

DNR Adopts AG's Opinion on High-Capacity Wells

Written by Clean Wisconsin

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<http://newiproggressive.com/images/stories/S5/clean-drinking-water-s5.jpg>



Most of state's water will now be unprotected from high-use wells despite over 500 people asking the agency to reject the AG's opinion.

MADISON - After a May Attorney General opinion that sought to strip DNR's ability to meaningfully review high-capacity wells in what has been a very high-profile environmental issue, the DNR quietly posted on its website last week that it will adopt the Attorney General's opinion, which will leave most waters unprotected.

"This decision leaves as much as 90% of our lakes, rivers, streams and wetlands unprotected from the proven impacts of over-pumping from high-capacity wells," says Elizabeth Wheeler, senior staff attorney for Clean Wisconsin. "This is despite the fact that DNR heard from over 500 people asking the agency to reject the AG's opinion and continue to use sound natural resources science in reviewing these wells. Taking this action without any proactive notice to the public is especially egregious because so many people have been watching."

High-capacity wells are defined as those pumping more than 100,000 gallons of groundwater per day. Recent modeling by geologists from several government agencies on the Little Plover River in Central Wisconsin, portions of which have dried up in recent years, proves that over-pumping from these wells is having a negative impact on our waters. One-third of the 288 billion gallons of groundwater withdrawn annually in Wisconsin is in the Central Sands alone.

"By adopting this opinion, DNR will no longer be evaluating these large well applications to determine the collective impact they will have on our waters," says Wheeler. "This is in direct opposition to decades of court decisions and legal interpretation that established DNR's constitutional duty to protect our waters for everyone, not just the few."

Today's news means an estimated 161 high-capacity wells that have been awaiting DNR review will no longer get the vigorous environmental review past court decisions required. At least one-quarter of those wells are in the Central Sands. DNR also announced it will review

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existing permits issued since 2011 that have been denied or restricted because of environmental impact.

"This retroactive review means any precautions put on those wells to prevent environmental harm could be lifted," says Wheeler. "This will certainly have disastrous impacts on people's access to safe and plentiful groundwater and drinking water."

In addition, in just the last two years DNR has found numerous impacts to waterways during its environmental review of high-capacity wells, which the agency might no longer consider. Following are a handful of examples:

- Dunn County: High-capacity well application "withdrawn due to wetland impacts"
- Portage County: High-capacity well application withdrawn due to "significant property and cumulative impact to Buena Vista Creek"
- Pepin County: High-capacity well application withdrawn due to "significant cumulative depletion to Fall Creek"
- Langlade County: High-capacity well permit denied "due to projected individual and cumulative impacts to Stream 15-8, a small but high quality stream with evidence of natural trout reproduction"

"This is just a small example of the kinds of impacts that DNR will potentially no longer be reviewing, and applications that could now be approved despite clear and established impacts to our waterways," says Wheeler. "Not only does the DNR's adoption of the Attorney General's opinion remove sound science from the process, it makes finding meaningful legislative solutions that balance the needs of all water users in Wisconsin nearly impossible. Moving forward, this guarantees that the issue will continue to be fought in the courts."

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*On behalf of its more than 30,000 members, supporters and its coalition partners, Clean Wisconsin protects Wisconsin's air, water and natural heritage.
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