



December 1, 2015

To: Senator Robert L. Cowles, Chair Sen.Cowles@legis.wisconsin.gov
Senator Frank G. Lasee, Vice Chair Sen.Lasee@legis.wisconsin.gov
Senator Luther S. Olsen Sen.Olsen@legis.wisconsin.gov
Senator Mark Miller Sen.Miller@legis.wisconsin.gov
Senator Robert W. Wirth Sen.Wirth@legis.wisconsin.gov

Re: Senate Bill 291 – Relating to High Capacity Wells

Dear Chair Cowles, Vice Chair Lasee, and members of the Wisconsin Senate Committee on Natural Resources and Energy:

First of all we would like to thank you for your service to the State of Wisconsin and your efforts to help protect one of Wisconsin's most precious resource. Our groundwater is paramount to a healthy sustainable Wisconsin.

Ducks Unlimited (DU) and Wisconsin Trout Unlimited (WITU) are 501(c)3 nonprofit organizations representing approximately 50,000 members and 187 chapters dedicated to protecting, restoring, wetlands and cold water streams throughout Wisconsin. We accomplish our mission by performing on the ground restoration projects and have invested over \$24.6 million dollars in Wisconsin to fulfill this mission. However, this investment could be threatened by consequences of Senate Bill 291. It is undeniable that groundwater and surface water are interconnected. It is equally undeniable that hunting and fishing depend upon water. As such, protecting water protects the huge economies that hunting and fishing support, and protects Wisconsin citizens' Constitutionally protected right to fish, hunt, trap, and take game. WITU and DU are pleased that the Wisconsin Legislature has made efforts to address groundwater use, and are thankful for SB 291 and its authors' efforts. Both WITU and DU have several concerns that they believe must be addressed in the bill and have outlined them below.

1. Apply SB 291 to All Waters of Wisconsin

- As currently drafted, SB 291 applies only to navigable waters, and does not apply to isolated wetlands.
- Wisconsin DNR reports that Wisconsin has over 13,000 miles of trout streams.¹ Of these streams, however, 47% (or over 6,000 miles) of streams are classified as intermittent or ephemeral.² As such, over 6,000 miles of Wisconsin's trout streams would simply fall outside the ambit of SB 291 as written. Intermittent and ephemeral streams, however, are where fish spawn, and funnel cold water into larger streams. Consequently, intermittent and ephemeral streams are incredibly important, and a lynchpin to stream health.
- Wisconsin has roughly 5.3 million acres of wetlands – an area that comprises roughly 15% of the State's total area.³ Many of these wetlands are "isolated," however, and disconnected from navigable waterways. Isolated wetlands serve, in very real terms, as hunting grounds for hundreds of thousand of sportsmen, and are integral to Wisconsin's game flocks and herds. As written, however, isolated wetlands fall outside of the ambit of SB 291.
- **WITU and DU urge the Wisconsin Senate Committee on Natural Resources and Energy to amend SB 291 to ensure that it applies to ALL WATERS OF WISCONSIN, rather than to just navigable waters.**

2. Address Cumulative Impacts

- Years ago, many Wisconsinites considered groundwater an inexhaustible resource. Reality has set in, however, and Wisconsin now sees streams run dry, and lakes and wetlands disappear as groundwater is depleted, notably in the "Central Sands" region. In other parts of the State, water is obtainable, but is unusable due to contaminants such as radon.
- It is clear that we can no longer simply issue high capacity well permits without taking in to account the existence and draw rates of already-existing surrounding wells.

¹ <http://dnr.wi.gov/topic/fishing/trout/>

² http://www.tu.org/sites/default/files/wisconsin_wotus.pdf

³ <http://www.wisbar.org/newspublications/wisconsinlawyer/pages/article.aspx?Volume=86&Issue=1&ArticleID=10564>

- **WITU and DU urge the Wisconsin Senate Committee on Natural Resources and Energy to amend SB 291 to ensure that common sense and cumulative impacts are taken in to consideration when issuing high capacity well permits.**

3. **Provide for Periodic Review**

- Just as it has become obvious that groundwater is simply not an inexhaustible resource, so too has it become clear that our science and ability to more fairly govern groundwater has advanced since many well permits were issued.
- We talk a great deal about not burdening future generations with today's debt. In like fashion, it makes little sense to burden future generations with science that becomes antiquated. Periodically reviewing high capacity well permits – as is the case with virtually every other resource-use permit – is common sense, and ensures that as conditions change, so too can our ability to govern use.
- **WITU and DU urge the Wisconsin Senate Committee on Natural Resources and Energy to amend SB 291 to include common sense periodic reviews of already issued, and to-be-issued high capacity well permits.**

4. **Streamline the SRA Process**

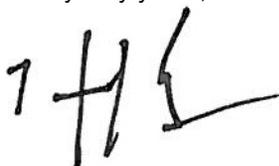
- Both WITU and DU applaud SB 291's efforts to create Sensitive Resource Areas (or, "SRA's"). The process by which SRA's are created, however, is incredibly lengthy. As a result, it is unlikely that any SRA could ever be created in time to afford meaningful protections to an area of need.
- **WITU and DU urge the Wisconsin Senate Committee on Natural Resources and Energy to amend SB 291, and significantly streamline the SRA creation process.**

The economic Impact of hunting and angling is substantial in Wisconsin. Coldwater resources are an incredible economic engine for Wisconsin. A January, 2013 report released by the American Sportfishing Association ("ASA")⁴ revealed that Wisconsin ranked 9th out of all states with over \$1.4 billion in fishing related expenditures. Wisconsin also ranked as the 3rd non-resident fishing destination, with over 335,000 visitors spending over \$445 million each year. Hunting is an even bigger economic engine in Wisconsin. The National Shooting Sports Foundation ("NSSF")⁵ found that Wisconsin was the 2nd ranked state by resident hunters, and the 2nd ranked state by non-resident hunters. Retail hunters accounted for over \$2.25 billion dollars of hunting related retail sales, while non-resident hunters accounted for over \$313 million in hunting related retail sales.

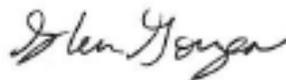
In sum recreational hunting and angling in Wisconsin results in a staggering \$6.1 billion annual economic impact and support over 55,000 jobs. The four items mentioned above should adversely impact these economic drivers.

In Conclusion, WITU and DU once again thank you for your service to the State of Wisconsin, and for your work on SB 291, and we thank you for your consideration of our positions. Together with the support of our 55,000 members we can ensure that future generations will have sufficient water resources upon which to recreate, and abundant fish and wildlife to enjoy. In the event that there are any questions that Wisconsin Trout Unlimited or Ducks Unlimited can answer regarding the above issues, please do not hesitate to call.

Very truly yours,



Henry E. Koltz
National Trustee
Trout Unlimited



Glenn Goergen
Wisconsin State Chairman
Ducks Unlimited

⁴ Southwick Associates, *Sportfishing in America: An Economic Force for Conservation*, Produced for the American Sportfishing Association (ASA) under a U.S. Fish and Wildlife Service (USFWS) Sport Fish Restoration grant (F12AP00137, VA M-26-R) awarded by the Association of Fish and Wildlife Agencies (AFWA), January, 2013.

⁵ Southwick Associates, *Hunting in America: An Economic Force for Conservation*, Produced for the National Shooting Sports Foundation in partnership with the Association of Fish and Wildlife Agencies. 2012.