffith, Illinois Manufacturers’ Association

Steve Turner, Representing Illinois Farm Bureau