



TESTIMONY TO SENATE COMMITTEE ON LABOR AND REGULATORY REFORM AND
ASSEMBLY COMMITTEE ON AGRICULTURE ON 2017 SB76/AB105

Presented by Michael Engleson, Executive Director
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Thank you for the opportunity to testify today on behalf of Wisconsin Lakes in opposition to SB76/AB105. Wisconsin Lakes is a non-profit conservation organization whose membership is primarily waterfront property owners, as well as lake associations and districts who in turn represent over 100,000 citizens and property owners, all of who care deeply about lake health and the environmental, economic, and cultural benefits they bring to Wisconsin.

Though opposed to this bill as currently written, we are not here to contest the validity of the arguments as to why agricultural and other interests would benefit from a lack of review of high capacity well permits upon repair, reconstruction, replacement, or transfer of the well. Our issue with the bill is simply that with no other instance when review of a well's permit is in place, prohibiting such review at these points in time would create a virtual right to continue to withdraw the permitted amount of water into perpetuity. A better option, in our opinion, would be to create a periodic review of these permits while at the same time granting relief from review during times of maintenance and transfer.

The expressed reason for the prohibition on review is for "certainty." And while this bill might provide short-term "certainty" to a single user to, for example, qualify for a loan, its ability to provide for certainty in the long run for all users of our groundwater, and for its ability to protect our connected surface waters, is highly suspect. For instance, the owner of a well, call it "Well #1", would have "certainty" under the bill. But my members - waterfront property owners and taxpayers in Wisconsin - would have no certainty that their lake would not suffer at some future point in time because Well #1 could keep right on pumping even if it impacted their lake's level or water quality. Similarly, a trout fisher would have no certainty that Well #1 would not do something to his or her stream, if the well's groundwater source is connected to that stream. In fact, even the owner of what I'll call "Well #2", another agricultural interest benefitting from the "certainty" of this bill, will have no certainty that Well #1 might not impact his ability to take his full withdrawal, and the same can be said of Well #2's potential to impact Well #1.

What seems certain then, is that this bill will perpetuate conflicts between water users, inevitably leading to costly lawsuits, pushes for yet more studies, and yet more legislation, all while the resource itself continues to suffer harm.

And the members of Wisconsin Lakes want certainty as well. Certainty that their own wells will provide clean and plentiful water to drink. Certainty that they won't have to mortgage their property to pay for lawsuits to protect their rights. Certainty that their property won't lose value because its lake disappears. Certainty that their grandkids will be able to enjoy the lake, fish in the nearby streams, and do all the things we Wisconsinites cherish as pillars of our culture.

Of course the best strategy would be for Wisconsin to deal with this problem before it gets any worse, and pass a comprehensive, reasonable groundwater management strategy that balances the impacts and needs of all users of groundwater, and protects the connected surface waters of the state as well. But even short of that, a way exists to give individual high capacity well users the short term certainty they are asking for in this bill, while still providing a chance to review a well's impact.

Simply putting a time limit on high capacity well permits - of even fifteen or twenty years - would, in the opinion of Wisconsin Lakes, solve the essential problem of this bill. We urge you to consider this option to add periodic review to high capacity well permits.

In addition, we believe the Central Sands region of the state has been studied to death, and question whether yet more study is needed. The problem exists, now, and needs action. Still, if a study similar to the one in the bill is to be undertaken, it must ensure that it is looking at all areas being impacted, that it takes into account not just impacts on navigable waters, but also wetlands (key players in flood control and helping to maintain water quality in many navigable waterbodies), and that it is adequately funded. As written we do not believe the study in the bill meets those qualifications.

SB76/AB105 may provide certainty for individual well owners in the short term. But it actually makes Wisconsin's water future even less certain, by ignoring the wider impacts of pumping as a whole, by relying on lawsuits and future legislatures to resolve disputes and solve problems that could be dealt with proactively, and by moving us farther away from the comprehensive groundwater management strategy we all know Wisconsin needs.

We ask for you to either add periodic review of high capacity well permits to the bill, or reject it outright.