

# Superior Rivers Watershed Association:



Position Statement on Commercial-scale withdrawal, bottling, and sale of groundwater from aquifers and artesian wells in the Lake Superior Watershed

This position statement is in response to a conditional use permit requested by Kristle Majchrzak & Robert Glau (hereafter referred to as “Applicant”) for commercial withdrawal of artesian groundwater for bottling and sale from private property in the Town of Clover, near Herbster, Wisconsin.<sup>1,2</sup> This proposed withdrawal would potentially affect the Bark River, which flows into Bark Bay State Natural Area. The Bark Bay Slough was designated as a State Natural Area in 1977 and houses extensive coastal fen and coastal bog wetlands which are floristically diverse and support many rare species.<sup>3</sup> This position statement is specific to this withdrawal application; however, many points are broadly applicable to other potential future commercial withdrawals of groundwater that could affect aquifers and streams that flow into Lake Superior.

Per our Mission Statement, the Superior Rivers Watershed Association (SRWA) advocates for clean, free-flowing rivers with healthy watersheds, and a citizenry that is informed and engaged in monitoring and promoting wise management of water resources. The Superior Rivers Watershed Association opposes permitting this withdrawal for the following reasons:

1. **The proposed project does not conform to the Comprehensive Plan developed by the citizens of the Town of Clover.** At a Town meeting held on April 14, 2021, Township residents overwhelmingly voiced opinions against the project, and the Town Board subsequently voted unanimously to deny the permit, citing commercial use incompatible with the Town’s Comprehensive Plan and concerns for water flow to nearby streams, wetlands, and private wells.
2. **There are many unknowns regarding the amount of water proposed for withdrawal, including the rate of withdrawal per day and seasonally, and how such withdrawal rates and patterns would impact local streams, wetlands, and cold water upwellings into Lake Superior.** For example, MSA Professional Services, Inc., an engineering firm that the Applicant has retained on contract, states that the proposed water source is most likely an isolated sand and gravel lens. A soil scientist (retired, USDA-Natural Resources Conservation Service) who delineated soils in the proposed project area has stated that such seeps and springs were common across the Bayfield Peninsula, but that landowners have found many to have dried up with increased

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<sup>1</sup> <https://www.wpr.org/proposal-bottle-sell-water-well-near-lake-superior-highlights-fears-over-water-diversions>

<sup>2</sup> <https://www.wuwm.com/2021-07-29/controversial-water-bottling-business-under-debate-in-small-community-on-lake-superior-shore>

<sup>3</sup> <https://dnr.wi.gov/topic/Lands/naturalareas/index.asp?SNA=137>

development, logging, and ditching<sup>4</sup>. Given the unknowns and likelihood of impacting local stream flow and wetlands, SRWA cannot support this withdrawal.

3. **The Applicant proposes to haul truckloads of water from the site to Superior for bottling in plastic bottles for distribution in the Twin Cities and beyond.** For such a venture to be commercially viable, many truckloads would be required, which in turn would require road improvements and possibly new or expanded stream crossings. The effects of such improvements on local streams and wetlands have not been divulged by the Applicant nor fully assessed by any resource agency.
4. **The Applicant proposes selling artesian water in small, single-use plastic containers.** There is a growing body of scientific evidence that single-use plastics are incompatible with sustainable use of our water resources<sup>5</sup>. The manufacture of single-use plastic containers requires substantial water for processing, and the chemicals involved contribute to waterborne and airborne pollutants that can make their way to Lake Superior. Moreover, plastic bottles contribute to micro-plastics that are known environmental pollutants in Lake Superior.
5. **There is no available baseline data or comprehensive hydrological assessment of upstream and downstream flow rates and water quality in the proposed site area and sub watershed of the Bark River.** SRWA is committed to continuing our history of collecting and disseminating scientifically robust water quality data to inform the public and protect the watersheds and streams that flow into Lake Superior. To provide stakeholders with critical water quality and flow information, we have established water quality and quantity monitoring sites downstream of the proposed withdrawal site. We will provide these data to the State of Wisconsin through the Wisconsin Department of Natural Resources Surface Water Integrated Monitoring System (SWIMS) database and make data publicly available to better define current water conditions. Should the withdrawal project go forward, these data will provide benchmarks to assess future changes to the watershed. Unfortunately, given the variability in annual precipitation and hydrology, water flow characteristics cannot be determined without several years of monitoring. Moreover, a second upstream monitoring site is needed, but currently unfunded. SRWA encourages four years of baseline data at both sites to allow informed decision making before a permit is considered or issued.

We remain committed to protecting and promoting our clean water resources in the Lake Superior basin. Preserving our clean water resources includes informed decision making with expanded scientific understanding, which we believe is lacking in the case of the Applicant's proposal.

Sincerely,

Alex Faber, Executive Director of the Superior Rivers Watershed Association

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<sup>4</sup> Public Record, written comments to Bayfield County Board of Adjustment.

<sup>5</sup> See Baldwin et al. 2016. *Plastic debris in 29 Great Lakes tributaries: Relations to watershed attributes and hydrology*. Published in the journal *Environmental Science and Technology* 50:10377-10385.