

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
December 14th, 2011 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:05 AM.

Chairman Brandt stated that the Open Meeting Law requirements had been complied with through notifications and posting.

Brandt acknowledged Rick Geske, FSA Chairman, as a new member of the Committee. Committee members introduced themselves for the benefit of the public present.

Committee members present: George Brandt, Tom Bice, Mark A. Smick, Dave Quarne, Roland Thompson. Hensel Vold, Michael E. Nelson, and Rick Geske.

Staff/Advisors present: Kevin Lien, Tim Brueggen and Virginette Gamroth. Judy Betker was present for part of the meeting. Jim Johnson-Highway Commissioner and Rian Radtke-Corporation Counsel were present for part of the meeting.

Others present –Ernie Vold –County Board Vice Chairman, Jeffrey Paulson, Shane Begley-AT & T, Ron Jordan and Vic Kastner-Proppant Specialists, LLC, Brad Hunsberger - Andrews Engineering, Jeff & Carol Bawek, Beth Killian, Roger & Ann Wygel, Ellen Czaplewski, Todd & Shari Wagner, Dennis Hesch, Attorney Rick Schaumberg, James Palanuik, Jeremy Dunn, Stephen Doerr, Donna Brogan, Joe Gienza, Darlene & Dennis Rossa, Mark & Denise Palmer, Ron Tuschner –Town of Arcadia Chairman, Robert Tenneson-Town of Preston Chairman, Deloras Vind, Ryan Sheehy-City of Arcadia, Kerry Suchla, Brian Schneider, Larry Soppa, Chuck Gamez, LeRoy Sobotta, LaVerne Sobotta, Gerry Hawkenson-Town of Chimney Rock Chairman, Kerry Baardseth, Joe Baardseth, Ted Konkell, Kyle Slaby, Greg Armstrong, Jeremiah Olson.

Approval of Agenda – Brandt asked that Agenda Item #5 be considered at around 10:30 AM as Rian Radtke-Corporation Counsel could not be present until after that time. Vold made a motion to approve the modified agenda as presented, Thompson seconded, motion carried unopposed.

Adoption of Minutes – Bice made a motion to approve the August 17th, 2011 special meeting minutes and the November 9th, 2011 regular meeting minutes as presented, Nelson seconded, motion carried unopposed. Smick was very complimentary regarding the preparation of the meeting minutes.

Public Hearing – Conditional Use Permit – Cellular Tower-Jeffrey Paulson & Gloria Severson-Landowners-Central States Tower Holding/AT&T, Operator/ Applicant-Town of Sumner Brandt opened the public hearing at 9:09 AM. Nelson read the public hearing notice aloud. Brandt described the public hearing process for the public in attendance. Lien stated the request is for a 250 foot self-supporting communication tower located just to the east of Osseo. Lien referred the Committee to an overhead aerial photo of the site. Lien continued that it does meet the appropriate zoning for an ag district, but it is a Conditional Use Permit where the Committee can attach conditions should they desire to do so. Lien stated courtesy letters were sent out to all adjoining landowners and the hearing publicized in the newspaper for two weeks. Lien received no calls for or against the proposed request. Shane Begley, Central States Tower and AT & T introduced himself. Begley stated this site has been asked to be acquired by AT & T at which point they hired Central States Tower and himself to locate a location on this property. Begley stated he was not the original person that acquired the site. Begley explained that typically one of the first things done is that they go to an area and look for some place to co-locate on. Begley stated one of the first things that came up in the search was that there was supposed to be a tower at this location. When Begley got to the site, there was

nothing there. In looking back through the records, it looked like in 2008, not far from this site, there had been an application for a conditional use permit but that tower was never constructed, so a lease has been done with the landowner. Begley explained there is a really dead spot throughout downtown Osseo area as far as building coverage. There is “bleeding” coverage throughout the area but it is not real solid and part of that reason is because they have an agreement with Bug Tussel and they are just not providing the service that is needed, so that is how this issue came about. This tower needs to be a 250’ self-support tower in order to connect up to existing sites in the area and future sites that they are planning in Trempealeau County. It is a multi-tenant tower so it will allow for co-location for up to three additional users, so that should cover all the mandates in the zoning ordinance. Lien verified that the conditional use permit was actually issued back in 2000 for that site for a 250 foot tower that was never constructed. Brandt called for any public testimony. Lien read a letter, dated December 8th, from the Town of Sumner which stated the town board has no problem with this request. Brandt closed the public hearing at 9:20 AM. Nelson made a motion to approve the Conditional Use Permit as presented, Bice seconded. Brandt inquired who was responsible for maintaining the road. Begley stated as far as initial access, there is already a road that is there, so they are going to use that existing access. AT & T/Central States Tower will upgrade the road slightly, with a gravel overlay. Any snowplowing is usually contracted with the landowner or someone local. Begley added that as far as co-locating on another structure/tower that tower is just too short and doesn’t meet the requirements that AT & T need to provide service for that area. Lien added that FAA requirements are that anything over 200 feet must be lit. Lien stated there has been some trouble in the past, when the tower goes online; it has to switch to amber lighting at sundown or during the evening. Sometimes they have trouble making that transition immediately so there is a white strobe going off at night. Lien explained he gets calls every time that happens. Begley responded they have pretty good luck with them, but every now and then it does happen. Motion to approve the Conditional Use Permit with the standard conditions applying passed with no opposition.

Public Hearing – Conditional Use Permit –Non-Metallic Mine-Proppant Specialists, LLC-Jeramy & Nicole Dunn and LeRoy Sobotta, Landowners/Applicants – Arcadia, WI – Proppant Specialists, LLC, Operator, Brady, TX Chairman Brandt called the public hearing to order at 9:20 AM. Nelson read the public hearing notice aloud. Brueggen referred the Committee to the overhead aerial photo and pointed out the area that the mine will encompass. Brueggen explained the proposed site is for the entire mining process including extraction, processing and then the finished product trucked off site. The proposed truck routes are to Winona, Minnesota. Lien stated a plan was sent to the engineering company for a third party review and that report has been received back. Lien added the information has been sent to the DOT for the TIA (transportation impact analysis). Lien mentioned that under testimony Brueggen has some letters from Tom Woletz from the DNR as there are some concerns and some unanswered questions about the landfill in the area and contamination that has been found around that landfill. With the proposed high capacity well on the site that is somewhat of a concern. Lien added the applicants were present to explain the operation. Brandt asked Proppant representatives to give their presentation.

Ron Jordan, Vice President of Proppant Specialists introduced himself. Jordan stated he has been in the mining industry 20 years specifically industrial sand mining. Vic Kastner, Operations Manager for Proppant Specialists introduced himself and stated when the plan is active he will be responsible for the management of the site. Kastner has been in the mining industry for 35 plus years and is excited about the project. Brad Hunsberger, professional hydrologist for Andrews Engineering introduced himself. Jordan stated their main customers are the oil and gas industry. The reason they are in Wisconsin and in this area is in particular because the sand deposits that are available here are some of the highest quality in the world, so there are limited areas where one can actually go in and secure this material so that is why we have seen this flurry of activity in Wisconsin. It is not readily available in any other state in the U.S. Proppant Specialist, LLC is a Delaware Limited Liability company formed in April 2006. Since that point in time, the first mine they opened and started in operation in September, 2007 in Perryville, Missouri which is a complete facility including drying, shipping finished product from the site. In September, 2008 they opened a similar facility in Boca, Texas which is the same as far as an open pit mine, wash site and drying facility. In 2009, Proppant bought a facility in Reedfield, Wisconsin which is actually a drying facility where they do the actual finishing

process of sand. At the end of 2009, Proppant constructed a wash plant facility near Oakdale, Wisconsin to supply feeding material to the plant in Reedfield. In January of 2011, another drying facility was commissioned in Oakdale, Wisconsin which is also supplied by the facility there. Since the beginning in 2007 in Missouri, that facility has been expanded to include an additional dryer and the wash plant has been expanded. The facility in Texas has been expanded once and they are in the process of permitting an expansion there again and they intend to build another facility in Texas. The Texas facility will add to Proppant's production capabilities and they are well capitalized to support the project. Jordan emphasized that is one thing they do bring to the table is that they are a well capitalized company. They have funding available, they are not out looking for customers and they are well established in the industry and they will be able to perform well on the project. Jordan stated they are not affiliated with any other mining companies that are setting up mines in the area as there are several which Jordan felt everyone has seen. Proppant representatives had met with the Arcadia township earlier this year on three or four occasions, seeking their approval and they have received the approval from the Arcadia township to move forward for the E & LU Committee approval. Some of the benefits that Proppant Specialists anticipates providing to the County are; they anticipate there will be at least forty full time jobs which will be above average pay rates potentially \$15 - \$20.00 per hour and even more for skilled workers. Proppant Specialists provides benefits such as 401K's with matching contributions of 6%; there are health care plans available for employees as well as their families, and a very generous paid vacation program. In addition to the jobs Proppant will be adding, they will be spending several million dollars into the local and area economy for supplies into the operation which will provide additional benefits in addition to the tax base. Brandt expressed to Jordan that the concerns of the Committee have to do with those elements of the permit that relate to the site plan, the timeline that it will be done in, the haul routes, DNR permits. Brandt requested that Jordan talk specifically about what the operation entails, how long it will take, what Proppant will do for water, etc. Jordan stated the properties that Proppant Specialists is permitting were described earlier. As far as the operation itself, Jordan stated there will be a full scale mining operation and it will be similar to many of the mining operations that one has seen in the area. There will be different phases that Proppant will have to go through as far as stripping off the topsoil, and stockpiling for preservation for future reclamation activities. They will follow the guidelines within the County regulations to ensure that they safely store the stockpile from any erosion. Additionally there will be overburden in areas of the quarry that they will have to strip. The overburden will also be stockpiled on site. Some of the overburden will be stockpiled in screening berms along the roadways (on Kujak Lane and also Highway 95) to provide somewhat of a visual barrier to the area. Once the berms are constructed they will also cover the berms with topsoil and seed them so they can actually grow vegetation and provide erosion control. Proppant Specialists will have a Stormwater Prevention Plan that is approved by the state and they have already begun that process and have been working with the State to get a full plan implemented. Jordan stated they will have a Stormwater Pollution Prevention plan in place prior to any construction activity. Proppant Specialists has submitted a NOI (Notice of Intent to Discharge) to the State to indicate their intent to do that and there is a firm out of Green Bay that is working to complete that with Proppant Specialists. Jordan explained the mining will actually begin in the southeast corner of the property and it will progress north from there. As one can see on the map there are sections that are plotted off and each section indicates approximately a years' worth of mining. As Proppant progresses through the plan, they will employ a method of continuous reclamation and it will take a couple of years to get the reclamation process started because they will have to open an area, mine it and when they start into the second area then they can reclaim the first area. Generally what happens in this type of process is that the initial area will be stripped, the topsoil stockpiled and overburden, prepare the area for mining, go ahead and mine that area out and as they are doing that they will also be stripping the next area that will be mined. It essentially becomes a continuous process as one moves along. Once they start mining in the second area then the stripping of the overburden from the third area can go back into the area that was first mined out, so by the third year there should a continuous process going where they are actively mining and actively reclaiming the property all the way through the process. The property that is owned by Proppant Specialists they intend to mine first and they anticipate it will be nine to ten years before they can mine that property. They will then mine the property owned by LeRoy Sobotta and Jeramy Dunn. Once they enter that property they will proceed on the south side of the property moving from east to west and then they will move to the north and go back across the property to the point of start.

Proppant Specialists anticipates that this project has adequate reserves for twenty years of activity with the parcels that they have at this point in time. Instead of just having a simple mining operation, they are going to take it a step further and actually plan on mining the material on site and constructing a wash plant where they will actually cleanse the sand of any clays and silts that exist in the deposit. All the new material that is washed out will be deposited on site. They will have a system of reclamation cyclones and a fines recovery system to recover all the fine material. This material will be deposited back on site and be incorporated into the reclamation. Proppant Specialists plan on putting in two high capacity wells. They plan on installing two 250 gallon wells. The wells will be drilled into the Mount Simon formation, will be cased through the Eau Claire formation and into the Mount Simon formation so that they do not affect the water table that generally everyone in the area draws their water from. After the wash process they plan on constructing a dry processing facility. The dry processing facility will have a dryer similar to a corn dryer – it may be a little more industrial and uses propane or natural gas. All emissions from it will be filtered through a “bag house”. Jordan stated they will have to get air permits from the State for the drying facility as well as the processing plant itself. They will secure the air permits before any construction begins. Regulations in Wisconsin requires that one have the air permits in place before one can actually start construction on any part of the process. After the dryer, they will have a screening facility that will essentially separate the sand into different sizes. There will be conveyor belts and bucket elevators very similar to what is seen at grain elevators in the area. They will be constructing bolt together silos at the site which will be roughly 25 feet in diameter and 60 feet tall. Jordan commented that if they get approval here today, they will need to appear before the Board of Adjustment for a height variance. It will be very similar to the corn silos that are seen in the area however it will be holding sand. From the facility they will actually be shipping finished product by truck to Winona. The volume of traffic leaving the facility will be directly related to their drying operation. They plan on installing a 100 ton per hour dryer. Whether they will be able to achieve that, it is possible, but generally one is looking at 85-90% utilization of capacity. The capacity rating is 100 tons per hour. At that rate the maximum number of trucks they could generate of finished product leaving the facility would be four truck loads per hour. With the amount of hours that are allowed under the current County Zoning, the maximum number of trucks would be approximately 60 truck loads per day. Jordan added the plan at this point is to haul the product in enclosed tankers or tarped trucks since it will be a finished product and it cannot get wet. The roadway going into the plant will be paved to the truck scales and the silos so there should be no tracking out onto the State Highway. The entrance to the property will be to State Highway 95 and all truck traffic will be entering and leave the property by Highway 95. Jordan noted that Kujak Lane is on the rear side of the property but that lane will not be used by any of the truck traffic entering or leaving the property. There may be incidents where maintenance vehicles etc. may have to use that road but Jordan does not anticipate having any equipment that goes into that area. Some of the efforts that Proppant Specialists is taking to address some of the concerns of the neighbors that they have met with on Kujak Lane are; they have agreed to a setback off of Kujak Lane of 300 feet. Proppant plans on constructing a berm on the back side (a lot of it has a very significant incline) but where there is not an incline they would go ahead and add an incline and/or a berm into the area and also add a buffer of various sizes of trees to provide a visual screen as well as a noise buffer on the north side of the property. Proppant Specialists has been in contact with the State of Wisconsin as far as the traffic plan and they will work with them to secure a permit for the area. They have received some information but they are still in development of the actual site plan itself for the roadway entrance, but once they have that completed and turned into the State, they will get their driveway permit. The State DOT has mentioned the possibility of Proppant being required to construct an acceleration lane to the property, extend some box culverts to the area and possibly flatten slopes around the box culverts. They have notified adjoining neighbors to the facility on two occasions that they would be available for discussions. They have met with several of the adjoining neighbors to discuss any issues (screening, berms, etc.) that they have with the project. The Town had suggested that Proppant do inspections of surrounding homes. Typically, Proppant contracts with a third party inspector, who comes to the area and sends letters to the adjoining landowners requesting that they are allowed to come in and do those inspections and all costs are borne by Proppant Specialists. Jordan noted that the only way the third party can do the inspections is if the landowner gives their permission, but Proppant will offer that service to them for well water and adjoining properties. Proppant has agreed with the town to take water samples from adjoining wells and they would like to do that

provided the landowners allow them to do so. They would then continue to monitor the wells annually to make sure that there is no contamination as that was a concern of some of the folks in the area. Brandt inquired about Proppant Specialists blasting permits and the amount of blasting and the internal and/or external drainage. Jordan replied they will be submitting a Stormwater Pollution Prevention plan. As with most locations, it is very difficult to have the stormwater internally drained, especially initially, on a site like this. Any runoff that would be generated from stormwater they will install sediment ponds in locations where it makes sense and as recommended by their consulting engineers. Silt fences, hay bales, ditch blocks etc, will be applied to slow the flow and potential discharge of stormwater. Proppant will not be discharging any processed water from the facility. They will construct a pond to capture water that is recycled. They will have a water clarifier as part of the system to clarify the water and reclaim the water continuously as they go through. The reclaim pond that will be built will be a relatively small pond because they are going to put a fine's recovery system in the plant to recover all the raw material that is plus 270 mesh so the volume of material which is finer than that, which is essentially clays, will be discharged through the clarifier itself. It will essentially be a dewatering pit for the fine material. The water from that pit will be recovered and put back into the process. The actual consumption of water should be significantly less than the two ton or 250 gallon per minutes. They anticipate needing only one well to operate during production and the actual rate of usage would be roughly 200 gallons per minute but that does include the material that is going out on the finished product and has water out of the wash plant in it and that water will be reclaimed through a series of retention ponds. A single 250 gallon per minute well should provide adequate water for the facility once up and running. Kastner stated they anticipate blasting once a week but it depends on the peak particle velocities of the blast. The bigger the blast the higher the peak particle velocities. They are going to higher a third party, professional, blasting company. They will utilize seismographs to evaluate and study the blasts. They will start blasting a good distance away from the closest neighbors which will be up on Kujak Lane. So in year ten or twelve, as they get nearer to the neighbors/structures, they will have a significant handle on what they need to do to keep the peak particle velocities down to keep from causing any damage. They may be able to cut the blasts down to every two weeks but it is difficult to tell until one can get in there and see how the rock reacts. Kastner stated there were some requests from the neighbors about notifications. Proppant Specialists is used to working with neighbors because they understand the concerns that they have and they will work with them as they go through the mining process. Jordan stated that whenever they looked at the property they identified that the property is adjacent to the City of Arcadia landfill. Jordan contacted the City of Arcadia, early on in the process, to discuss the landfill with the City officials (Ryan Sheehy, City Manager, Mayor Kimmel and Davy Engineering) to see if there were any concerns. Jordan stated they have done some research themselves and at this point they don't believe there is any concern and Jordan didn't believe that the City has any concerns with Proppant mining the property adjacent to the landfill. In researching the property, the position of Proppants' watering wells (the fact that they are casing them through the Eau Claire formation) should protect the landfill from any effects of the operation. Brandt called on Hunsberger to speak. Hunsberger stated there are two main issues with the landfill, the first one being that the two high capacity wells are going to be cased through the Mount Simon formation. The majority of the water in the wells in that area comes from the Eau Claire formation which is above the Mount Simon formation. The Eau Claire is dalmatic sandstone, it has shale stratification in it and it is silty which means that they are filling in void space between sand granules, so there is very minimal vertical movement in the Eau Claire formation. It is essentially a vertical barrier. The United States Geological Survey (USGS) did an evaluation on that, on the Minnesota Border, in the Eau Claire formation. As part of Arcadia well #5, Davy Engineering did a comprehensive pump test on that, they had observation wells and the Eau Claire formation and the shallow sandstones, while they pumped at 1200 gpm's (gallons per minute) over a 24 hour period to evaluate if there was going to be any effect in the Eau Claire formation and there was none or zero. Hunsberger stated it is a relatively close pump test, it is a comprehensive test and that just further emphasizes that what USGS reported is accurate in this area. So when the wells are cased into the Mount Simon formation there is not going to be any water drawn up from any other formation. Hunsberger concluded that there should not be any effect on the groundwater beneath the landfill due to these high capacity wells. Hunsberger stated the second issue is that the landfill is located hydraulically down gradient to this property. What that means is that the groundwater is moving away from the Proppant property and so it is going to be very difficult for Proppant to negatively impact the

groundwater at the landfill. Hunsberger added it is already moving unimpeded, so there is going to be no impact from Proppant in the shallow water and the water is down gradient and is not coming on to Proppant's property.

Brandt stated the Committee would now take public testimony, information and concerns from the public and gave some instruction on the procedure. Brandt asked the public to limit their comments to three minutes. Brueggen requested to address several items in the application which might reiterate some of the things that the Proppant representatives mentioned and might address some of the public concerns.

Brueggen stated that generally when there are sites that encompass a high capacity well or any kind of processing facility, the Dept. of Land Management requires a third party review by an engineering firm. The third party reviews the Conditional Use Permit (CUP), and makes any recommendations. The Department can then look at the CUP and move forward with anything else that is needed from the applicant. Brueggen stated the third party review was done in September by Westbrook Associated Engineers, Spring Green, Wisconsin. Brueggen went through the recommendations from Westbrook Engineering; Westbrook had reviewed the sites drainage during mining operations and found that the sites stormwater will flow into several infiltration ponds located in low areas of the site. The ponds will need to be sized to handle a ten year flood event so that no discharge is allowed offsite. No size or capacity information was provided in the application. The wash water will be pumped to a clarifier and recycled during the wash process. Since stormwater and wash water are internally drained at this site, there are no environmental concerns. Westbrook reviewed the haul route and saw no safety concerns with extra truck traffic originating from the mine site. The site is adjacent to State Highway 95 so truck traffic will enter directly onto the state highway. The driveway into the site will be paved and maintained and swept so the product does not get tracked on to the State Highway 95 during trucking operations. According to the permit application all trucks leaving the site will be enclosed to keep the product dry, this will prevent the sand from becoming airborne so that it stays off the road. Prior to approval of a high capacity well which is to provide water to be used in the wash plant, the high capacity well approval application from the Wisconsin DNR will need to be completed and approved. A water table draw down analysis will need to be completed that shows the adjacent public and private wells will not be affected in a negative way. No ground water modeling was included in this application. After mine reclamation has been completed, the infiltration pond will have been removed and the drainage pattern will return to the pre-mining pattern. This should cause no problem to the environment around the site as long as the vegetation is established on all 21 sections of the reclaimed mine. Post mining slopes will meet the maximum 3 to 1 slope and the area will be used for agriculture once the mine work and reclamation are complete. The erosion control plan is adequate to take care of onsite stormwater, but will need to be kept in place until all vegetation is established. Any erosion mats that are placed on slopes in the mining area will remain as a permanent erosion control device. There is no financial assurance report at the time that this was written or included in the application for this project but should be submitted to Trempealeau County prior to any project approval. In summary, the review of the CUP application shows that non-metallic mining to be completed on the Proppant Specialists property will not meet the requirements of Wisconsin DNR and Trempealeau County comprehensive zoning under the Comprehensive Zoning Ordinance Chapter 13. A cultural resource site review should be completed by the DNR as there was not one included in this report. Since no groundwater modeling was completed for this site, approval for the application should not include permission to construct high capacity wells for use in the wash plant operation. The approval for the wells could be approved separately at a later date once it is established that no adverse effects will be done to adjacent wells, however, they recommend that this analysis be done prior to approval of this CUP. A financial assurance report for the reclamation of this site should be completed and provided to Trempealeau County prior to approval. Brueggen stated this report was done in September and since then these concerns have been addressed. They have been sent forth to Proppant Specialists for their review to meet the rest of these standards. The stormwater plan is "in the works" according to Brueggen. Brueggen has a copy of it and it is currently under review by the DNR. There may be changes made to that plan based on what has been submitted and what may be needed. No approval will be given by DNR until those are met. In the revised application that Brueggen has, there was some groundwater modeling. The potential drawdown's were part of the municipal

water supplies for the Town of Arcadia which were approximately two and one half miles away and they used the mod flow which is a computer model that they can base off their pumping requirements and distances from that area. They found a maximum drawdown that would occur at Well #3 in Arcadia. It would be less than five feet drawdown which meets Wisconsin Administrative Code NR 812.09 Subchapter 4, Subsection 1. The draw down at a public utility well cannot exceed ten feet so with that modeling they are looking at less than five feet for Well #3. At the pumping rate of 200 gallons per minute (gpm) it is less than two feet at well #3, so they are within the state regulations. There was also a study done on private owned wells, which are in the Eau Claire formation and the depths of the area private wells, static pumping water levels during development and rate and duration of development were reviewed to evaluate potential effects from the use of groundwater at the proposed mine operations and based on those evaluations there should be minimal to no influence to any of the water wells reviewed. Brueggen read aloud the following letter from Tom Woletz the point of contact at DNR for frac sand mining in the State of Wisconsin. Woletz wrote the letter to landowner, Joe Giemza on December 13th, 2011. It reads, "Per our discussion yesterday, I took a quick look at the file for Arcadia land fill. It is fairly extensive and takes up one complete file drawer. From what Woletz could gather, this landfill was typical of the old municipal land fills which use open burning to reduce the waste volume. It was likely closed in the early 1990's. There were some allegations of material from various local industries being placed in the landfill, but those were never confirmed. Nonetheless, contaminants from the landfill are moving offsite. There are twenty six monitoring wells surrounding the site and they show a number of volatile compounds and heavy metals. Volatile compounds detected in the monitoring wells are benzene, tetrochloroethane and one/two dichloroethane. These volatile compounds are those associated with gasoline, paints, thinners, cleaning solvents and other similar materials and when ingested in high enough concentrations can result in an increase in cancer risk. The heavy metals detected are iron, arsenic and manganese. Some of these increased heavy metals may be natural occurring and can be increased by the chemistry of other contaminants in the soil. There are three down gradient, private wells which are also being sampled as some of the contamination has shown up in these wells, however the levels' (with the exception of one recent sample) result from manganese have been below the drinking water standards. At this time they have no applications in the mine at the site adjacent to the landfill. Given the ongoing contamination issues at the landfill, they will be looking very carefully at any wells or ponds constructed at the site to assure they do not make the problem any worse. At this time, they do not have any plans to look at so it is not possible to determine what, if any issues, they may have. There is the possibility that a mine may be able to be located there and not have any impact whatsoever on the contamination and then again it might. We don't have any information to make an estimate whether it would or would not."

The Committee began public testimony.

Stephen Doerr – Registered to testify for information only (wishes to speak specifically to external draining of waste water) Doerr thanks Proppant Specialists for considering the investment in creating jobs in Trempealeau County. Doerr stated he has three major concerns. The first major concern is, when reading over the plan, it identifies in the DNR application for stormwater pollution prevention plan that there would be an externally drained mine site with up to 4,000 gallons per day. In working with Lien and Trempealeau County and DNR on other sites it has always been insisted on that if one wants to do well with the neighbors make sure that the site is internally drained. In Doerr's review of the plan (unless things have changed) it was an externally drained stormwater pollution prevention plan with to 4,000 gallons per day – that being one to two households, months supply of water being expelled per day. That is obviously a concern (not to say that is not appropriate) but we would have to trust the DNR on that. Immediately that sets up a concern that Doerr would have for the people of Trempealeau County and obviously the people of that area. In knowing about the polluted landfill within that water area, again we have to trust the DNR to help us with that. The second thing is that unfortunately Frac Tech Services of Texas, who Doerr visited with back in March of 2011 had appreciated Doerr bringing samples of Trempealeau County sand to them, wherein Doerr was assisting some of the residents of the Arcadia township as well as Trempealeau township. Mr. Paul from Frac Tech Services assured Doerr that he would be well compensated for working with the company, because they had some sand in Texas, but they didn't have the quality sand that they needed, so they came to know that it was up in

Wisconsin. Mr. Paul forwarded Doerr to Ron Jordan, back in May 2011, and he said that Jordan takes care of their Wisconsin sand deposits and exploration and that Doerr would be working with him. Doerr claims that Ron Jordan didn't want to work with him any further. Upon doing so, Doerr requested that at the minimum, could Jordan at least give Doerr the intelligence and the frac sand samples that Doerr brought to Texas and turned over to Frac Tech Services. Doerr did say, at the minimum request, Jordan was extremely cordial and did send Doerr an e-mail with the intelligence on those tests that were run by either Jordan's company or Frac Tech Services. Doerr has had two conversations in the past two weeks in excess of half hour with Jordan. Doerr is trying to settle this mitigation issue and they haven't come to a conclusion on it and as one may or may not know Jordan works very well capitalized by what Doerr believes could be Frac Tech Services. At this point of the unfinished mitigation, Doerr hoped that this board would assist to make sure that they take care of all of their affairs prior coming forward with this application. Doerr's third concern (which has nothing to do with Proppant Specialists to Doerr's knowledge) is the fact that, as they shared in their presentation today, they have no DOT results as to how they are going to enter State Highway 95 and travel to Winona with their material. Doerr knew that was a major concern of the County. Doerr works with other sand companies and unfortunately Mr. Brueggen had removed Doerr from the November 14th hearing based on Doerr not having DOT confirmed transport of material. Brandt interjected and stated that is an issue that the County deals with and that is part of the County's standard conditions that the applicant work with the DOT and have a permit from them and engineering in terms of exits, etc. Doerr stated that was his third concern and maybe it was an oversight that some mine sites coming forward, at the same time, were not allowed public hearings while others have been privileged to come forward without those completed.

Deloras Vind – Registered to testify in opposition. Vind stated we found out today that the company does not have a DOA permit, it does not have a stormwater plan nor has the DNR frac mining expert looked over the plans on the issue of the landfill. Therefore, Vind feels this should not be voted on at this time until those issues are addressed. Vind also wanted to bring up the issue of the land values of the neighbors in the vicinity of a mine. There are studies out there that state that if your next door your land value will most likely drop at least 30% if you're within a quarter mile, 20% if you're within a half mile and 15% a mile and 9% drop in property values if you're within five miles. Vind would like to know if the Committee has addressed this issue and expressed that they really should be concerned about the people who live in this community now. These people have had jobs and pay for their property tax and those jobs will be destroyed. Thirdly Vind wanted to talk about several things that the Town of Arcadia always brings up which is that Ottawa Mine has put truck covers on their vehicles and they have always said they are such wonderful people that they have done that, well most likely it is a tax write-off. Vind mentioned Town of Arcadia always brings up free fill that Ottawa mine brings in. At this point, Brandt corrected Vind that there is no Ottawa Mine. Vind was referring to the mine that exists in Arcadia.

Donna Brogan, Blair – Registered to testify in opposition. Brogan stated she has heard a lot today and had no idea the scope of this project. Brogan thought there are a lot of unknowns and at the least, this thing should be slowed down until the DNR and DOT are involved. Brogan would like the County to consider a year long moratorium on sand mining permits, in general. Two counties in Minnesota, as well as Eau Claire County, Wisconsin have done this. These are temporary bans and they give people time to actually stop and think is this really the best use of our land. Brogan believes sand mining sells us short. Right now, above the sand, we have, not overburden, no burden as we have farmland, we have pasture, hunting ground, forage land for mushroom lovers and berry pickers, trees for logging, a recreational destination for ATV's, snowmobilers, bikers and cyclers. It is a value added landscape, we should not minimize it. When Brogan moved here, she remarked that you don't need a lot of money to be rich in Trempealeau County. Every person who lives here or visits has a million dollar view, let's build on this, and not dig it down.

Margaret Olsen, Galesville – Registered to testify in opposition. In the U.S. Congress they have been having some hearings on this. One of the people, Daniel Yergin, testified and is considered an energy expert/guru on the energy topic. He is actually a proponent or supportive of the frac industry especially with regard to natural gas. Even he clarified that in the frac industry there are three areas of concern aside from ground table

contamination. Those three areas are air quality, roads, and wastewater which he felt needed to be addressed further because there were some widespread problems within the industry. All three of those factors concerned are involved in the operations around here. Olsen obtained information from the LaCrosse County Highway Department in regard to truck traffic, but in examining the vehicle weight, one normally loaded, five axle truck is equivalent to 9600 cars. One truck that is overloaded at 20% is the equivalent of 19,000 cars. Olsen knows that we are aware of the heavy truck traffic going on here and the big, big concern throughout the County regarding the conditions of our roads. Up in Menomonie, Olsen saw pictures of a highway intersection and this segment of highway is supposed to have a good life capacity of 20 years. In two years those pictures showed the repairs and patching that needed to be done on that highway. Olsen reminded the Committee about the number of trucks from this operation plus all of the trucks from the other operations and the County will have a real mess on its' hands. Olsen heard last evening, from Lien that 60 proposals have been suggested and they aren't having any success in terms of the County getting compensation for those road repairs. Olsen stated Trempealeau County is considered to have one of the best Ordinances on Non-metallic Mining in the State. The County did a really good job and Olsen applauds them.

Roger Wygel, Arcadia – Registered to testify in opposition. One of the duties and responsibilities of this Environment and Land Use Committee is to protect the health, safety and welfare of the public and adjacent landowners. By issuing a Conditional Use Permit to Proppant Specialists, the health, safety and welfare of the public could be in jeopardy. With blasting and the use of heavy machinery near the City landfill, toxic and hazardous wastes could present a problem and one could be waking a sleeping giant.

Joe Giemza, Arcadia – Registered to testify in opposition. Giemza stated his talk will be a little shorter since Brueggen had read Giemza's letter from Tom Woletz, DNR. Giemza had spoken on the phone with Woletz extensively. Giemza's main concern is that sand is the filtration system that purifies the water that comes out of the sky runoff and to our food into the groundwater. The township, which does a poor job of listening to the people who come to the meetings, are elected by us and are supposed to look out for us. Personally, Gynea's opinion was that they are not. The townships duty is to protect the interests of the town's people as they entrusted in the town. There are mining applications coming like one wouldn't believe. We may have the best Non-metallic Ordinance in the State, but still it is a wildfire going out of control. Giemza stated we need a moratorium, we need to sit back and take a deep breath and look this over. Giemza referenced the letter from Tom Woletz, DNR. Giemza added Trempealeau County is beautiful country, the fall colors are amazing and reclaiming the land to near original state is impossible. When one takes down the hill, it is gone, it is not coming back. The 50-60 year old oak trees, they're gone. The land is not going to be reclaimed. There are towns and wells in Texas that are contaminated. Giemza referred to a newspaper article where in one town they can turn the water on, strike a match and they have a blow torch. There is a town in Wyoming where their water is contaminated and for what, so oil and gas companies can make millions. We have a precious resource in this county and we should protect it. These companies come in and they dazzle us with how good this is, they wave a carrot in front of the donkey's nose and we're supposed to follow them. Giemza reiterated we need to slow down and digest this. We can't just pass out permits. In regard to the landfill, it is bad. There are two young girls, they were best friends, one girl resided very close to this landfill and she had a rare case of brain cancer. Her best friend, who stayed at her house a lot, came up with the same cancer and she passed away and we're going to start blasting and digging next to this landfill. They are going to make millions from Trempealeau County and what are we getting in return – minimal. Giemza closed by saying this Committee is entrusted by the citizens of the County. No matter what the decision is today, favor or not or maybe just change the distance away from the landfill, just remember when you vote that when you walk down the street, and you see your friends, your neighbors, whatever, can you look them in the eye and say, "I made the right decision." You will see these people all over town because they live here, the applicants do not live here and they will never live here. They are going to take their product and make their millions. (Applause followed).

Ellen Czaplewski – Register in opposition but not testify. Czaplewski declined to testify at this time and stated Giemza had stated everything she had wanted to say.

James Palanuik – Register to appear and testify for information only. Palanuik stated he was present mainly just to pick up information. Palanuik questioned the moratorium. Palanuik stated that during a moratorium period, all processes are stopped from going on, the mining applications, the DNR studies, all of it. So consequently, Palanuik didn't know if anything is accomplished during that period of time. The informational meetings that are held for people like this and with the standards that are put forth by the State and DNR and everyone else to protect our health and things of that nature, every time we have a meeting some new information comes forward and the process that we go through to ok or not ok an application is quite extensive. Palanuik didn't feel that a moratorium helps anything. It will slow down the process, but the information that we gain, every time we have one of these meetings, is a lot more helpful, than just putting everything on the "back burner" and keeping everything quiet and saying we are not going to do anything until next year. Then we will be right back to the same process that we're at right now. There is really no gain for the people who are making the applications or the people involved in the community.

Don Powis, Whitehall – Registered to appear and testify for information. Powis has a house out here on the road and he made a presentation last night in which he stated there isn't a lot of transparency in regard to what these issues are. Essentially what happened, is that there was somebody kicking around down on the corner, that there was to be a road about 55 or 60 feet from his house. Nobody told Powis and he asked permission to put up a lemonade stand so he could sell lemonade at 75 cents a cup. Powis wasn't sure if a lemonade stand here would work or not, but Powis feels that the newspapers and the information sometimes that we have out here is, sort of, not complete and he doesn't really know why. Powis had also heard that our Land Conservation had 60 trips and that a representative from the County Board was promoting information and getting signatures on some million dollar payback kinds of things and Powis thinks that there is essentially a conflict of interest here and requested that it be looked into on a little bit more professional basis. Powis is also concerned about the property values. Powis is an earth scientist and also a licensed mental health person. Powis has heard from a person in the area who is exceedingly afraid. Lacking information, Powis doesn't know what is behind that he hasn't tried to study it. Powis and his wife came back from vacation and they tried to drive down the road over by Castle Hill in Jackson County and there are some ruts in there and Powis has kind of a new car and he didn't want it to get knocked out. Powis works in Jackson County and those ruts were there most of the summer and they are deep and that is on a public state highway. One can talk to anybody in Jackson County about that. Powis felt we ought to have an oversight committee. Powis didn't feel it should be composed of several pieces of the community, to kind of study this and publish it and take a look so that nobody is getting accused of being on one side or the other. Certainly this is big money, some people are going to be happy, some people are not but yet on the other hand there is a whole story that is not being told. There isn't a lot of information and Powis is sure that these people would provide much more information if asked and so would the county folks and the people from the community. It is just terrible to see this thing going back and forth between people, some getting rich, some not, and some people getting threatened. Powis has two situations where folks have been threatened; one on both sides and that is terrible. Maybe we can do it a little better, with more information, a little more compensation or some sort of compensation for the folks if the property value goes down. Powis finished by saying it is really neat to see a lot of folks here and inquired if anyone from the newspaper was present. No one being present, Powis commented that if you're publishing a newspaper in Trempealeau County, you don't hate anybody, what you do is inform them and Powis's question is where are they?

Ellen Czaplewski – Czaplewski stated she has a lot of concerns too about the air quality and what is going to happen to our land, how are they going to replace the deer hunting and everything else that is going on around here. Czaplewski stated she is not for it, not at all.

Brandt called for any other public testimony.

Bert Hodous – Registered to testify in opposition. As a physician in the town of Arcadia and a resident in this community, I want to urge the committee to show some thoughtful restraint toward the proposed sand mine being considered today. In this particular area, the DNR has described what it calls a contamination plume emanating from the dump nearby. Will there be adverse effects from digging into the surrounding soil, from

stripping off the sand filter to North Creek? What might be the impact on nearby wells? Surface water appears to run westward from these hills into the Town of Arcadia. We're proud of the quality of water in Arcadia. Are we recklessly risking it by blasting and digging into these hills?

I also have a grave concern about the aerosolizing of silica dust both at the mine site and in transit. Neighbors of the Blair mine report sand dusting the interiors of their cars even though their windows are rolled up. Mine operators had promised that trucks carting sand from already existing mines would be covered to minimize the silica dust in the air. I regularly see sand-laden trucks rumbling right through town in Arcadia, uncovered. This makes me begin to doubt the promises.

What other promises have been made? One is that this sand mine (and all the others and all the many others to come) will provide income and wealth to people over many years. I think this is a grand illusion. Business thrives in a climate of stable, projectable expansion. Mining is the classic boom/bust industry. And locally it's already creating volatility and instability and strife.

Another promise I often hear is that sand mines will be good neighbors. Let me address the neighborliness of sand mines. I have never witnessed such wholesale loss of community cohesion as I have observed this past year. The extensive sell-offs of contiguous parcels are being celebrated like victories for the people. But that's not what's happening. Families are fleeing, they're being run off because who among us wants to live next door to a big, noisy, lit-up, dusty pit? Visit Kujak Lane in North Creek. Ask the people there, living in a lovely, gently idyllic setting -- what will your land be worth, what'll it be like to hang on there after the mines have muscled in? They're fleeing, or they're ready to flee, or they're trapped.

Our elected officials and regulatory agencies should be protecting our communities and stabilizing them. Instead I see us celebrating like victories the invasion and destruction of the fragile fabric of neighbors that we depend upon here. (Applause followed).

Dave Hesch – Registered to testify in favor. Hesch is now running an operation in Trempealeau County that extracts sand. Hesch stated they tarp all their trucks and Hesch will not let his trucks leave the site unless they are tarped. Any truck one sees hauling sand is not one of Hesch's. One has to understand that Trempealeau County hauls sand, Wilber Lime hauls sand, and everybody in this County that is trucking sand does not have the requirement to tarp their trucks. Hesch voluntarily tarps his trucks and they do not leave his site unless they are tarped. Hesch also has a scale, on site that they are weighed and no truck ever leaves without being legally weighed. All these rumors about trucks going up and down the road are not Hesch's trucks and one has to understand that. Hesch brought this up to the County. The County doesn't even tarp their trucks. One sees all these lime trucks going down the road, lime is blowing off, there are tarps on it, but they are not tarped. Hesch stated don't associate frac sand and us with the people who are not doing it – don't put everyone in one group. Hesch stated his pits are internally drained nor do they have wells on them. Don't associate Hesch with the people that are going to put wells in. Hesch is not saying anything against the people who want to do it, but understand that these wells are way below where we're drinking. Most of the contamination that we have in Trempealeau County does not come from what Hesch does and Hesch isn't telling where it comes from, everybody knows. Hesch stated a lot of the people that are against this, the only reason they are against it is because they are jealous and because they don't have sand on their property. Brandt stated that is just Hesch's comment. Hesch added that he was entitled to the comment. Hesch clarified that what he is doing, he didn't want associated with everyone else.

Brandt stated something we all need to keep forward in our minds is that this is not a frac mine, per se. We have to separate the end use of the material from what it is they're doing here, although obviously as was stated, we have high quality sand that is used in the fracking industry, this is not a fracking process, it is a non-metallic mining process.

Upon Brandt's inquiry, Lien stated Brueggen has a letter to read from the Town and the Town has also proposed some conditions. The letter stated the Town of Arcadia Board of Supervisors passed a motion at their October 26th, 2011 board meeting stating they have no objection to Trempealeau County issuing a Conditional Use Permit for a non-metallic mine to Proppant Specialists, LLC as long as all listed conditions are met.

Ronald Tuschner – Town of Arcadia Chairman – Tuschner understood what Joe Giemza had said. Tuschner wanted to make it very very clear that they at the town are a governmental body also. What they do and what they recommend in the conditional uses and what they hear from the people is not hearsay when they make a decision. They try to have whatever statistical data is available to them that can be proven and not just hearsay or verbiage. Tuschner stated they understand people's comments of living next to a sand mine. Tuschner himself had a chance to turn around and probe, but his family has made a conscientious decision not because that is Tuschner's decision and nobody else's. The Town of Arcadia board went to a frac sand seminar, last week, up in Eau Claire, where the professor (from Eau Claire) stated that there is statistical data, as Ms. Vind said, regarding "x" number of percent of property value "x" distance from frac sand mining equals "x". A few minutes later a Wisconsin Dept. of Revenue representative (who has statistical data) stood up and said exactly the opposite. He stated it is equal to or in excess, it exceeds the property values and he can prove it by DOR's assessment. Tuschner asked who the Town is to believe. Tuschner addressed the question, "Are we representing the people who put us in office?" Tuschner felt they were because if one attends a Board of Revue, they are a judicious body that can only rule on what is presented to them and statistically proven to them. Tuschner stated he gets emotional just like anyone in this room; however that emotion has to be set aside when the decisions are being made, just like this body that we're in front of today. Tuschner asked to be excused for getting a little emotional, but asked to be given information that can be proven and the Town will abide by it, but don't come with emotions. Tuschner understands what everyone is saying in regard to the Town of Arcadia and he hears them, but reiterated that has to be put aside when they make a decision. It is for the betterment of the community, per se. Tuschner added, if one wants them to rule in those favors, please provide the Town with the information. Tuschner commented that the gentlemen sitting up front have given an excellent presentation and provided everything they have been asked for. Tuschner apologized but stated it is jobs and the Town of Arcadia looks for jobs, as well as everyone sitting here including those that are opposed to this. Tuschner asked where people are going to go when they need crushed rock or lime for their fields or whatever for the cement in their basements. Tuschner asked that everyone look at the whole picture and not get emotional and look at one side of things, but put everything together and make a scientific and statistical decision. (Applause followed).

Joe Giemza asked Tuschner if he had asked the town assessor what property values are going to do. Tuschner stated he just had a conversation with C.J. Becker two or three days previous. Tuschner told Becker about the frac sand meeting (there is another one scheduled January 12th at the Plaza Hotel in Eau Claire). Tuschner urged those people who are interested to attend. Becker told Tuschner that even the assessment of these mining facilities, except for some of the personal properties being handled, are being turned over to DOR, not to a county assessor. Tuschner stated he does not see a lot of people here from his township and he, nor his town board are against them. The board is looking for ideas and looking out for everyone's benefit.

Brueggen read several e-mails that he had received.

Chris Blaschko – E-mail I won't be able to make the hearing today because of work, but wanted to take a minute to express my family's continued concern over the proposed sand mines in the North Creek area. I live very close to the proposed sand mine on Kujak Ln and can see the area clearly out of my back windows. Questions I have...

1. Out of curiosity, how long (approximately) does it take to mine a hillside of that size. 5 years, 10 years, 20 years, more ?
2. Will the area be re-landscaped when completed to look "natural"?

3. There is a landfill close to the mine area. What sort of issues might that create?

I am pro-business and all for boosting the economy with new jobs and increased revenues/spending that the sand mine brings with it. When it's literally in your back yard, you naturally have concerns. My main concern has been and will continue to be my property value. Please protect my property value.

Gary & Mary Rose Putz – E-mail - I do have some concerns to pass along to the board about the mining issue. I live at the bottom of the hills owned by Leroy Sobotta. When it rains there is a lot of runoff onto our land. Proppant talks about putting up berms, to stop erosion, but the land runs for a good 1/4 mile along my land. What will keep this mining operation from running onto my land? Will I see a lot of sand in my yard. Also Proppant Spec. drilled holes about 300 feet from my house. I hope to retire in 12 years, which is the time frame for the mines to be on this hillside. Not much to look forward to there. Blasting that close will damage the structure of the house. What about drinking water pollution? In the Winona Daily News, there was an article about groundwater contamination out in North Dakota caused by frac mining. This was a DNR or EPA test that found this. Noise pollution, which I know they promised to use the quiet backup alarms, but machinery will still operate for long hours. I could go on, but I have heard a lot of these arguments at both the township meetings and the county meetings. I do not want to see the natural beauty of Trempealeau Co. destroyed by mining. I worry about all the gray areas about the whole mining operation being cleared up first, such as property values and all the health issues brought on by these operations. Thank you.

Brueggen read in the conditions presented by the Town of Arcadia in addition to the standard non-metallic mining conditions for Proppant Specialists, LLC Non-metallic sand mine.

1. All structures and wells on the properties immediately adjoining the conditional use permit site shall be inspected and the condition of each shall be recorded prior to the commencement of any mining at this site. These wells and structures should periodically be inspected to determine to the extent practical whether or not damage has occurred as a result of the mining operations. Water samples will be taken from the wells annually. Water samples, inspections and damage costs should be borne by Proppant Specialists, LLC.
2. The opening of the mining pits, depletion of those pits and reclamation of those areas shall occur in the order presented to the Town of Arcadia by Proppant Specialists, LLC.
3. Existing perimeter tree canopy at highest points of elevation must remain to keep the visual appearance, aesthetics and reduce dust from leaving the proposed mining area.
4. If the Department of Natural Resources changes permitted air quality standards as they relate to silica and/or silica related compounds, the conditional use shall be modified accordingly so Proppant Specialists, LLC activities must always comply with the most recent DNR standards.
5. The Town of Arcadia Board of Supervisors review and approve final site plan and equipment list when available and prior to issuance of the Conditional Use Permit.
6. A notice shall be given to adjacent landowners within 2,500 feet of the blasting area, 24 hours prior to blasting.
7. Blasting plans submitted and approved by Department of Land Management prior to any continual blasting.
8. Financial assurance amount will be established after final site plan approval and prior to any excavation activity.

9. The Town of Arcadia board should meet with Proppant Specialists, LLC a minimum of every six months for the first two years, then if mutually agreed, annual after the second full year of mining activity.
10. The Town of Arcadia Board of Supervisors shall review the conditions, compliance and complaints of Proppant Specialists, LLC permit with the owner/operators on an annual basis.
11. A 300 foot setback from Kujak Lane. Reclamation will be at a 3 to 1 slope.
12. No mining trucks or equipment staging on Kujak Lane.
13. Entrance and exit driveways shall be blacktopped prior to mining operations on entering Highway 95.
14. Proppant Specialists, LLC shall be responsible for picking up rocks and/or debris on adjoining land, at the landowner's request, in a timely fashion.
15. Proppant Specialists, LLC shall provide an initial training and site visit to emergency responders for site specific dangers and chemicals that may require additional precautions during an emergency response situation.
16. The back-up alarms used on all mining trucks must be the new style, low tone alarm.
17. All mining trucks leaving will be tarped.

The foregoing list of conditions should not be construed as the only conditions to be applied to the conditional use permit. The Town of Arcadia understands and expects that the standard Trempealeau County permit conditions to non-metallic mining will apply together with whatever other conditions Trempealeau County believes to be in the best interests of all concerned.

Brandt thanked the Town of Arcadia for their list of conditions and expressed an appreciation for the work that they do.

Brandt called for any other testimony. There being none, Brandt closed the public hearing at 10:55 AM. Thompson made a motion to approve the Conditional Use Permit, Quarne seconded.

Lien stated he had some questions for the applicant. Lien stated later on in the meeting the Committee will be talking about road use agreements with mining companies in Trempealeau County, specifically working with the Highway Commissioner. Other surrounding areas have entered into road use agreements whereby the applicant volunteers something up to the County because there is not doubt that there is road degradation that takes place. Lien inquired if Proppant Specialists, LLC would be willing to sit down with the Highway Commissioner and discuss the possibilities. Jordan responded the facility and location is on the State Highway and they don't anticipate using county funded highways for transportation of their products so Jordan wasn't sure if that particular question would apply. All trucks that are leaving the facility are paying road use taxes to the State of Wisconsin. Jordan stated they located specifically on the State Highway to avoid any issues with county or township roads. Jordan added if they were working with a county road they would definitely work with the county on any issues. Jordan mentioned they already do that in Monroe County where they have a facility and have made improvements to the county highway at their cost. Lien conceded that in this situation it may not apply but commented that ultimately state roads are repaired with taxpayer's dollars too. Thompson commented that Jordan had mentioned earlier that he was working with the DOT on an impact analysis.

Lien state numerous people have come forward and we heard Tom Woletz DNR letter. It seemed clear to Lien that the contamination is most likely in the Eau Claire layer, not the Mount Simon layer which Proppant will be drawing from. Lien suggested increasing the distance from the landfill. Lien also suggested a monitoring well and in this case a monitoring well on the closest side of the property to the landfill would probably be a good safeguard for not only the mining company but for the neighbors around there and then call for periodic testing. Lien suggested Proppant Specialists consider a plate press to utilize as much water as possible. Lien knew that some of the companies are utilizing that technology to recoup water. Lien verified that the ponds were to be clay lined. Lien stated there is maintenance with clay lined ponds as far as having to extract the sediment out of those over a period of time. No matter how good of an operator one has, even if there is a two foot liner, it could easily be penetrated. The Committee had thrown around ideas of possibly a concrete lined sediment pond, for cleaning purposes so there isn't any chance for possible ground water contamination. Lien stated this all relates to, if they are using a clarifying system one assumes they are going to use a polyacrylamide/flocculant. Jordan responded they will be using flocculants as determined by the chemical companies usually they try to stay with NSF approved flocculants which are typically biodegradable and used in drinking water systems, so the potential for contamination is essentially non-existent because of the biodegradable nature of the flocculants and the fact that they are approved for drinking water systems. Jordan didn't anticipate there being any issue. In regard to Lien's inquiry about a monitoring well, Jordan stated Proppant does intend to install three monitoring wells along the property line where the land fill is – to monitor for water levels and any possible contamination. Jordan stated that was already in their plans. Jordan added they would have been installed already, however technically Proppant doesn't own the land yet. Geske questioned Jordan in regard to using the safest flocculants and what happens if they can't. Jordan responded they haven't had an incident where they couldn't use the safest flocculants. Geske state there must be a "Plan B". Jordan responded it would be the lining in the ponds must be maintained. Jordan responded the issue of the biodegradable flocculants, and the clay lining becoming damaged becomes a lesser issue. They will still have clay lined ponds which will protect from the non-biodegradable flocculants which could potentially be used. Jordan added they have never had to go to anything that was not environmentally approved; they work closely with the State agencies because they don't want to get into concrete and synthetic liners, etc. Geske added if Proppant would have to go to some other flocculent he would like to see the issue brought back before the Committee. Lien stated Jordan had commented on flocculants being used in drinking water. Lien clarified that flocculants are used to settle out fines in water. In drinking water the flocculants are settled out, attached to the fine particles and they go somewhere else, they are not in the drinking water. In the mining industry the flocculants/polyacrylamides are attached to the fine particles and go back into reclamation literally millions of gallons over a period of time. To Lien's knowledge, there has never been any long term studies on effects of polyacrylamide being stored at large capacities in reclamation material. Lien stated he has a label in his office which states "Not known to be harmful", just because it has not been studied and we don't know about it, this government bodies' job is health, safety and welfare of the public, so they exercise every caution to protect that, so because it hasn't been studied doesn't mean it is not going to be a problem in the future. That is where Lien is coming from as staff making these recommendations. In drinking water it is not in the water it is taken out, but in mining reclamation those materials are attached to the fine products that go back into the landfill. According to our Ordinance and most scenarios one can reclaim that material back as close as 10 feet above groundwater and usually the only separation there is porous sand, so it is a concern for the public. In addressing blasting, DLM encourages blasting plans, they have to meet Comm 7. What staff has noticed is that even though people are within the limits of Comm 7, when they push those limits, DLM gets a lot of complaints. One can still meet Comm 7, but it is intrusive to neighbors, so DLM encourages a blasting plan where one starts out at more repetitive, small blasts and work up, but always staying under the threshold of Comm7. We encourage or require a blasting plan be submitted to DLM so one is working with the neighbors at tolerable levels. Lien continued the proposed permit length is 20 years. The Ordinance reads that as long as the requirements of the Ordinance are met, it would be conditioned at a 20 year period. The CUP holder can work through that 20 year period, following all the conditions. At the end of 20 years, the CUP holder can file for a 2 year extension and then a 2 year extension after that. Lien stated one of the things that hasn't been addressed until recently, in the reclamation process (NR-135 requirements)

six inches of topsoil is to be placed back. Typically these sites are reclaimed to farm fields. Lien thought everyone understands that if six inches of topsoil is put over fine sand there is not going to be much of a crop. Lien's request is that the A and B horizons be separated and put back appropriately - put the B horizon back with A over the top of it so the land can actually be utilized as crop field instead of just reclaiming it to "brush" land or grassland. Bice inquired if Proppant agreed with that. Jordan replied that as far as the reclamation, he wasn't sure of the specifics of the horizons that Lien is talking about. Part of the issue that could come up on the property in reclamation is the depth of the topsoil - as the actual thickness of topsoil on part of the property is very minimal due to weather erosion and the fact that it has been farmed on top of the hill for years, so there could be some issue as far as availability of topsoil. Jordan stated they would certainly meet the minimum requirements and do what they could to go beyond that, but if they don't have the material available to reclaim to that state, Jordan would ask that the County not require them to haul material to this site just to meet the reclamation if the material is not available. In looking at the borings that Proppant did, Lien stated they were calling it overburden, but the upper layer above what would be mineable material varied in some borings - ten foot to sixty five feet of overburden material, so realistically they shouldn't have to haul anything in. If it is separated appropriately, Proppant should have enough material and Lien added the County wouldn't expect them to have to haul in additional material above and beyond what is there. Kastner commented the overburden Lien is talking about is the sandy shale's and Proppant would put the fine/reject sand in first on the cut slope, then cover that with shale and cover that with topsoil which is typical and that provides the best growth pattern by not putting six inches on raw sand. Lien has seen a lot of that - just six inches of topsoil over fine sand. Kastner added it is an advantage or a disadvantage depending how one looks at it. It is a disadvantage from a cost stand point as they have a lot of shale (some places in the lowlands don't have that shale) so they are anticipating that that removal will be enough to do that - they don't know that yet. Proppant will use all that they can for the surface above the sand as long as it is available to them. Lien stated we have a lot of small mining facilities where local landowners are doing raw extraction similar to Mr. Hesch. Lien inquired if Proppant Specialists has ever considered allowing people to bring material into the site and then charge a fee for processing? Lien explained his mindset, that right now the County is having a lot of trucking of raw material and there are certain percentages of that which are waste so we have excess trucking. Proppant is going to be hauling a finished product which reduces truck trafficking - is that something Proppant Specialists has considered. Jordan responded that in regard to this particular facility, they have not considered that as an option. As far as processing, they typically wouldn't have material brought into a facility that they own and process it and give it back to the person. If they did anything of that nature, it would be where they would actually purchase it, and then process it themselves. The problem that one runs into with that type of an operation is one typically generates a lot of waste material for fine sands, etc., which there is really no market for and truck traffic is essentially increased because one has all of this additional material that has to be hauled off. Proppant does a similar operation at another facility where they actually get sand from different landowners. What they are in the process of doing there, to reduce truck traffic and wear and tear on county roads is actually locating wash facilities at the places that they are sourcing sand from and that way it limits all the excess material that will need to be hauled and decreasing the amount of truck traffic. At some point, Proppant will be pretty much set up to where they can fill their needs at that facility, so Jordan doesn't anticipate bringing it in and the additional truck traffic would probably be unwelcome in that area from a neighbors standpoint. Proppant plans facilities to minimize truck traffic because that is the biggest impact on the largest part of the population that is why they have done it the way they have. Lien's final comment was that this is the second proposal that the County has had for a complete facility. The only other one permitted of this nature would be Winn Bay and the Committee required three air quality monitors at that site located on the exterior perimeter and then staff would have access to that information at any given time and could relay that information to the public. Nelson questioned if Proppant had ever considered lining their sediment pond with cement - as Nelson has no time for clay bottoms. Nelson has been a farmer and with the manure pits he had no time for clay bottoms either. Nelson feels cement is what is going to hold everything. Nelson asked if Proppant would be opposed to lining their sediment ponds with cement. Kastner felt that one would need to look at what they are putting in the ponds as it may be overkill if one is just putting in water and sand and using flocculants that are not intrusive to the environment. That extra cost would be substantial versus a clay lined pit that is in the Wonnewoc layer which is not an aquifer per se. Kastner added if the need was there and

environmental reason to go that extra mile. Kastner didn't think there would be a problem, but he has to question whether that is necessary. Bice has been told by an expert that if these flocculants are put into a fish bowl, it will kill the fish. Bice asked if that was true. Kastner asked how much Bice would be putting in – if it is pure flocculent it will kill the fish as it does take some oxygen from the water. Kastner is not a chemist and referred to Hunsberger. Hunsberger responded that the oxygen is the issue. Bice asked, as a condition of this permit, would Proppant agree to use concrete lined pits. Bice knew it was a lot to ask, but Bice thought it may be a major decision here as to whether the permit is approved or not. Kastner responded, depending on the composition of the clay actually is a better lining material. Bice replied the problem with clay is that it can be damaged and punctured. Kastner added there are other alternatives that might work too such as like Claymax or GCO- a geoplasmic liner. Geske added there are manure pits that are poly or plastic too. Lien commented one can technically build a clay lined or poly-lined, the problem is these are sediment ponds that need to be repetitively cleaned and any time it is excavated it is very easy to penetrate that liner. Bice inquired if an alternative to that would be a clarifier. Lien believed they have a clarifying system planned. Jordan added the only way a clarifying system works is if flocculants are added because it just stirs muddy water and shoot muddy water back out. A chemical has to be added to get it to function properly. Lien stated the clarifier doesn't take out 100 % of the moisture where a place press takes out additional, so Proppant is using watering ponds to put the material in to get additional water out. Lien concluded it is used with a clarifier versus using a plate press. Bice asked if Proppant representatives understood the concept of separating the A & B soils – in other words the higher quality soils that come off these areas have to be put in one area and the next layer needs to be set in another area so at reclamation time it can be put back in what is considered a “reclaimed” state. Bice asked if Proppant could live with that and they responded they could. Kastner stated they have worked with several soil scientists around the area. Kastner is not a soil scientist so they would need to point out what would be called a A or B horizon, but they will work with soil scientists in the area and they can separate that and it wouldn't be a problem. Bice stated Proppant has a diagram which shows a fair amount of unmined area on the borders of the property. Bice asked how wide that perimeter is from the area that Proppant intends to mine versus the property line. Jordan believed that most of the area around it is typically at 100 feet and it does not reflect the 300 foot offset on Kujak Lane. For the record Bice verified that Proppant was going to stay 100 feet from the property line. Jordan responded they are not going to mine within 100 feet of the property line. There may be some berm in that area for “chilling” of views. Bice asked how far (many feet) Proppants property (where they were going to be mining) was from the actual dumpsite. Jordan responded they actually border the dump. Geske asked to be shown on the map where the dump is and where the wells are going to be. Kastner pointed these items out on the aerial photo. Nelson asked what the distance was between the land fill area and the wash plant facility. Jordan responded roughly ½ mile. Bice stated Proppant has heard all the conditions listed by the township and inquired if they could live with those conditions. Jordan replied that in reviewing the townships issues, #17 says all mining trucks will be tarped and all trucks leaving the property most likely will be enclosed or in a closed type tanker and so the specific nature of saying tarped could be misconstrued. Jordan added it will be enclosed either by tarp or by enclosed tanker. Bice asked Lien if it was acceptable, with a clarifier, to use the clay lined pit. Lien replied that is an acceptable measure. Lien added this Committee has had previous conversations on this issue, where the Committee had concerns as well as the neighbors with the clay lined pond versus concrete. Vold commented when the Committee had viewed Gullicksrud's they had the clay lining on the sides and concrete on the bottom so that they could clean the bottoms, with end loaders, which contained sand. Vold added if one uses vinyl liners, sand cannot be cleaned out of it. Geske asked how big in feet the pit was going to be. Jordan responded they anticipate it to be no more than an acre. Bice's opinion was that this Committee would have reservations on not having the bottom of that pit be concrete and what Vold just suggested was clay lined sides with a concrete bottom and the approach. Bice asked if Proppant would do that. Kastner commented the Committee was trying to keep nitrogen's and other things from being a contaminant and what Proppant is saying is that their not sure there are going to be any contaminants to worry about. Geske commented Proppant is not sure there are going to be contaminants and the Committee is not sure. Kastner stated if there is the potential then let's look at it but just to say “concrete line them” seems to be premature. Bice stated it would be a lot easier for Proppant to clean the pit. Kastner replied they don't clean them. Jordan added best case would be a place press but they are just not sure of the efficiencies. Some onsite tests have been done and

they haven't performed necessarily as the "billing" said they will. Lien commented whatever the reading the plate press says, double it because they don't run as they are rated. Jordan agreed that is the issue as they are not sure they are running properly. Proppant has guys working on that right now – that is their primary function to define every system in ultra fines recovery systems and different methods for covering all the fine sand in clay. Kastner added they prefer to handle it as solid rather than a solution when one starts dealing with ponds, etc. The water will get back faster by using clarifiers. Kastner didn't know if the plate presses are still widely used for the type of fines – there is another system that is a watering screen type that can still do the solids. They would prefer to do the solids too as they don't want to have huge ponds. Bice was suggesting that if Proppant doesn't agree to a concrete bottom, Proppant may not get this CUP approved. Bice suggested that Proppant consider that seriously and agree to that. Jordan replied they will definitely consider that especially if the County puts it on as a condition. Brandt added Proppant could more than consider it a condition. Geske stated (in regard to the trucks leaving the site) that he has heard at other sites, trucks don't come back the same route. Geske would like the same routes to and from the site. Lien stated part of the TIA (traffic impact analysis) with the DOT is that they must specify a haul route and that is made part of their conditions. Proppant has specified that the haul route will be State Highway 95 and 93 and then 35 and over – and that is in their plan. Thompson had a question for City of Arcadia representative, Ryan Sheehy. Thompson asked if there were monitoring wells out at the site right now. Sheehy responded there were. Thompson thought the City would know if there was a problem right now with the water and if there was a problem, DNR would be doing something. Brueggen stated the letter he read earlier to Joe Giemza from Tom Woletz, DNR, referred to twenty six monitoring wells surrounding the site and he also listed number of volatile compounds and heavy metals including benzene, tetrochlorylethane and one/two dichloroethane and they are related to gasoline, paints, thinners, cleaning solvents and other similar materials and when ingested in high enough concentrations can result in an increase in cancer risk. The heavy metal detected is iron, arsenic and manganese and some of these are naturally occurring. Thompson reiterated if it was bad enough to be a problem right now, the DNR would be making them clean up that site. Thompson's opinion was that if Proppant put a monitoring well next to that it should take care of the problem of it going onto someone else's property. Quarne asked if they would be mining at the same level as the landfill or would it be higher or what level would it be. Jordan wasn't sure what the actual bottom elevation of the landfill and he wasn't sure they had topography that showed what the actual elevation is. Jordan anticipated that they were probably going to be above that level but he can't specifically guarantee that because he doesn't have the topography of the area, but Jordan thought they were going to be above the elevation of the landfill. Thompson commented it was hard to tell how close the dump was to the lot line. Sheehy stated they went to the NR-500 cap (clay cap over a majority of the landfill area) where it was land filled by the City so the actual acreage of the landfill itself is 40 acres but the City didn't use 100% of that landfill. Lien clarified that with the towns proposal, in Condition #1 - All structures and wells on the properties immediately adjoining the conditional use permit site shall be inspected, the Committee has historically made that a distance of 2, 500 linear feet. In referencing Item #11, the town has a 300 foot setback from Kujak Lane, which Lien understood the increase for that, but then it says reclamation will be at a 3 to 1 slope. Lien stated prior notes show that the town has historically required a 4 to 1 slope which is more restrictive than the County Ordinance which states 3 to 1, so in this specific case the town is suggesting the same language as the Ordinance. Bice suggested to Proppant that if they meet the conditions that have been asked of them; concrete liner in the pit and the air quality monitors then Bice would support the CUP and encourage this to be passed, but Bice would not vote for it without the concrete basin. Upon Brandt's inquiry, Bice verified a concrete base and approach so that they can drive into it. Upon Vold's questioning, Lien verified there were no wetlands on this site. Jordan stated Proppant had hired a firm to do some studies and there was nothing that indicated any wetlands on the property. Brandt expressed his concerns related to what has been mentioned here. Brandt stated the Committee has been struggling with the property value issue and it is a concern that this Committee has been trying to get a handle on as to what exactly it means. Mines obviously have an affect on what goes on in the community. One gentleman spoke about what happens when mining comes to a community and there have been a number of people who have expressed concerns about just that. Brandt mentioned there is also an archaeological issue in that this site is rich in already identified sites – twenty one – on being the cemetery a mile down the road. Brandt asked what Proppant's intent was related to the archaeological significance of the area that Proppant found and during the

process of the mining activity. Brandt asked how Proppant was going to approach that because in the plan it says, "It is up in the air" and there wasn't any identified on the site but there were quite a few in the area. Jordan replied they did a cultural resource review of the site to see if there were indications of any on the site. Jordan is not aware of any that are on the particular property that Proppant is buying and didn't feel they would be adversely affecting any in the area by their activities. Jordan didn't anticipate any occurrence and Jordan wasn't sure how to answer. Brandt responded that Jordan already answered it as Jordan didn't anticipate disturbing any of the sites that already exist. Brandt's question had to do with, if they find a graveyard or artifacts, does Proppant have someone on staff who can identify those and notify the appropriate governmental entity and how to deal with it. Jordan responded if they come across a gravesite, they will notify the appropriate authorities and investigate it and shut down activities on the site as soon as it is discovered and do the research to determine if there is one or more potential graves on the site. Jordan doesn't anticipate that but there is always the possibility, and if that does occur they will take the appropriate steps with the State and organizations. Brandt commented it hasn't been an issue up until now because the cultural resource inventory hadn't created as many hits as this site has – it is a significant amount. Brandt brought forth another issue that came up in the plan which has to do with the east bound travel and traffic relating to the possibility that folks would come and buy sand from Proppant and take it someplace else that weren't related specifically to Proppant's markets, in other words Proppant would be selling sand off site to other people and whoever it is they are shipping it to on the Mississippi. Lien just described how it is the traffic impact analysis (TIA) gets worked into the CUP and the information that helps determine that is, how it is one plans and how much one plans to ship down the highway. Brandt would like to hear something more detailed about what their plans are for shipping in another direction because Brandt thinks that would either affect the TIA or have the potential of being a "deal breaker"(in the sense that they would be outside of the CUP) if they started shipping considerable amounts of sand to the east. Jordan replied at this point they don't anticipate shipping anything by truck other than to Winona. Proppant has been drying sand in Reedfield for two or three years and when they first got the facility started before they had rail access, they did ship some by truck. In the last two years they probably shipped a dozen trucks. It is a rare occasion because typically they are so far away from anywhere it doesn't really make any sense. The volumes that these wells take are so large that the truck loads that they would make out of this one facility in a day really don't have an affect because it is not enough quantity to do - it takes multiple days of productions and the sheer number of trucks trying to transport the sand over a long distance is just not feasible. Brandt stated in the plan it mentions the possibility of selling the sand to other operators that would come possibly from the north and the east and buy a load and take it somewhere else. Brandt asked if that was something that Proppant was planning at this point. Jordan responded they are not planning that at this time for this site. They feel all the sand will go to Winona and be loaded in rail cars. They don't have any plans to sell it to anyone else, but in the event the market changes the possibility is that things could change. Brandt explained that if that happens that is a potential change in the conditions, then Proppant would have to come back to the Committee or to staff who would determine whether or not to open this CUP up again. The point Brandt was trying to make is that if there is a significant change to what it is that we agree to today then that is a reason to re-open the CUP. Kastner responded that they don't see a significant change. As Jordan said most of the sand goes out by rail, but that doesn't mean that there won't be three or four trucks that come in and are headed for North Dakota and they pick up a load and may head over to Interstate 94, but it is not a significant pattern. Brandt stated that was a staff call as to the definition of significant. Brandt added that Proppant would have to communicate that action to DLM staff to say that Proppant is doing something that is not in the CUP. Kastner assumed they would talk to the State DOT as they would want to know that information also when they design the egress, but right now Proppant does not have any plans to ship trucks the other direction. Thompson verified they are not going to be selling any waste sand (if a local trucker needed some fill). Kastner replied they didn't have any intention of doing that. Jordan mentioned at their other facilities they have donated sand to 4-H or FFA but if the Committee doesn't want any sand going out with that it's ok they won't do it. Kastner added they have given bedding sand to local dairies and people who want to use it instead of Proppant just burying it as part of a being a good neighbor, but if there are limits on that fine. Brandt added Proppant may want to keep a handle on that not only because of the CUP but because Proppant will need the fill for the 3 to 1 slope. Brandt was confused when he was reading the reclamation plan as there is one point in the plan where Proppant describes an

internal drainage system which Brandt suspected had to do with the structures being used to slow down the flow of draining water, but also when Proppant talks about the wash water associated with the wash process, Proppant talks about it being 4000 gallons per day that is discharged to groundwater and Brandt is wondering if that is specific to the settling ponds that are talked about or if Proppant assumes that they're not going to be able to capture that 4000 gallons for use within the process. Jordan responded that was anticipated potential discharge for soaking into the ground and the potential ponds. There is going to be a certain amount that is lost to evaporation, but that is not really a discharge and they felt there would be a loss just with the soaking in. In regard to external drainage, it is almost impossible to internally drain one of these things especially when starting the operation. Brandt asked where does the stuff go and has Proppant worked that out. Jordan replied they are currently finishing the design of the Storm water Prevention plan and Proppant will utilize retention ponds in some areas and in other areas they will use hay bales, silt fences or appropriate methods. There will be some offsite discharge in significant storm events and Proppant will be required to sample the water quality and submit it for test results to verify that they are not exceeding any of the allowable limits of discharges from the property. If a system is determined to be ineffective Proppant will have a retro fitted system with the construction of additional ponds, additional outfalls and erosion control measures to come into compliance. As a condition, Brandt stated Proppant is required to give the County the site plan. There was a picture of a processing center that Proppant has someplace else and Brandt is assuming what Proppant is doing here is similar/identical to that site plan. The projected timeline actually becomes part of the CUP and that Proppant follows what it is they are saying not only in terms of digging out the stuff but also in reclamation. Brandt reminded Proppant again that if there are significant changes (staff will be out there checking things out and the township will be looking after the site) it means that Proppant comes back to the Committee and the permit is re-opened. 20 years is what Proppant has projected for the life of the mine unless they buy more land at which point either a two year extension or another CUP would be needed. Kastner commented when they get into these scenarios they will work very closely with the DLM to develop the reclamation because people here grow stuff all the time and there are preferred seeds, wild seeds, preferred tree plantings, they work with the neighbors to see what trees they want, what gives good blockage, if the town wants a 4 to 1 slope on State Highway 95 that they are going to put that in. Kastner reiterated they work with local folks because Kastner guarantees what is growing in his backyard in Texas is not what is grown up here. Brandt stated when Kastner talked about blasting and the neighbors, Kastner spoke as though it would be an informal agreement in terms of how to work with them on blasting. Brandt continued that County conditions require Proppant to give people within 2500 feet of the blasting area a 24 hour notice that will happen. Kastner replied that is not a problem, but some people don't want the notice. Kastner inquired if it should be given anyway? Brandt responded, yes. Brandt was reminded of another condition regarding the testing of the wells and foundations - again 2500 feet if they want to allow you to do that. Someone cannot be forced to do the testing but it has to be offered to them. Kastner reiterated they will work with people and their plant manager will have an open door and if people have concerns then they can come in and talk with them. Kastner doesn't live here but the forty people that do and or are going to (the plant manager will live here and be part of the community) you'll have that connection at that level. After listening to this, Tuschner stated the Arcadia town board did not discuss this, but it was a concern of Tuschner's and it was brought to him at one of their meetings. In the towns conditions they are to meet with those people "x" number of times per year for so many years. Tuschner stated if they get a complaint on the town board, any town board members, whereby that mine is located, cannot legally go on that mine site because of not being MSHA (Mine Safety and Health Administration) trained or certified. Tuschner needs clarification on that and again it is to protect, not Tuschner, but his constituents. Tuschner questioned if this is reality and if it is how can the town address complaints from the public if they come to us and the town is not allowed to go on site to see if those complaints are valid or not. Hesch responded that MSHA does take care of the mine sites. Hesch has a sign up sheet at his mine site shack and if one looks at the signs at they come into the mine site, it directs visitors to report to that mine site shack first. Visitors can come on site as long as there is somebody accompanying them and they sign in, are properly attired and Hesch goes through all the safety features that they have to know before they can walk around the site. To answer Tuschner's question, whoever the supervisor is on the site can take visitors in. Brandt reviewed the discussion to this point. Staff has a number of recommendations, Town of Arcadia has some conditions, there has been a request from a number of people to slow the overall process down by

thinking about a moratorium, the Committee heard concerns about property values, landscape and the natural beauty of the area as a resource, and a number of people including staff spoke about the land fill and issues related to that. Vold, Nelson, Bice and Geske, a majority of the Committee, have all indicated a desire for a concrete bottom and approach to their settling ponds. A concern that Brandt and Lien share is with the flocculent as this is the one majority water quality issue that this kind of processing operation raises and it is something that needs to be “nailed down”. Saying “try to” and “to the best of our ability” is not the same as “we’re going to do this” so we’ll need as much information as possible. Proppant has listed that flocculants will be used but there are no spec. sheets on those flocculants. Brandt added the County will need to know exactly what Proppant is going to use and also the data sheet on them. Brandt stated what the Committee needs to do is deal with staff recommendations, separately approve the conditions from the Town of Arcadia and also make sure as part of the conditions that the WPDES permits and air quality permits are in hand. Brandt listed Lien’s concerns as; concrete vs. clay lined ponds, plate press (Proppant had indicated they were looking into that), further setback from the land fill (citizens had also requested this), the flocculants, monitoring wells (if Proppant says they are going to do three monitoring wells that will be place in the conditions and then that will be required). In regard to blasting plans, staff is recommending starting with smaller blasts before moving to large blasts so as to be tolerable with neighbors. In regard to the discussion about A and B horizons, Brandt felt Proppant took Lien’s point of topsoil over fine sand so we need to find some way to isolate that fine sand as much as possible and then the air quality monitors. Brandt gave the Committee several action options. Bice suggested establishing the conditions and moving forward. Geske made a motion to apply/include the Town of Arcadia conditions to the Conditional Use Permit, Nelson seconded, motion carried with no opposition. Brandt called for additional conditions. Geske inquired how quick Proppant wanted to get this (the County’s passage) done as this is Geske’s first month on the Committee and he likes things all laid out in front of him, to take a look at it and “digest” it and hates to jump in on something that he is not sure of. Brandt stated the Committee will now list possible conditions on the overhead screen for discussion and then as approved they will be added to the CUP. The timeline is laid out in the plan and it is certainly going to depend on when they get permits, if they do get permits from the State as well as the DOT. Jordan stated this is essentially the first process in a whole chain of events and there is a lot of the next steps depending on the approval at this level, so Proppant would like to have the permit sooner rather than later. Any delay here pushes Proppants time line out another month or two. Kastner stated an air quality permit is six months or longer and there is no sense in starting that process and moving through there if this Committee is not going to approve Proppant even being here. Kastner added, the first step is, can we come here and will the other regulatory agencies give Proppant permits as well to make the whole thing work. Lien commented he uses the term “preliminary” approval because if the CUP is passed today, that doesn’t mean they have the green light, they still have to meet all the conditions and that takes time. Lien suggested, because of the time and today’s meeting agenda, if the Board’s wish is to preliminary approve this today with conditions, DLM staff could type up all the conditions as discussed today and bring them back next month and then move forward from there. Discussion followed regarding the motions on the table. Brandt stated Lien is recommending the Committee give “preliminary” approval to the conditions that were previously discussed. Nelson stated Bice had suggested a concrete lined bottom, curb and approach for all ponds. Bice clarified what Lien was asking for. Lien stated the Town, DLM staff and Bice have suggested conditions which no one seemed to oppose those conditions, so they could be typed up and brought back next month as opposed to continuing to work on this as the agenda is very long today. Brueggen interjected stating the Storm water permit and the air quality permits are already at the state and are being reviewed. Brueggen continued that there has been work with the DOT regarding the roads, but the permits haven’t been issued pending the approval of the CUP.

Joe Slaby asked to speak Slaby is an adjacent landowner to the mine project. Slaby has constructed numerous jobs (barnyards, toll structures and manure pits) through the Trempealeau County Watershed project. Slaby inquired if these concrete lined ponds were going to be cleaned out over time or it is just going to be filled up with sand and left alone, over the years, like a pond situation. Slaby works with concrete (and it does crack), Slaby felt the seepage, as time goes on, if it would be contaminated would probably leak out. There is a lot of expense here for people who want to wash sand and Slaby didn’t know if that was necessary

and suggested taking a closer look at a clay bottom and more clay to make it seal better. Brandt responded that DLM staff has the expertise to determine that so the Committee would allow them to deal with that. Thompson commented these ponds are going to be cleaned periodically also. Bice voiced that if he had his way, the Committee would establish the conditions and get this thing over with. Bice wasn't sure why the conditions should be brought back here next month as Proppant wants to know when they leave here today what the rules are. Thompson stated the conditions are up on the board. Quarne added the only thing to be added would be the distance from the landfill as that hasn't been addressed up to this point. Brandt stated currently there is a 100 foot setback from the property line until Proppant starts mining on that side and Proppant is talking about at least 10 years before they get to that end of the property. Quarne inquired if there was a setback from the DNR – how far they have to be away from the landfill. Lien answered that Tom Woletz had mentioned in his letter that because he has not received a formal application, no study has been done, so that is something that should be considered with the DNR requirements. Hesch stated he had dug those holes for the landfill, he also covered it, and so he did both parts of it. Hesch pointed out specific areas of the landfill on the aerial photo including the trenches, burn pits and area lines. Hesch added the DNR would have records on the where the landfill stops. Geske, not knowing the topography or the sand or anything about it, questioned if that was going to be a heavy blasting site for Proppant? In regard to the blasting, Jordan answered they are going to be mining sandstone and turning it into sand. The blasting that is done is a very controllable process. There have been studies around landfills, etc. where there are recommended peak particle velocities and blasting companies are very good at achieving peak particle velocities. Jordan stated in a 100 foot setback he didn't believe there was any issue at all with the land fill being there because it is somewhat offset of the property line. The blasting company can also control the vibration if there is any requirement by the DNR for blasting around landfills in Wisconsin and blasting companies are fully aware. Geske inquired if Proppant would be ok with the condition that the blasting around the landfill be determined by DNR or their setbacks or what they feel would be safe? Kastner stated they would be happy to work with DNR on a plan. Kastner added he didn't think anyone in this room has the expertise to know exactly what that impact will be. Kastner stated they have worked at other landfills, but they certainly would engage the DNR and come up with a plan. Geske added it would be ten years before Proppant gets there so there is a lot of time to work with it, it is going to be an open spot on this permit, but that is when there'll be a problem. Brandt read the following additional conditions as listed on the overhead screen; settling pond with clay lined sides with a concrete bottom and approach, further setbacks from neighboring residents, installation of monitoring wells, installation of air monitoring devices, separation of A and B horizons for reclamation following DNR recommendations for blasting setbacks. Proppant has agreed to 300 feet off of Kujak Lane. Thompson made a motion to approve/apply the additional conditions to the CUP, Bice seconded, motion carried with Quarne abstaining from the vote because of a possible conflict of interest. Brandt reiterated that Proppant need to get the WPDES permit, the air quality permit and if the DOT advises/requires Proppant to do something with State Highway 95 that becomes a condition as well.

Proppant Specialists, LLC, Farmland Preservation Special Use Application. DLM staff member, Judy Betker was present. Betker stated the land that Proppant Specialists, LLC bought is in Farmland Preservation. 174.392 acres were purchased from Kenneth and Margaret Gandyra and there is a Farmland Preservation agreement on that land that expires March 24th, 2014. In order to do the mining on this land, a special use is required which is called a Special Use Application Modification of Farmland Preservation Agreement. Betker stated the Committee has been through this process a couple of times before and it is basically a formality. Farmland Preservation at the DATCP level puts the responsibility on this Committee for following our ordinances, the conditions that the Committee has set on it and basically is a formality to approve the conditions. This application will go to full County Board for approval and is then sent down to the State Dept of Ag and on the land that is mined, a Farmland Preservation tax credit cannot be claimed. The public hearing for the CUP satisfied the rules for this Special Use. Betker understood that the Committee had approved the CUP application with conditions, so Betker was here to ask that the Committee approve this Special Use Application for Farmland Preservation for this land to be mined- the non-metallic mining extraction on this property with the conditions the Committee has already set. Thompson made a motion to approve the Special Use Modification of Farmland Preservation Agreement as presented, Nelson seconded. Geske inquired if they

will have to pay back the money. Betker responded they do not, as this goes forward and one cannot claim credits once mining is started. Betker emphasized this is a Special Use and not a buyout. Motion carried with no opposition.

Dennis Rossa Conditional Use Permit - Attorney Rick Schaumberg stated he is present to represent Dennis Rossa regarding a Conditional Use Permit as there were a couple of objections that were filed by Jeff & Carol Bawek and Beth Killian. All three parties are present today. Schaumberg was happy to say that they resolved these issues in the form of two stipulations that Schaumberg is going to draft up and will be signed by the parties. Schaumberg will record them at the Register of Deeds. Schaumberg is asking the Committee to “conditionally” approve the CUP and then “finally” approve them once these two stipulations are signed and recorded. Schaumberg reiterated all three parties are here today so they can verify that there is an agreement. Brandt asked Lien to describe how we got to this point and why this is necessary. Lien explained that a public hearing was held on the Rossa Non-metallic mining site. Through that process, the Committee established a series of conditions. On recommendation from the County Corporation Counsel, the parties were given thirty days to mitigate some issues with property values and a spring that is located on adjacent property. Lien stated it sounds like the parties have come to an agreement with that. In addition, several discussions have been held on Road Use Agreements. As this is a County road, Lien would state that those agreements still should apply and the parties should be meeting with Highway Commissioner Johnson. Lien thought they had worked a little on this in the past. Lien felt this should also be a condition – to meet with Johnson and work out any road issues related to the County road on this site. Lien closed by saying those were the only two things that were pending on the Rossa CUP, so if the issues have been resolved there is no reason not to move forward. Smick made a motion to approve to accept/approve the additional conditions and accept the agreement of the three parties involved, Bice seconded. Smick complimented the Bawek’s and Killian. After reading on what has obviously been a lot of work on their part, (as the Committee had read documents forwarded to them) it was a very responsible and resourceful resolution and Smick felt that needed to be acknowledged. Smick stated it is appreciated. Schaumberg stated what it really comes down to is just neighbors being neighbors. They have known each other for many years. Schaumberg came in here this morning and said “we’re getting out of here with just another headache”, but the three parties “pounded” it out. Schaumberg felt that is what this Committee envisioned when they gave the parties thirty days to try to work this out - mitigate it or mediate it or whatever and that is what these neighbors did and they get all the credit as they “pounded” it out today. That is what neighbors do and they got it taken care of. Motion to approve carried with Geske abstaining as he was new to the Committee and knew nothing about the issue and Quarne abstaining due to a possible conflict of interest.

Konkel/Lilla Conditional Use Permit - Lien stated Stephen Doerr has asked that this issue be placed back on the agenda. Lien explained that the reason this has been tabled is that the Town of Trempealeau has put a moratorium in place and they have not given recommended conditions to the Committee and Lien knows that they are working on them as Lien has been in contact with the town. Lien felt they were getting closer to having something drafted, but to Lien’s knowledge nothing is completed, but Doerr had asked that this be placed on the agenda. Brandt reminded Doerr that the last time Doerr was present, his point was that the Committee should “bust heads and pull rank” and approve the permit even though Trempealeau hasn’t provided any documentation. Doerr felt that was an inappropriate summary of what happened last October. Brandt thought that was pretty close and Doerr had said that Trempealeau had the responsibility and because Trempealeau didn’t take it that this Committee should. Brandt asked if Doerr had anything new to add to this situation. Doerr asked Lien if he received an impact analysis for the site which was a condition placed on local sand mine applicants. Lien responded two days ago, he received an e-mail which stated, “Kevin I couldn’t find where I had put this in writing, but I remember talking with you on the Konkel site regarding the TIA and road improvements. The intersection of Bortle Road is already constructed with a right turn lane and a bypass lane. We would not require additional improvements to access State Highway 93 at this time. As always, if traffic issues arise, the intersection would need to be re-evaluated”. Lien thought that basically the DOT is stating they don’t have an issue where it intersects with the State road, so it falls back on the town and the Trempealeau County Highway Commissioner to work out those other road agreements. Doerr stated he

has completed the requirement for traffic impact analysis and the other roads are standard transport roads that tractor trailers have been hauling on for some years. In respect to the Town of Dodge, Doerr stated we the applicants would like to invite the Committee, rather than as Brandt suggested “busting heads, etc.” Doerr didn’t want to “bust heads” he just wanted them to make a decision since they haven’t been able to make one since July 18th. Doerr asked this Committee to go ahead and place Ted Konkell, Roman Lilla, landowners, Steven Doerr, applicant would invite that the Committee have a condition that they do not do any mining on the Phases 1A, 2, 3, 4 and 5 of the plan. Therefore, the applicant parties invite no mining in the Town of Dodge jurisdiction, therefore it removes that conflict(the parties have a legal right that if the Town of Dodge miraculously comes to some type of discovery that they have the ability to write a letter for the applicants), then, the applicants could come back for a hearing, but at the same time, it allows the applicants to just set that aside, for maybe as much as five years or however long it takes Lilla to write a letter on it, that can just be put aside and focus on creating the jobs in Trempealeau. This Committee has the power (Comprehensive Zoning Chapter 10, Section 2). wherein the Committee must receive a letter from the township regarding the CUP. Doerr stated that the Town of Trempealeau, some time ago, had sent a letter to the County regarding the mine site CUP. Doerr continued that given the fact that the Town of Trempealeau has provided that letter, and in that letter they indicated they are neither “for” or “against”, they have left it as the responsibility of this Committee whether to allow Ted Konkell and Roman Lilla to create those jobs and make a legal use of their property or of course to do something else. Doerr invited the Committee to type up a condition -we accept the standard conditions and any other conditions that this Board proposes today plus of course the condition that the applicants do not mine or work in the Town of Dodge jurisdiction which is again 1A, 2,3,4,and 5 phases of the six phase plan. Doerr invited that to be typed up as a condition, the applicants will abide by it and allow them to move forward by approving their permit. Brandt recouped that Doerr’s request was basically to eliminate anything in the Town of Dodge and go forward with the part in the Town of Trempealeau. Brandt thought the issue for him was that Trempealeau (not so much that they have written a letter) has put on a moratorium. Lien verified they are calling it a moratorium and they are working with their legal counsel to draft standard conditions, (similar to what the Town of Arcadia has done), that apply as well as site specific conditions for recommendation to the E & LU Committee and the town does not have those finalized yet. Lien was informed by the towns’ attorney the previous evening that they are working on those conditions but they do not have them finalized yet. Doerr interjected that other sites have been approved, subject to information being provided. Doerr knows for a fact, after visiting with Town of Dodge Chairman Lilla, that they are not moving forward, at all. Doerr elaborated on things that were said at a Town of Dodge meeting. Upon Geske’s inquiry, Doerr responded there were six phases to the mine site. Upon Geske’s question, Doerr responded they could get one phase going in the Town of Trempealeau. Geske inquired how long that phase was going to last. Doerr explained it would be the portion involving both the Ted Konkell and the Roman Lilla property. Doerr further explained this is a time sensitive issue. Doerr has gone to Texas and secured a contract with a Texas company to provide sand. If Doerr doesn’t meet their deadline then the contract is lost money. In referencing the mining plan, Doerr explained it would be in Section 1 and that Phase 6 has approximately 545,000 cubic yards, so that would be approximately three years. Lien asked Doerr to show that area on the overhead map. Doerr added this is an open face rock wall about 15 to 20 feet tall behind the chicken coop which has been there for 15 years which has sand that has been tested, and confirmed by a Texas company that they would like to purchase it. Doerr stated they have a complete reclamation plan that has been on file with the County for sometime. Thompson verified that this wouldn’t be disturbing Robert Walske either. Doerr responded it would not; it is going toward Roman Lilla. Brandt recapped that the request is to approve the modified permit request for just the Town of Trempealeau. Geske verified that the Committee did not have the conditions from the Town of Trempealeau at all. Lien added that Doerr is right as Section 10 does state that the Committee will receive a letter from the town weighing in. Statutorily, Lien didn’t think it needed to be done but the County has always had a close working relationship with the towns of Trempealeau County and have always taken their concerns or their conditions to be very valid. Lien didn’t have any idea when the County would hear from the Town. Lien added this Committee would not necessarily have to follow, legally, but would be treading on new ground taking action with their information. Thompson suggested another preliminary approval depending upon getting the Town of Trempealeau’s information. Brandt stated it would be the same thing, that even if the Committee approves it, if the condition

is to wait for the conditions from the Town of Trempealeau, one can't start mining until the conditions come anyway. Doerr respected that 100% but stated that without preliminary approval some of the financial demands that the Town of Trempealeau Chair Wilbur is making can't be produced, therefore Doerr can't even negotiate a meeting about those financial demands. In example, one demand is close to a million dollars for the Town of Trempealeau roads, but Doerr can't even begin that process without Doerr being able to go back to the "banker" in Texas and say they have preliminary approval for the permit subject to meeting the Town of Trempealeau's demands. Geske asked what if the Town of Trempealeau put's conditions on that Doerr can't meet. Doerr responded they can't get there until getting preliminary approval, because no one out there that Doerr has met will produce money unless one has some type of permit or preliminary approval for a permit to say that sand can be taken out and that is why Doerr is here today asking for that. Discussion followed. Smick agreed with Thompson's suggestion of preliminary approval and felt it would convey to the Town of Trempealeau that we are open minded and willing to accept what they present to us and our doing that might even accelerate their addressing the issue. Geske felt it was putting "the cart before the horse" and Geske preferred to keep the townships happy because the Committee has to deal with them. Thompson commented if we bypass them we're in trouble. Doerr noted a CUP approval for Hesch/Suchla that was previously given with a condition that a letter of town be received. That preliminary approval gave Hesch the ability to go and get the money to do that operation and Doerr wants to be able to do the same thing. Lien inquired of Corporation Counsel Rian Radtke, who was now present, if by taking action and allowing preliminary approval, with an unknown (the Town not weighing in and as Geske had suggested the town comes up with a condition that can't be met) is the Committee allowing Doerr to have false expectations, wherein then Doerr faces a hardship case of being vested, is the Committee opening the County up to some legal issues. Lien added in the case of the Suchla/Hesch CUP, the County had verbal approval from the Town of Arcadia and the written was forthcoming so it was a different scenario. In this case, the Town of Trempealeau has a moratorium and the Committee has no idea what their conditions are going to be. If the Committee gives preliminary approval, Doerr could become financially invested on a false expectation – would that put the County in some legal liability. Radtke responded he didn't know if it was a false expectation. Radtke thought it was clear, if that is the road the Committee wants to go down is to leave it open ended with the final conditions being set by the town and wants to do it in a way that the Committee would not have a final say as to whether they agree with what the town is asking for. Personally, if Radtke was an investor, I wouldn't say that preliminary approval from this Committee has now secured some sort of further security, if there is still an unknown. Radtke added that is not legal advice that is just Radtke's own thoughts. The idea of a Committee just leaving the conditions open ended for another entity to decide without having another say or the ability to say, "we disagree", Radtke advised caution when going down that road, because we don't know what the town is going to put in there and this Committee is charged with the responsibility of establishing the conditions. Radtke didn't know if there was any authority to delegate that to another entity/group/governmental body, so Radtke would be cautious about going down that road of having the town make the conditions rather than this Committee. Geske added is what we're doing is we're oking what they're going to say and we don't have a clue what they are going to condition. Thompson added if the town rejects everything, the Committee couldn't do anything as the plan is dead. Lien responded, legally the Committee can. We have always taken their advice, but Lien and Thompson agreed it isn't the Committee's way of doing things. Doerr thanked the Committee for trying to protect him, but they would follow the law and not begin any expenditures prior to having all conditions met. Thompson added it would give Doerr the ability to get the backing; he wouldn't really be out anything. Upon Thompson's inquiry, Bice stated he is comfortable that the Town of Trempealeau is working on this. Thompson made a motion to preliminarily approve the CUP for a mining operation on the Konkel/Lilla property in the Town of Trempealeau based on the plan as it exists in the current permit request with the condition that the Town of Trempealeau must still provide approval and their conditions to the Committee, Smick seconded. Discussion followed. Brandt called for a voice vote with yes being to approve the motion, no- to not approve or abstain. Smick- yes, Quarne-abstained, Vold-no, Thompson – yes, Nelson – yes, Brandt – no, Geske – no, Bice commented he doesn't live close enough for it to bother him. Bice – yes. Motion to approve passed on a 4-3 vote with one abstention.

Sand Mining Operations and Road Use Agreements – Highway Commissioner Brandt stated Jim Johnson is the Highway Commissioner and Rian Radtke is the County Corporation Counsel. Johnson has asked to appear before the Committee because of some developments. Johnson began by stating the reason he asked to appear before the Committee is to request that before permits are granted that the Highway Committee is involved as they want to have some agreements with the mine owners as far as use on county roads. The Highway Committee wants to know what is happening on county roads, how many trucks, about the TIA or whether the company will have to do some boring or if construction work will need to be done, and a design to uphold the roads that are going to be used by these mines. Lien commented this started a long time ago when Tom Beekman, DOT, came down and talked to the full County Board and this Committee. Lien continued that the Comprehensive Zoning Ordinance clearly states that any costs associated with roads can be placed on the applicant, so what Johnson is referring to is getting closer to that process of saving or repairing our roads that will be degraded by mining activity. Lien felt there was a DOT engineer that can provide some of those services to the County or they may have to be outside services or the cost would be borne by the applicant. They could bore existing road to see what kind of quality is out there or come up with a cost to bring those roads up to a standard that would allow the heavy truck traffic. Brandt questioned Radtke, if as a condition of the permit, could the Committee require the operator to bring the road up to the requirements to handle that kind of traffic. Radtke wouldn't call it a condition. Radtke started by saying the County Ordinance does require this Committee to consider, among other items, the effect or impact of proposed operation (as does the Non-metallic Mining Ordinance), public infrastructure including highways and streets. Radtke didn't think anyone would argue that having heavy loaded trucks, repetitively using, on a daily basis that there is impact there, so that is one thing this Committee has to consider, whether to grant or deny a permit. The Statutes provide the Highway Commissioner, by the Highway Committee, the ability to enter into agreements or contracts with operators that use the road, whereby certain assurances were made that if damages were made to the road that they would be paid for. Statutes give authority to the Highway Commissioner that if the Highway Commissioner feels that the roads are being damaged to a point, at his discretion, he can put weight limits on the roads which would really impact a lot of uses and also certain operators, in particular operations who are hauling sand on the county roads. Radtke believed what the Highway Commissioner was asking for is that at some point, this Committee will refer applicants, who are either approved or nearing approval, to him to discuss or enter into a Road Use Agreement. This type of agreement (similar to what Chippewa, Buffalo and Wood County have used) is an agreement whereby the operator (in this case sand mine operator) who is hauling sand on a county road that they: 1) provide money to improve the road for their intended use because a lot of these roads are not built for this type of use, 2) improvements made to intersections for safety reasons, 3) the agreement also provides that that cost of an engineer to provide the plans for this is borne by the operator. Beyond that there is a maintenance fund that is set up and it is based off of a rate that is set, per ton of the sand that is hauled, per mile. These agreements between Chippewa County are as low as five cents per ton and Buffalo County has \$1.00 per ton. Each road situation is going to be a little different, but if the Highway Commissioner feels the roads are being damaged, the weight limits will be put on to stop the damage. Radtke believed the Commissioner is here to ask that people simply be referred to him so that they can start discussing whether or not the terms of such agreement or whether the uses impact the road – to start that dialogue and/or to start those contracts. Radtke noted that this is independent of this Committee, the authority to enter into these types of agreements. This is why Radtke stated he is asking for a referral as that is different than conditioning. This is just something that needs to be looked at as a Committee - are there assurances in place that the effect and impact on the public infrastructure (county highways) isn't a concern and is it something that is going to result in denying the permit. The way the Ordinance is written, Radtke stated this is not only to be considered on county roads, but town and state roads. Town governments have the same authority to enter into the same type of agreements as well for assurances that damages to the road will be paid for. Upon Lien's inquiry, Radtke responded that it was his feeling that at some point the State may even choose to enter into these types of agreements. Bice asked how the County would distinguish from an operator selling sand as opposed to an operator trucking corn. Johnson responded there is a land use change and that is what triggers this. Brandt asked where in the process Johnson was anticipating being involved, if it was prior to the CUP. Johnson responded it should be early in the process so that there is an established route as to which roads will be used or if there will need to

be a design done on the road to see where the road base is and what the construction costs are to bring it up to that level. Geske verified that this plan is not something that the Committee can put in the CUP. Brandt responded no because this is an agreement that the County Highway Department comes to. Discussion followed on when Johnson had been contacted in the past. Lien would like to see that once DLM has received a complete CUP application and have the TIA information (not complete) that DLM staff will forward them to Johnson at that point and then that information can be forwarded to the DOT. Radtke clarified that Bice had called this a tax, it is not a tax, this is a voluntary agreement entered into by an operator and the Highway Commissioner. Also earlier on this year there were questions by this Committee made to a lot of individuals as to what we can do to protect our roads – why can't we put a tax on them? This is a mechanism whereby damage done to roads can be reimbursed, but it is independent of this Committee. Radtke believed the Committee should set some sort of policy as to when the applications/ operator will be forwarded to the Highway Commissioner. Johnson clarified the agreement that will be set with the operator will be for the route that he is using and that money will be used just for that route. Brandt voiced that this Committee has the opportunity to care for the infrastructure that exists, but the responsibilities land in a different part of the county government than this Committee. Brandt expressed appreciation to Johnson for coming to the Committee and keeping them informed. Smick expressed this was a game of “semantics” or “labels as to. what is a tax or a fee because it all boils down to somebody is paying for it whether it is legalized extortion, etc. at tax, is a tax, is a tax. Smick asked how a fee is determined. Radtke responded as far as he has seen every agreement is a little different, unique to the site and seems to be based on “per ton” for the overall maintenance. The Highway Committee had addressed this issue the previous day and explored using either an engineer to establish that based on facts that we have and using math to figure out what is going to cost to repair a road once it is improved and how long it may last based on the intended use and how much per ton will impact that road. Discussion took place on whether it should be per ton, per mile so that it is not just per ton for short distances the same for long distances. To answer the question, Radtke didn't think there was any conclusion yet as it will be based on each case and as we (Radtke's office assisting)are marching down this road, we will be looking at experts to come up with that number. Discussion followed on what the fee/agreement is called. Brandt summarized that the Highway Commissioner's request is to do what probably should have been done all along and that is to include him in the process where the county roads are involved. Upon Brandt's inquiry, Radtke responded that some type of action needs to be taken that sets a policy as to when an applicant gets referred to the Highway Commissioner so that there is consistency, that cases aren't being missed and so the Highway Commissioner is in the loop as to when these applications are coming forward and which ones impact his county roads that he oversees. Thompson asked what happens when an operator brings a road up to specs, winter comes, the road is destroyed and the operator doesn't want to fix it again. Radtke responded under these agreements there is also the “exceptional maintenance” where the user of the road would agree to make any repairs for exceptional maintenance in addition to the initial improvements and that money may also come from that maintenance fund that is based on how much is hauled on that road. Discussion followed on that issue. Vold made a motion and Nelson seconded, that when an application comes in, that the Highway Commissioner be notified when related to county roads. Bob Tenneson inquired when one gets co-aid roads would that same fund be set up to go in the county aid fund on that road and who would collect the money – the county or do the town roads get part of it as they put in 60% of the road money and what about the interest. In all seriousness, Brandt responded those are decisions that this Committee does not have to make as that is the responsibility of the Highway Committee. Tuschner suggested that the township should be inclusive on this simply because there are co-aid roads, etc. Brandt replied that the authority rests with the towns as they can do these agreements also. Discussion followed. Motion carried with Quarne abstaining.

Badgerland Adventures- Erosion Control Lien stated this has been an ongoing issue with the DLM, the neighbors and the applicant since 2008. Lien has not had direct involvement as DLM staff members, Emery Palmer and Tim Brueggen have been handling this situation. The applicant and the neighbors are present that would like to address the board with some issues on this site. Brueggen stated this came along before he was here and right now a resolution is being worked on. Essentially, Badgerland Adventures owns a tract of land south of River Drive off of State Highway 54, south of Galesville. They have an easement onto the property

for a driveway. They have an Erosion Control permit that was granted in March 12th, 2009. Brueggen stated they have never complied with the Erosion Control/Storm water Permit to build this road. There was a complaint received earlier this year and Stop Work order issued numerous times. There was a Storm water permit granted but there has never been an Erosion Control permit granted by the County because there has never been a plan formulated to DLM staff satisfaction, so essentially the neighbors have requested to appear before the Committee today because they feel it is adversely affecting their property. Brandt asked what the road was for. Lien stated the owner, Jeremiah Olson, is present and perhaps he could answer that. Olson replied it is access to his property off of River Drive. Brandt verified that this was an easement. Lien voiced that the County in 1972 when they adopted the Ordinance had in there that every piece of property that was subdivided or parceled off after that date would have 60 feet of public road frontage and it was not enforced until DLM received a letter from Corporation Counsel dated March 10th, 1998 that said from this day forward there will be no parcels created in the County that do not have public road frontage because the easement language, over Lien's 20 years of working for the County, has been one of the most controversial issues. This is a very prime example of the issues that exist with easements. Brandt verified that the only access to the property is on that easement, there is no road frontage, other than from the river. Brueggen mentioned there was an existing drive that the neighbors use. Lien thought the property had been accessed through someone else's property by verbal agreement. The easement was never actually accessed as it was all forested until recently. Brueggen described the terrain of the parcel. Geske asked if there was an issue with the slope on this at the beginning. Brueggen believed there was still an issue. There are some engineered plans that Olson had supplied to DLM and it shows that the grade is at 20% but staff will actually have to go out and shoot the grade (as Brueggen believed it to be greater than that) and verify if Olson can make measures happen where he can take more of that hilltop off to lower that grade. That would be something that would have to be proved in this Erosion Control plan. Right now the area is mainly bulldozed. There is silt fence around it but most of the silt fence is either down or buried. There is significant erosion into the culvert and quite a bit of sediment in the bottom of the culvert. Also, on the bottom of the hill, where it comes out of the woods there is quite a bit of sand down through there that has eroded off the site. Brueggen has pictures from numerous visits to the site and there are significant gullies forming in the regular road because the soil from the hilltop got pushed down and that was used as the base for the road, but it is sandier soil so it is not stabilized and that just keeps pushing further out. Brandt asked the Baardseths (neighbors – Kerry and Joe) to voice their concerns as they are the property owners on which the easement lies. J. Baardseth stated when Olson put that road in; there was an agreement that the easement is 49 1/2 feet wide. On the hill going up the easement, 20 % grade could not be made to get the road in. Baardseth's gave him more width at the top of the hill in trade for land that Baardseth's lost back by their cabin. J. Baardseth stated the grade is at 17% as he has shot grade all the way up the hill since he does it for a living and there is anywhere from 18 -15% slope. J. Baardseth stated silt fences have been put up and down the hill which did nothing. The erosion has created a ditch 3 feet deep down through there which washed down at the bottom of the ravine onto the following neighbor's property. J. Baardseth added this has been over a year since this has been done. There has been no one back there to do anything, whatsoever, to stop the erosion and that was in the agreement. If work orders get put up they have been taken down. Finally, a week or two weeks ago, Olson finally put some mats down on the road which hasn't done anything. They drove up and down so there are already trenches in the mats. Next spring, J. Baardseth felt it is going to be the same old problem and a tremendous amount of Baardseth's soil is being washed away from their property. Brandt asked if it is "eating" into the side/or the cut. Baardseth responded where they cut the hill back it is washing away, running on the road and it is also running down onto the town road as it is all sand. The agreement was that it was supposed to be seeded into the grades, etc. Baardseth's keep losing their property and nothing gets done. Baardseth felt Olson has had plenty of opportunity to get these permits filled out. Baardseth has been asked to give him more time but questioned how much time does one give him. Baardseth has no problem with the easement but wants the erosion stopped as it has been over a year. K. Baardseth stated the Committee needs to figure out what is going on as this guy has been screwing around way too long. It needs to be fixed now. Brueggen stated within the last month, DLM has issued two citations for failure to obtain erosion control permits and failure to repair best management practices on the site and that has gone through the court system. Brueggen believed Olson plead "not guilty" on both of those and both tickets have been paid. Olson received the Erosion Control permit packet that explains what DLM is

looking for. Brueggen stated DLM is now looking for proof that Olson can make a stable road within all the requirements and the easement widths and lengths. Brueggen and Palmer met with Olson the previous day and went over what he is missing in this Erosion Control plan and informed him of all the parts that he needs. Brueggen hadn't given him a timeline since Olson was coming to the meeting today and Brueggen wanted the neighbors and Committee input on the situation. Brueggen added once we do get a completed Erosion Control plan for this project, DLM will require an estimate on it and also financial assurance. In the event the project is not completed by the designated date the County can go ahead and secure that financial assurance whether it be made into a road or put back to original conditions and stabilized. Olson added he would love to get it done, right away. Olson has someone working on the permit application right now and has made contact with some people who can do the grading to stabilize the area. J. Baardseth asked why it has taken over a year when this was supposed to be done a year ago. Olson responded he should have probably picked another source to get more help to get it done. Brandt asked if there was evidence of financial assurance forthcoming. Brueggen felt they were at that point right now as there is nothing to say that if we do get another Erosion Control Permit the work is going to be done in a few weeks or month. Brueggen felt that is why we have to set the financial assurance to make sure it is going to be completed and if not, the County can hire someone to complete it. Brandt recapped that basically Brueggen is asking the Committee to set a timeline and approve or disapprove the request for financial assurance. J. Baardseth mentioned he is a contractor himself and when he comes into a job it has to be done. Olson stated as soon as he gets a permit to move forward he can have it done in a week or days. Discussion followed. Brueggen felt even if the project couldn't be completed this winter, the road at least has to be stabilized to conditions where there is not erosion taking place. Brandt recapped DLM is looking for stabilization of the site, overall timeline for the process and suggesting financial assurance. Upon Vold's inquiry, Lien stated DLM has all those capabilities; staff is just bringing it to the Committee at the landowner's request. Brandt asked if DLM wanted something from the Committee or were they just bringing it to the Committee's attention. Lien responded DLM wants the Committee to support DLM staff approach as we don't want to take a hard core stance and later have the landowner call a Committee member and then bring Lien back to the table and say "we have to be more people friendly". Lien stated we want the Committee to let us do our job and provide support. Lien stated DLM will follow through with the completion of the plan and come up with a bond amount and make Olson follow through with that. The two citations were issued and paid. Lien told Olson that when DLM issues a Stop Work Order that is a legal notice. Anybody that removes or destroys that can have legal action taken against them, so those should not be removed from the site. Olson asked if the sign is in the middle of the road what did Lien want him to do. Lien stated he needed to comply and cease all activity. Lien brought to the Committee's attention how long staff has been working on this issue and the fact that DLM staff tries to be "people friendly". However, had DLM not taken this approach we would be sitting here a year from now with the neighbors dealing with the same issue? To enforce ordinances sometimes one has to get tough. Upon Brandt's inquiry, Olson stated he could have someone there Monday to work on stabilizing the site. Lien asked how much is left to be completed on the plan he needs to submit. Brueggen stated there was a fairly, lengthy list of stuff so the plan probably could be completed with in a week or two including DLM review and approval. Discussion followed on who is working on the plan and timelines. Smick made a motion to let staff continue with what it is legally charged to do, Brandt seconded, motion carried with no opposition. Brandt mentioned it would probably be two weeks before anything is completed. Brueggen and Lien stated/agreed that site stabilization could happen immediately.

Land and Water Resource Management Plan Approval - Lien presented the LWRM plan to the Land and Water Board via internet on December 6th. Lien had never done that before and he has no rapport with that Board. This County has a long standing, negative history with that Board. That Board had ridiculed several plans in the past. Lien stated this is the funding source for staff and also LWRM money that DLM receives for projects so it is a big deal as it is a five year plan. Carla Doelle, Peter Fletcher – (Mississippi River Regional Planning) MSSRP and Lien worked on the revision of the plan. It was a very good revision and Dennis Presser, DATCP Board said it was a good plan. Lien gave the presentation of the plan. The first question from the DATCP Board was, who in the County gave a presentation on frac sand mining at the Wisconsin Association. Lien mentioned it was him and the Board complimented him on that presentation.

Lien was asked several more questions about frac sand mining; they made a couple of compliments on the plan and unanimously approved it. Lien stated the plan approval would appear on the next County Board agenda and Lien would be present to discuss it and then it gets forward onto the State. No revisions will need to be made until 2017. Discussion followed on staffing monies and the webinar process. Lien mentioned that the webinar saved time and money by not having to drive to Madison.

TRM/LWRM Cost Share Payment Requests – Lien presented the following payments for approval.

LWRM	Type	Amount	New CSA Total	Reason for change
Joe Giemza	Contract	\$6,580.00	\$6,580.00	Streambank Protection
Joe Giemza	Pay Request	\$6,580.00		Certify Streambank Protection
Brian Olson	Contract	\$9,774.99	\$9,774.99	Heavy use protection
Brian Olson	Pay Request	\$9,774.99		Certify heavy use protection
Steve & Amanda Killian	Pay Request	\$1,104.34		Certify nutrient management
TRM				
Brian Olson	Contract	\$9,774.99	\$9,774.99	Heavy use protection
Brian Olson	Pay Request	\$9,774.99		Certify heavy use protection
Theresa Haines	Pay Request	\$24,132.86		Certify roof system & animal walk ways
David Tjoflat	Pay Request	\$14,580.78		Certify Barnyard
Brian Olson	Contract	\$103,640.00	\$103,640.00	Manure storage, waste transfer & heavy use protection.
Brian Olson	Pay Request	\$103,640.00		

Lien mentioned that for 2012 Trempealeau County did not rank high enough to receive any TRM grants. Quarne made a motion to approve the TRM and LWRM payments as presented, Thompson seconded, motion carried with no opposition. Bice asked what a barnyard roof system is. Lien explained a barnyard runoff control system with a roof is a zero discharge system where one takes a feedlot and encloses it so that the animals are housed indoors and there is zero discharge.

Survey Report – Lien presented a survey report and bill for T20N, R8W which is the Arcadia, Ettrick and Gale borders. Lien also presented a survey report and bill for T20N, R7W which is completed. Lien stated the final report for T20N, R7W is also included and the Committee needs to approve the completion of that township. On January 1st that completion would go into effect which means that any subdivisions of less than twenty acres would require a Certified Survey Map (CSM). Vold made a motion to approve the bills as presented and approve the final report project summary for T20N, R7W, Nelson seconded, motion carried with no opposition.

Director’s Report – Lien reported the UDC budget for this year has been met which is a slight sign that the economy is coming back even a little bit. This year Lien expects a budget overrun. Last year half of that overrun went back to the General Fund and half went into the LIDAR fund. Lien stated part of the overrun is from the vacated Zoning & Environmental Specialist position. Lien commented he wished that excess could be used to compensate staff for all the extra work they did during that time period.

Permit Fees & Office Administration – Lien stated some of the things the Committee has done in the past months have really caused a lot of inter-office turmoil. There is staff that no longer feels confident that they will have backing from the Committee in doing their job functions because the Committee has allowed refunds. Those are things DLM has never done before. Lien used Dave Hesch as an example. The Committee had approved a new fee schedule and also approved a no refund policy, yet this Committee made the motion to refund part of his fee money. That breaks office policy. The second thing is in regard to a contractor that DLM was doing enforcement action on because he was non-compliant. That contractor talked to several of the board members. Lien was then asked to stand down or be friendlier. Staff has asked Lien if

something should be enforced or look the other way because of concerns as to whether or not the Committee is going to back staff. Lien stated the Department cannot be run that way. Lien stated we have a good staff and they have a tough job. Lien added 98% of the people are compliant but there are the other 2% who need enforcement. Enforcement is tough because staff lives in this County and some of these people are neighbors and friends but we all have a job to do. That job is very easy if we are consistent and staff has Committee backing. Bice commented that one of the situations that Lien is bringing up is a contractor that called Bice and stated he was not getting any cooperation from County Zoning. Bice talked to Lien and asked him if this guy was a troublemaker. Lien responded no he was not a troublemaker. At that point Bice felt very strongly that we should do whatever it takes to work with him as he is a member of the County, he pays taxes, running a business and we need to work with these people. Bice stated this guy was very persistent. Bice was persistent in discussing with Lien that if we have trouble maker, deal with them as Bice doesn't like troublemakers, but if we have someone that is just trying to get by then we have to work with them. Bice thinks that staff members are government employees so technically staff is working for these people. Bice added if we have troublemakers, deal with them, if they're good people just trying to get by then we have to go out of our way to be "people friendly". Bice doesn't regret anything he did as some of it was trying to mediate between the people and the government because he felt it was important. Bice realized DLM staff has a hard job and use discretion, if they're troublemakers Bice has no problem. Bice stated Lien knows what a troublemaker is. Lien asked Bice how he should administer who is a good guy or bad guy. Lien stated you have to treat everyone the same. Smick felt this Committee has been an extremely strong supporter of our ordinances and what staff has been doing. Smick is surprised that some staff would feel the Committee is not supporting them and if they feel that way Smick felt it should be discussed as a Committee with all staff present and perhaps in a closed door session so we truly make sure we are all on the same page. Smick felt there should be no misunderstanding and didn't know why the staff would become offended because that is certainly not the Committee's intention. Smick suggested everyone think about it. Lien felt that was a good idea as the Committee doesn't get to meet with most of the staff much. Discussion followed. Geske mentioned that backing ones' employees is the most important thing, if one undercuts their employees, everyone is hurt. Brandt stated as the Committee supports Lien and gives him direction that is what he can relay to the staff. Brandt added one of the things the County has fallen down on in the past few years is differentiating what our relationship is with staff and differentiating what our responsibilities are and those of our department heads. If there is some change that this Committee needs to make as far as ordinances or policies bring them to the table.

Next Regular Meeting Date – Next regular meeting date was set for Wednesday, January 11th, 2012 at 9:00 AM.

At: 1:55 AM, a motion was made by Thompson to adjourn the meeting, Quarne seconded. Smick asked to revisit the sound ordinance at the next meeting. Motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael E. Nelson, Secretary