



Press Release  
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## **SB 76 Does Not Solve Our Water Problems**

CSWAC is not surprised by the 3-2 vote to move SB 76 out of the Senate Committee on Labor and Regulatory Reform on March 28<sup>th</sup>. We are disappointed that Chairman Nass removed the opportunity for discussion, debate and amendments at the committee level. Proposed amendments should have had the opportunity to be discussed at the committee level.

CSWAC continues to be opposed to SB 76 as written. It is better to take the time to set up a fair timeline and process to review existing high capacity wells to allow DNR the opportunity to work with well owners to limit their impacts to surface and groundwater just like they are able to do with new well permit applications.

SB76, and the accompanying AB105, do not address the existing problem, water loss to lakes, streams, and residential wells. The farmers for whom this bill was written have no existing problem. As noted at the hearing on March 15<sup>th</sup>, an emergency well replacement request has never been slowed or denied. Agriculture folks who spoke reported having adequate water, successful businesses, and did not report any denials of high capacity well requests. Multiple Wisconsin Potato & Vegetable Growers and Dairy Business Association members reported their successes as well as the industry data showing their claims of success are indeed true.

On the other hand, multiple riparian property owners reported their losses over and over: loss of water in lakes, loss of water in drinking wells, loss of water in trout streams, loss of shoreline habitat, loss of property values. SB76/AB105 has it backwards. Legislation protecting our lakes, streams, wetlands, and tourism is what is needed, not protection for the repair, replacement, and transfer of existing high capacity wells.

SB76/AB105 increases and perpetuates the existing problem, it does nothing to fix the existing problem. DNR noted, “we have never denied a replacement well” and “never denied a well transfer”.

There was a good bit of discussion of “balance” at the hearing. The claim was made over and over that SB76/AB105 would provide balance. The opposite is true - **SB76/AB105 does not provide balance**. In fact, it throws the scale to those that already have all the water they need, while it insures those who need water will never see it. It provides certainty that developing water balance, restoring natural resource waters, maintaining property values and rural Wisconsin drinking water are all in trouble.

For balance, what is needed is legislation that protects our aquifers, lakes, streams, wetlands, property rights, and tourism. Legislation that protects property values for everyone, not just a

few. SB76/AB105 is an attack on the public waters of the state and property rights, not an act to preserve them.

It is clear from testimony that Wisconsin is not a homogenous state. Our landscapes and aquifers differ throughout the state. A one-size-fits-all approach to water use and pollution problems for the entire state will not work or be equitable. When it comes to water, the Central Sands has geologic, soil, and aquifer concerns that are not present in other areas of Wisconsin. To protect our water, the Central Sands needs not only to be studied in its entirety, but also to have the DNR given explicitly authority to act on the information learned from that study.

The right to protect one's home is a long standing value in this state and country. In Wisconsin a **rural home with polluted or NO drinking water has little value.** Rural homeowners should have the right to protect their well water and the aquifer under their homes. Section 4(3)g of SB76/AB105 takes away that right by taking away one's right to contest a DNR decision that will impact his or her drinking water.

*(g) Neither a decision of the department under par. (c) nor a recommendation of the department under par. (e) are final decisions. Notwithstanding ss. 227.42 (1) and 227.52, no person is entitled to administrative or judicial review of a department decision under par. (c) or a department recommendation under par. (e)*

There are portions of this bill that Central Sands Water Action Coalition can support. We can support repair and maintenance of an existing well. We can support the replacement of a well. **But only if DNR has the ability to periodically review the high capacity well permit.**

SB76/AB105 amendments should include:

- Periodic review of existing high capacity wells.
- The ability and authority that will enable the DNR to adjust reviewed permits to meet current conditions and water balance issues.
- An expanded study area that will include the entire Central Sands
- No Section 4(3)g, which takes away a citizen's right to contest a DNR decision.

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The Central Sands Water Action Coalition is a membership organization of 66 lake associations, lake districts, and conservation groups representing more than 50,000 members and their families concerned with negative impacts on water resources in the Central Sands Region of Wisconsin.