

Dept. of Natural Resources: Revises high capacity well review process In response to action by AG Kaul

Posted on Tuesday, Jun 2, 2020

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MADISON, Wis. – On May 1, 2020, Wisconsin Attorney General Josh Kaul [issued a letter](#) to the Wisconsin Department of Natural Resources withdrawing a 2016 Attorney General letter opinion concerning the Department's authority to consider the environmental impacts of certain high capacity well applications. In accordance with the Attorney General's 2020 letter, the Department will no longer follow the 2016 Attorney General's opinion.

In accordance with the Wisconsin Supreme Court's decision in *Lake Beulah Management District v. Wisconsin Department of Natural Resources*, the Department will act pursuant to its duty to protect and preserve navigable waters under the public trust doctrine. *Lake Beulah*, 2011 WI 54, ¶¶ 30-34, 39, 335 Wis. 2d 47, 799 N.W.2d 73. The Department will make a fact-specific determination in each case and will consider environmental impacts when reviewing a proposed high capacity well application if presented with sufficient concrete, scientific evidence of potential harm. *Lake Beulah*, 2011 WI 54, ¶46, 335 Wis. 2d at 78, 799 N.W.2d at 88.

Additional information can be found [here](#).