

Groundwater Advisory Committee  
Options Paper  
for  
November 15 Ballot

Date: November 14, 2007

From (list GAC members): Jodi Habush Sinykin, Bob Nauta

Title (Subject): Rationale and Recommendations Regarding Designated GPA Resources

**DISCUSSION:**

Presently, Groundwater Protection Areas or “GPAs” are defined by a specified distance from a designated water body. Under current groundwater law, the only water bodies designated for protection from high capacity well groundwater withdrawals are the following: Outstanding Resource Waters (ORWs), Exceptional Resource Waters (ERWs) and trout streams.

Unfortunately, this limited designation of protected waters does not encompass the vast majority of Wisconsin’s water resources, leaving unprotected a spectrum of valuable water resources, including the majority of the state’s lakes and warm water fisheries. In demonstration of the limited reach of the GPA designated water inventory, only 97 lakes (out of more than 15,000) fit under the designation of ORWs. There are no ERW lakes in Wisconsin. This means that 99% of Wisconsin’s lakes are not covered under Wisconsin’s current groundwater law. Without an expansion of the scope of “designated waters” under statutory law, there is certain to be growing numbers of lakes associations seeking protection from adverse groundwater impacts through litigation. As such, case law, not statutory law, will determine the direction of Wisconsin policy in this important regard.

Moreover, whereas most of the ORWs and ERWs are located in the least developed areas of the state, there remain other categories of waters in the more populated areas of the state, such as southeastern Wisconsin, which provide important environmental and economic value to Wisconsin citizens. Many of these waters have received significant expenditures of state and federal funds in the preceding decades to address water quality concerns. It seems discordant to provide legal protection for water quality impacts, but *not water quantity* impacts, especially given that many of these non-ERW/ORW waters are already in a vulnerable condition.

As set forth below, a solution to these identified gaps under the current law is for Wisconsin to include additional resources under the protected waters designation for Groundwater Protection Areas (GPAs). Another, more comprehensive, solution to these identified gaps would be for Wisconsin to implement a statewide regulatory program for high-capacity wells which provides for an environmental review process that evaluates and aims to mitigate withdrawal impacts to hydraulically connected surface water resources.

(Recommendations on next page)

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**RECOMMENDATION:**

Designation of Groundwater Protection Areas (GPAs) should not be restricted to Exceptional Resource Waters, Outstanding Resource Waters and Trout Streams only.

Additional valued water resources, including seepage lakes, rivers, and wetlands that are not trout water or ORWs or ERWs should be considered for GPA designation by the legislature.