

**ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management**

**REGULAR MEETING MINUTES
AUGUST 8th, 2012 9:00 AM
COUNTY BOARD ROOM**

Chairman Bice called the meeting to order at 9:06 AM.

Chairman Bice instructed the public present on public hearing procedures and registration. Bice asked all speakers to stay on the subject and asked that they limit speaking time to three minutes.

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

Committee members present: George Brandt, Tom Bice, Dave Quarne, Hensel Vold, Michael Nelson, Roland Thompson and Rick Geske. Jay Low was absent.

Staff/Advisors present: Kevin Lien and Virginette Gamroth. Jami Kabus, Personnel Director was present for part of the meeting.

Others present – Kurt C. Johnson, Tim Barth, John Dustman, Gail McGee, Dick McGee, Travis Adams, Ammi DeWyne, Chris Mueller, Michele Mueller, Beth Segerstrom, Daniel Engen, Angela Engen, Tom Segerstrom, Bonnie Wenger, Kim Wenger, Alan Erickson, Marvin May, Steve Segerstrom, Becky Baumgart, Lore Segerstrom, Gerald Hawkenson, LuVerne C. Johnson, Chris Segerstrom, Matt Segerstrom, Paul Gunderson, Brian Nodolf, Verle Deetz, Ralph Kisor, Ann Gierok, Peter Gierok, Kathy Zeglin, Tim Zeglin, Bruce R. Hoesley, Robert Hoesley, Aaron Severson, Ron Kugel, Marie Kugel, Jordon Hoesley, Julia Hoesley, Danie Johnson, Rachel Baker, Dawn & Al Slaby, Tim Johnson, Jeff and Carol Bawek, Kathy & Jim Jessesky, Eldora and Merlin Bauer, Brian Hunter, William Vachon, Darlene Rossa, Rahn Hornby, Roger Sonsalla, Chuck Walek, Glenn Johnson, Jennifer Holevitz, Lynell Emmanuel, John and Genevieve Emmanuel, Jackie Goplin, Nikki Fjelstad, Eileen Johnson, Trish Erickson, Donna Oliver, Dean Servais, Tony Konkel, Mary Dubiel, Paul and Judy Boland, Nick Zander, Stuart Hagen, Paige Segerstrom, Jeanne Nutter, Carolyn Johnson, Chad Johnson, Kayla Bates, Sherri Maug, Laura Humphrey, Nick Gamroth, Matt Hieb and Stephen J. Doerr

Approval of Agenda –Vold made a motion to approve the agenda as presented, Brandt seconded, motion carried with no opposition.

Adoption of Minutes - Brandt made a motion to approve the meeting minutes from July 11th, 2012 as printed, Nelson seconded, motion carried with no opposition.

Public Hearing – Land Use Change/Rezone — Transitional Agriculture (TA) to Primary Agriculture (PA) -Mary (Carlson)Feyen, Property Owner/Applicant – Town of Trempealeau. Chairman Bice called the public hearing to order at 9:08AM. Nelson read the public hearing notice aloud. Lien stated this property is located in Section 16, T18N, R9W in the Town of Trempealeau. This property is currently zoned Transitional Ag which has a minimum density size of one per 35 acres. The property, in its existence, is 27.29 acres. The intent of the applicant is to break out an approximate 6 acre parcel in order to sell the remainder. That would require the applicant to rezone to the next closest zoning, Primary Ag, which would meet the criteria needed. Lien added that is in harmony with the Land Use Plan in that area. Notices were sent to all

adjoining property owners and the hearing was publicized for two weeks in the paper. Lien stated that he did not receive any comments from the public either for or against this rezone proposal. Jim Feyen stated they received this property a couple of years ago and when they received it is when all of this should have happened and Feyen's were unaware that this needed to happen. They are planning to separate acreage off with the house. The acreage that would be to the east and to the south, they plan on selling to his wife's son. In order for them to do anything further with their land, they are "tied down" until the rezoning is completed. Bice called for any public testimony.

James Jessesky – Registered to testify for information only. (No comments at this time).

Lien read a letter from the Town of Trempealeau dated May 31st, 2012, which stated the town board has no objection to the rezoning of the parcels listed from Transitional Ag to Primary Ag.

Merlin Bauer asked why this needs to be changed to Primary Ag. Lien responded under the current zoning, Transitional Ag zoning has a density requirement of one split per 35 acres. Because this parcel is only 27 acres they need to rezone it to a different density so they can make a parcel split of six acres. Upon Bauer's inquiry, Lien stated it was probably changed in the late '90's with land use planning. From 1972 until 1998 one only needed a half acre of property with 60 feet of public road frontage. Through the land use planning process, which took about ten years, the County got zoned and future land use plans were looked at. Bauer expressed that he wasn't concerned and didn't care if Feyen's did the rezone. Bice closed the public hearing at 9:19 AM. Vold made a motion to approve the rezone as requested, Brandt seconded, motion carried unopposed. Lien mentioned this rezone will go before full County Board on August 20th for final approval.

Public Hearing – Land Use Change/Rezone – Residential-20 (R-20) to Transitional Agriculture (TA)

Kurt C. and Barbara L. Johnson, Property Owners/Applicants – Town of Lincoln Chairman Bice opened the public hearing at 9:20 AM. Nelson read the amended public hearing notice aloud. Lien stated Johnson currently owns the property right now which consists of .88 acres. Through the land use planning process this land was zoned Residential-20. The issue is that if an accessory structure is put on the land, a residential structure needs to be erected within two years. Johnson's intention is to only have the accessory structure on the property and no additional other structures. Therefore, Johnson wants to change to Transitional Ag. The only comment Lien had from the public was that, if one looks at the location of the property and how everything is zoned around it, it is all R-20. By allowing it to go to Transitional Ag as an Ag district, potentially in the future livestock could be put there. That was a slight concern to the neighbor because livestock in an R-20 district isn't necessarily a good fit. If this were a conditional use, the Committee could put conditions on it, but it is not, it is a rezone. Lien noted that this hearing was publicized in the newspaper for two consecutive weeks and letters were sent to adjoining landowners. Kurt Johnson was present. Bice gave him the opportunity to comment. Johnson's intention is to build a storage structure, not a barn. Johnson's intention is not to have animals there and he didn't know that would be a potential. Bice called for any public testimony three times.

Dale Olson and Mavis Olson - letter - In regard to the letter we received for the public hearing on a zoning ordinance change requested by Kurt C. Johnson. We are opposed to this change. This area is a residential area, and has always been. Building a structure as they have proposed would not fit in with the neighborhood. Increased traffic could be a problem. Also property values could be affected, both current and future values. This is a residential area and should be kept that way.

Lien read a letter from the Town of Lincoln which stated the township does not have any objection. Lien added he did not receive any other comments or requests for or against this rezone. Bice inquired if there was any residential housing close to this area where Johnson wanted to build his building. Johnson responded there is a brand new house going up next door about 150 feet away. Lien reiterated the existing lot is .88

acres which was created by a prior CSM. Upon Geske's inquiry, Johnson responded the building is going to be 40 X60 feet with a room (kitchenette and bathroom) on the side and it will be heated. Building plans were sent around for the Committee to view. Upon Quarne's inquiry about the closeness of Johnson's residence to this building, Johnson replied that he lives in Whitehall near the Courthouse. Lien provided an aerial overhead photo of the property for all to view. Bice called for any other public testimony. There being none, Bice closed the public hearing at 9:33 AM. Upon Thompson's inquiry, Lien stated this was just going to be a privately owned building and not a business. Lien asked for Johnson to elaborate on what the building will be used for. Johnson responded that it will be used to store some automobiles, it is not a business, it is basically an efficiency apartment with a large garage and there will be heated floors. Johnson has talked to the people who are building the new home next door and they did not have a problem with it, having looked at the plans. Discussion took place as to whether there was a different zoning classification that this could be put under. Lien explained that in looking through the ordinance, R-20 is very specific that if one builds an accessory shed then they have two years to build a residence on the property with it. Where if one goes to an ag zoning district one can have an accessory shed and no residence it needed there. Johnson had discussed the options with the building inspector and the codes that would have to be met if he were to build a residential type building and Johnson opted to rezone instead. Brandt questioned this rezone on the premise that the previous rezone had to have at least 35 acres in order to rezone and here we only have .88 acres. Lien stated there are two different things that come into play which is pre-existing lot size (legal nonconforming – which this lot is and it is grandfathered in forever) and with Transitional Ag zoning the lot density of 1 per 35 means that is the maximum number of lots. Johnson could never split this lot where in the Feyen rezone, it was under the Transitional Ag (the pre-existing lot was only 27 acres) so to make any kind of split at all they would have to rezone it to a different district. Brandt made a motion to grant the rezone as presented, Thompson seconded. A voice vote was taken; Quarne - no, Vold – no, Thompson – yes, Nelson – yes, Brandt – yes, Geske – yes, Bice – yes, motion carried 5-2 with Vold and Quarne voting against the rezone. Lien mentioned this rezone will go before full County Board on August 20th for final approval.

Public Hearing – Conditional Use Permit and Reclamation Permit – NonMetallic Mine– Robert M. and Marilyn A. Hoesley Living Trust, Property Owner -Robert M. Hoesley, Applicant, Arcadia, WI - B & B Sand, Operator, Watertown, MN – Town of Dodge. Chairman Bice called the public hearing to order at 9:39 AM. Nelson read the public hearing notice aloud. Bice reiterated that there will be a three minute limit on each public speaker. Lien referred the Committee to an overhead aerial photo of the proposed mine site which is located in the Town of Dodge and the Town of Arcadia. Lien stated the proposed site is 171 acres and the applicant is present. Lien stated he did not receive any letters or e-mails regarding this public hearing. Tim Barth, B & B Sands introduced himself and stated he is present to apply for a Conditional Use Permit for sand mining. Barth had looked at a lot of different properties with the Hoesley's in regard to where to put this and the different reasons (taking into consideration the neighbors) for locating it where it is. Barth feels all of the areas they picked to mine are low impact to the area as far as bringing it back to reclamation. John Dustman, geologist from Summit Envirosolutions, St. Paul introduced himself. Dustman's firm put together the reclamation plan for this project. Dustman presented a 3-D map of the area. There are three different parcels that are being proposed and altogether comprise 42 acres and each of these areas were chosen because of the topography, access and the test borings which indicate that there is 20-30 feet of the type of proppant material that they are looking for. They estimate approximately 4 million tons of raw sand equaling a four to eight year project. They are not proposing a wash plant here, just simply a grading, loading and transporting project. The end result will be a lot flatter fields for farming. No mining will occur within 10 feet of the water tables on this site. Barth added they will be traveling into Winona at the beginning of this process, but they are in the process of working with another Hoesley landowner on building a rail siting about 2 -3 miles away. That would eliminate the issue a lot of people have with the traffic. Bice stated that was a big issue and asked Barth if he was prepared to say he is working on that rail application. Barth responded they are working on it, they already have their letter of approval from the Town of Dodge and they are in the process of working with the railroad to get their engineering and designing done. In Barth's opinion, as the

price of sand drops, hauling it by truck is not going to be sustainable so the rail spur will become crucial. Bice called for any public testimony.

Robert Hoesley – Registered in favor but not testify.

Julia Hoesley – Register in favor but not testify.

Jordan Hoesley – Register in favor but not testify.

Stephen Doerr – Registered to testify in favor. Doerr stated he has been working around the sand industry for a little over a year and a half. Doerr was excited about that opportunity after coming from a family with a very moderate status. Doerr wanted to remind this Committee that the decisions that they make will support, sometimes raise or maybe diminish the economic stability of a family. Doerr knows that the laws have been set up as such that communication from the township is supported. Doerr stated that the Hoesley family has been a very fair family in his experiences. Doerr knows that there is a large demand across the world for a proppant to stabilize the natural gas demand in the United States and beyond. Having that knowledge, Doerr supports the Hoesley's getting their permit. Doerr elaborated on happenings at the Town of Dodge meetings. Doerr added that very clearly one can see that when things come to this Board, they don't necessarily come fairly as they are intended by the Ordinance. Doerr added he is running for Assembly, so should this County not be able to give fair treatment to their constituents out there, maybe they would need help from the state.

Vicki Hirshbaeck – Registered to appear and testify for information only (that is, I wish to speak or ask questions without expressing a definite stand for or against). Hirshbaeck apologized as she has not seen the reclamation plan for this. Hirschbaeck asked how she gets copies of those reclamation plans before the hearings occur in order to come fully informed to the meetings. Hirschbaeck asked where exactly the rail site was going to be and what rail line they will be using. Lien replied that this application does not have any processing on this site, just raw extraction so the rail site is a mute point at this time. Lien verified for Hirschbaeck that the two applications will be handled separately and that right now DLM does not have an application for a rail site, so this plan has to be addressed regarding truck traffic. Upon Hirshbaeck's request, Barth noted they would be using the CN Railroad. Lien voiced the opinion that the rail site is just speculation at this point and the Committee should address this permit and trucking concerns. Hirschbaeck stated this application is possibly linked to the second permit, therefore if this permit isn't approved then the second one wouldn't be applied for, so it does in fact affect this application. Barth responded it is two separate landowners and two separate applications and either way the second project would be going forward without this because of other mines. Hirschbaeck noted that the CN line runs directly across from the refuge.

Sara Ecker – Registered to appear and testify for information only (that is, I wish to speak or ask questions without expressing a definite stand for or against). Ecker asked that the application be considered based on the cost of trucking sand. Ecker questioned where the sand market was going – is it still feasible right now to be trucking the sand to Winona as raw sand. Barth responded absolutely. Ecker questioned where the breaking point was. Barth replied that is the magic question and the feasibility of whether it can or can't be done would be up to Barth. Ecker produced an article which stated how many sand operations are proposed and in development in Trempealeau County versus the rest of the state. Ecker would like us to just wait on some of these applications until we have a better understanding. If each one of these sites is taken in isolation that is a very good strategy for a "divide and conquer", because they are going to put in a site that may be obsolete within five years if they don't get their permits. Ecker hoped that the permits are not all looked at in isolation.

Bice commented that some of the things that are asked of the Committee, they don't have the authority or the ability to put into place.

Eileen Johnson – Registered in opposition but not testify. Johnson is present because she has an interest in sand mines because they are getting closer and closer to her. When it is in your own neighborhood all of a

sudden it makes a difference to you. Johnson is looking at quality of life and as a board you have to look at the quality of life for everyone within the town and within Trempealeau County. Johnson just heard of a mine today that is going to be going in by Osseo next to the ballpark where there are lots of kids riding their bikes. Johnson is hearing about all these big trucks traveling on these roads and all the differences that it is going to make to the environment. Johnson thinks we need to wait and think about this, they don't have to be done today or tomorrow. Johnson thinks we need to spend some time thinking about what we are doing to our environment but also what are we doing to our neighbors. A lot of people that have these sand mines are not going to live there anymore but their neighbors will. A lot of these people are going to move far enough away where they don't even have to see what they did to their old neighborhood, but the neighbors do. Johnson's husband has worked very hard his whole life on their farm and he works day and night and they have built up equity in their farm. That is their future and if a sand mine were to come in next to their farm and all of a sudden, they lose that value, her husbands' life work would be for naught. Johnson hates to see this happening to anyone because she thinks we should be good neighbors to each other. We need to look at where those trucks are going. We need to think about these children who are not going to have streets and roads where they can ride their bikes to their neighbors. Johnson doesn't think the people who are putting in these sand mines are going to stay and see what their neighbors are going to have to see.

Deanne Szczepanski – No comments at this time.

Susan Marks – Registered in opposition but not testify. No comments at this time.

James J. Jessesky – Registered to appear and testify for information only.

Mary Dubiel – Dubiel stated she feels the issue of sand mines in the Town of Hale and Trempealeau County is important to us. Her concern is for the place that she lives, her neighbors live, and all the neighbors beyond. Dubiel shared an article from the Fortune magazine. It was written in a question/answer format and she had one question that she would refer to. He was interviewing a Dr. Ralph DeLatorie, cardiologist and businessman concerning the future of health and health care. One of the questions was: What's the most important way in which Americans should think differently about their own health. The easy answer was that people should think more about prevention. They should say they are going to live to 85 and what do I need to do so that I can enjoy my life and stay healthy – let me start planning now. The real answer is we need to start taking care of each other. Not just ourselves. We have to understand that we don't just have a responsibility to ourselves but there is that social responsibility that we are responsible for each other and we need to start acting that way. Dubiel proposed we start thinking beyond ourselves, not because we should, but because we have no choice. We all breathe the same air, drink the same water and get food from the same earth. What we pollute, or possibly pollute, depending on your point of view will affect all of us. Maybe the mines aren't polluting our air or our water, but that is an awfully big maybe. We don't have the historical information yet. We don't even know. We do it and then we find out later. How many mines do we need to find out this information? Dubiel felt Trempealeau County itself has enough. Dubiel didn't feel it was asking too much for us to think of that. Dubiel is told there is a synthetic substitute on the market. Maybe the mines could look into that then we wouldn't have to dig up our hills. Please – the devil is in the details – lets all search them out before we move too quickly.

Rahn Hornby – Registered in favor but not testify.

Jess Ecker – Registered to appear and testify for information only (that is, I wish to speak or ask questions without expressing a definite stand for or against) Ecker questioned Barth as to how many sand mines he has reclaimed. Barth responded that he is the process of reclaiming one right now in Buffalo County. Ecker questioned what the cost was of this particular site. Barth responded he wasn't sure, but that Lien had a formula where he could probably figure that out as the County decided what that cost is. Ecker asked what the

penalty was for not following through with reclamation. Barth responded the County makes the operator put a bond up so that the money is “in front of it”.

Jeanne Nutter - Wanted to testify in opposition to all five mines. Nutter was searching the Trempealeau County website and found there is a lot of interesting information that she thought everybody should look at. One is the Smart Growth plan of which Nutter has gone through all 580 pages and also the Trempealeau County Department of Land Management plan which is what Nutter would like to talk about today. Nutter stated there is so much she could say about the issue of frac sand mining in Trempealeau County, today, but time is limited. Nutter believes that we are at a cross roads in our County and she thinks it is time for us to stop, take a deep breath and consider what we are doing here. Today, we are considering five more Conditional Use Permits – five more. How many more? Next month, how many more and the next one. Each time a perspective mining company comes before this committee, they say “90 trucks, 100 trucks, 150 trucks, may 90 acres to mine, maybe 100 acres, maybe 300. We have to stop and think about the cumulative effect of mining on our County. Some of these mines act as if they are the only mine in town forgetting that we have heard this story over and over in Trempealeau County this past year. Mines have doubled in Wisconsin in the past year and the same is true for our County. What this means for all of us is that 300 trucks add up to 600, 900, 1200, 1600, 2000, 2400 trucks going up and down State Highway 93. How much can we take? What this also means is that 100 acres increases to 1000, 2000, 4000, 10,000. How many acres are we going to let be raped by frac sand mining in our County. It also means a million gallons of water at wash plants per mine. How does that affect the aquifers that we all need for water. It also means millions of gallons of water being taken at a time when we don’t have that much water. Nutter would like to remind this Committee of the goals that they set forth for themselves and the people of Trempealeau County. 1) To preserve, protect and enhance the land and water resources of Trempealeau County. One can find all of this information on the Trempealeau County website. What this means is that the intent of this goal is to ensure that the County natural resources are preserved, protected and enhanced for present and future generations. 2.) Protect the health, safety and welfare and the quality of Trempealeau County residents. The intent of this goal is to provide a healthy and safe environment in which residents and landowners live. 3.) Provide for efficient, responsible, timely and accountable land management. Nutter doesn’t feel like we’re being accountable and proficient. 5.) Trempealeau County Land Use Committee strives to implement the goals for county land and water resources. 6.) Cooperate with other appropriate committees. 7.) Formalize communication with town boards. What we have here is a rush to approve permits without considering the cumulative effect of mining on our county. We as a county have not taken time to fully understand how increased mining operations affect the health, safety and welfare of the citizens of this county. We do not fully understand the health effects of silica sand. Nutter wonders if this Committee has seen, read or even asked for document and research that is out there concerning the exposure to small particulate dust forms of silica and to those who live around them. Have we looked at water use and how this will impact aquifers? How the current drought we are experiencing might be impacted by the increased use of land water. Are the mines being asked to conserve like we are? Has this Committee really examined what is happening in our community? Nutter recalls the last time she was here before this Board a member asked, “How many acres do we have in mining?” The Board did not know. This was just one of many questions asked about mining in our community. If the County Board members do not know what is happening in the County, how can we continue to approve permits and open new mines without knowing the answers to these questions? Shouldn’t we know how much land is being mined? Shouldn’t we know the effects of mining on our community? Nutter doesn’t think we’re at a place or time where we have all these questions answered. Nutter thinks it is time for this community, this County Board and this Committee to consider a moratorium until they can insure all of us that we are going to be safe, well and cared for. Bice made note that after this time, every speaker will be held to three minutes.

Gary Duggleby – Registered to testify in opposition – Duggleby has a farm south of Strum. Originally, a couple of months ago, Duggleby came and didn’t really know what was going on. Duggleby was opposed to frac sand mining. Duggleby’s Dad worked in a cement plant in Buffalo, Iowa for 35 years and Duggleby also

worked there. It is not what Duggleby does now but he does understand aggregate engineering because he was raised with it. In doing his investigations, cement plants or frac sand mines really aren't gravel plants, they are somewhere in between a gravel plant and a cement plant. A cement plant has more processes, it is a finer dust. Basically the front end processes are very similar and the back-end process where it has to be loaded and shipped is identical, so it is like cement. In Iowa, everyone and their dog wanted to start a cement plant because it is a limestone. The one business that has survived since 1900 and is still there today supporting generations of people is the one that is located on a railroad spur/track and is located near the Mississippi River. Duggleby didn't care what one is shipping, he has been in business for 25 years and he sells an electronic product that is heavy. Twice a month a shipment is made and every time one is made it affects the bottom line and it is a major cost. Cement plants basically take it out of the quarry, put it in the hopper, put it on a conveyor and from then on it stays on a conveyor right out of the quarry until they pump it into barges on the river or put it into a bagger (bulk bags) and stick it on a train. Duggleby was trying to say that, economically, if you really want to have this industry and you want it to survive, you need to come up with a comprehensive plan, just like the cement people did (the survivors). You need to come up with a comprehensive plan in Trempealeau County on where these places should be. Right now, basically, whoever wants to get into the frac sand business, can. Duggleby has looked into it, but he is not near a railroad track nor on the water so to him it doesn't make sense. Instead of just giving anybody a permit that comes forth, you need to think about where you are going to put them. It is not an industry that is going to go away. It is like cement there is a big demand, but you have to think about what you want and if you want someone that is going to be there 30-40 years from now.

Bice called for any other testimony on this application.

Linda Duggleby – Registered to testify in opposition. Duggleby has property on County Road OO, Strum. Duggleby stated that every month residents of Trempealeau County are worrying about another neighbor asking for rezoning of their property for frac sand mining. This is a serious issue in Trempealeau County as well as in the State of Wisconsin. There is sand all over the middle and western edge of Wisconsin. Is there going to mining done wherever the people sell to the mining industry? This is a State issue and a County issue that needs to have a statement of location, procedure, regulations and specific recognized zoning requirements and categories. Not a variance to an agricultural zoning definition. This is a serious issue that needs definitions and regulations before changes to the environment and community are made. This patchwork of authorization of the right to mine has not been well thought out. This mining can destroy the present state of Wisconsin land and we do not know if it can be reclaimed in its' natural state. There are no industry regulations on water (i.e. usage for pollution control) or air pollution for particulate matter or noise pollution. There should also be required barriers between mining, processing and entrance roads and the neighbor. This is a completely new industry and authorizing variances to zoning is not responsible stewardship. Trempealeau County commissioners need to take control of this huge issue before the mining industry does. In West Virginia, up to 95% of the mining executives do not live in the areas that they have been destroying by the mining practices. That regulation should be made by the commissioners that 75% of the mining processing company's executives must live in the County that it mines in. At least some professional jobs will be available to Trempealeau County residents, not just consultants, contract labor or retainer fee positions. Trempealeau County commissioners need to designate an area that can be sacrificed for mining and draft regulations on what can or cannot be done. If a particular mining processing company wants to mine in Trempealeau County allow them to purchase 2,000- 3,000 acres in one area and sell the idea to landowners. That one area would be Trempealeau County's contribution to sand mining. Make mine and processing owners use their selling prowess to landowners. This allows the remaining landowners in the County the stability that they know they can continue to invest in their property without the threat of every month another landowner asking to have 90 -400 acres of their property converted from agriculture to mining. This is not ethically or morally right stewardship for Trempealeau County to make the residents continually worry over their quality of life to the endangerment of frac sand mining anywhere the mining company can talk a

landowner into selling their property. Duggleby asked what happens to the reclamation bond if the company declares bankruptcy, instead of putting money in escrow. Bice responded we take the money of that bond and basically use it to close the mine and return it back to usable area/space or farmable land or wooded area. Duggleby asked if the bond was actual money or like an escrow account that one puts into a bank and then can be drawn whenever needed or is a bond a promise to pay? Lien responded that NR-135 is the governing body for reclamation of bonds. NR-135 allows an applicant to do a series of different things. It could be a cash bond, it could be an irrevocable letter of credit, and it could be a surety bond. Any of those types of things are allowed through NR-135 so the County cannot dictate what exactly the bond has to be as long as they meet those requirements, but they do have to have an active bond always to the site and if it gets to a point where the bond could lapse, the County would utilize that bond to stabilize that site. It is never going to rebuild it back to the way it was, but it will stabilize the site and that is the intent of it. In response to Duggleby's inquiry, Lien responded it would stabilize the site from further deterioration but not to the state that it was originally at. Lien added that is somewhat of a misnomer as the bond is to stabilize and to reclaim the sight so that there is no further erosion. A bond could be used to remove infrastructure if it were a rail line, wash plant, high cap well, or stabilize the vertical slope from a 3 to 1 to a 4 to 1 slope. The bond is not to build it back to the way it was prior.

Patricia Erickson Barnes – What happens, when after the fact, there starts to be health issues and the sand mine is gone, where does one go then. Lien responded, unfortunately, those all become civil issues and those things do exist. There is always that potential but that is something that is above and beyond this Committee's control. Erickson responded if the company is defunct then there is no one to sue.

Eileen Johnson – Johnson would respectfully like the County Board and the Land Use Committee to really think about approving all of these mines because she feels it is way too fast. In hearing all of the comments made today, she agrees with them and she thinks that it seems like a real sprint to get all of these sand mines in before people are aware enough about them to say, "Hey what is that doing to us around it", and she really thinks that there are going to be affects that are not known and she just doesn't think that one can mess with Mother Nature like that and expect everything to be the same. Johnson doesn't think that is ever going to happen while raping the soil and upsetting all of that which has taken years and years to get to that state. Johnson is not a geologist but she doesn't think that our water is safe from all the chemicals that are used at the wash plants. Johnson's brother is an analog chemist and he is appalled by reading about all the chemicals being used. He is very upset. He just bought land in Trempealeau County. Johnson is a landowner and a dairy farmer and she would like it to be there in the future. Johnson thinks that this Board has an obligation to all of us, not just the money. It is always just about the money and Johnson thinks we need to think about it and take our time on this. This is not something to rush into.

Donna Oliver – Oliver has been in healthcare since 1958 when she graduated from high school. Any of these health problems, when they do come up 20 years down the road and people are older and don't have insurance, the county is going to be the one that ends up supporting them through the welfare programs, so if you're willing to sign on to having more frac mines, that is fine, but it is your tax money that is going to pay for the lung problems and other health issues that this causes. Down the line that is where your money will be going and it is inevitable.

Bice commented that there have been many people who have testified and Bice has lots of information on the health concerns. Bice is still looking for positive, verifiable, scientific information on that. Bice asked anyone who has that type of information to make sure that he gets it. Patricia Erickson Barnes responded that she could provide that information as they had an informational session at the Eleva Strum High School, July 24th. Bice requested that Barnes forward to him any verifiable, factual information. Jeanne Nutter added she had information from the CDC that just came out.

Bice called for any other public testimony. There being none, Lien stated because this application lies within two towns, he has two letters to read into the record. Lien explained there was confusion between the operator and perhaps staff so some of the documentation is in Perry Hoesley's name (Robert's son) The letter from the Town of Arcadia read they passed on motion at their May 15th, 2012 Board meeting to submit the enclosed conditions for non-metallic sand mining for the Perry Hoesley (Robert Hoesley) sand mine on the property located on 171 acres. The mining area will cover approximately 58 acres. The enclosed conditions are for only parcel one which is located in T20N, R10W, Section 34 in the Town of Arcadia. Lien read in to the record the 16 conditions from the Town of Arcadia attached to the letter.

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 work at the site. These wells and structures should thereafter be periodically inspected to determine, to the extent practicable, whether or not damage has occurred as a result of the mining operations. Inspection and damage costs shall be borne by Hoesley non-metallic sand mine.
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 Hoesley non-metallic sand mine. Reclamation of the mine site shall begin not greater than 1 (one) years time with a 3 (three) month period for reclamation to be completed.
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 Wisconsin Department of Natural Resources changes permitted air quality standards as they relate to silica, and/or silica related compounds, the Conditional Use Permit shall be modified accordingly so that Hoesley non-metallic sand mine 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 conditional use permit.
6. A notice shall be given to adjacent landowners within 2500 feet of blasting area, 24 hours prior to blasting.
7. Blasting plan submitted and approved by the 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 Hoesley non-metallic sand mine a minimum of every 6 months for the 1st two years then if mutually agreed annually after the 2nd full year of mining activity.
10. The Town of Arcadia Board of Supervisors shall review the conditions, compliance, and complaints of the Hoesley non-metallic sand mining permit with the owner/operators on an annual basis.
11. A 50 foot setback adjacent to the property line must be reclaimed at a 3 to 1 slope.
12. Hoesley non-metallic sand mine shall be responsible for picking up rocks and/or debris on adjoining land at the land owner's request.

13. The back up alarms used on all the mining trucks/equipments must be the new style low tone alarm.
14. All mining trucks leaving will be tarped.
15. Hoesley non-metallic sand mine 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. All lighting shall be shielded and directed towards operation of the Hoesley non-metallic sand mine.

The foregoing list of proposed 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. All the above conditions are to be in perpetuity to any future owners/operators of the Hoesley non-metallic mine. For clarification, Lien noted that the conditions are site conditions and they have nothing to do with the owner/operator. Whether the town suggests them or this Board they would apply to any or all future operators. They are site specific. Barth added they do agree with all the conditions from the Town of Arcadia.

Lien read a letter from the Town of Dodge Board of Supervisors which read a motion was passed at the June 20th, 2012 special board meeting stating they have no objection to the issuance of a conditional use permit for non-metallic mining for Robert Hoesley non-metallic sand mine provided all Town of Dodge general sand mining conditions dated May 23rd, 2012, as attached are met with the exception of the following conditions: Condition #7- blasting will be allowed on the Robert Hoesley sand mining site, Condition #9 – Hours of operation for the Robert Hoesley sand mine site are to follow the hours of operation as outlined in the Trempealeau County Non-metallic Mining Ordinance, Condition #13 – Robert Hoesley sand mine will be required to maintain/create a reclamation slope to be no greater than three (3) feet horizontal to one (1) foot vertical incline. Lien then read the Town of Dodge twenty nine conditions in to the record.

1. Require the operator to ensure that its trucks use only a route designated by the Town of Dodge in accessing site or gaining egress from site. Unless operator commits to constructing a new road on the property site and not to use Town of Dodge roads, require operator to pay for reconstructing Town of Dodge roads that will be used by operator's or others' trucks to gain access to site prior to beginning operations. Such alternative road shall be constructed to Town of Dodge road specifications outlined by the Town of Dodge prior to any mine activity (Town of Dodge may use Wis. Stat. §82.50 to assist in determining road specifications).
2. Require operator or land mine owners to pay and be jointly and severally liable for all costs associated with boring all Town of Dodge roads to be used by operator's trucks prior to beginning mine activity to determine the required base needed for adequately reconstructing the Town of Dodge roads.
3. Town of Dodge roads that will be used by operator's trucks must be bonded for repairs and maintenance prior to any mine activity; amount to be determined by Town of Dodge.
4. Require operator to provide the Town of Dodge with an irrevocable letter of credit made payable to the Town of Dodge in an amount to be established by the Town of Dodge after final site plan approval by the Town of Dodge and prior to any excavation activity. Also require operator to enter into a road usage and maintenance agreement with the Town of Dodge prior to commencing any activities on the site. The agreement shall provide that the amount of the irrevocable letter of credit provided to the Town of Dodge shall be reviewed by the Town of Dodge no less frequently than annually and in the event the Town of Dodge determines that the amount of the letter of credit should be increased, require

the operator to provide a new irrevocable letter of credit to the Town of Dodge no later than 30 days after receiving notice of such determination. The agreement shall also provide that any disputes between the Town of Dodge and the operator concerning the need for repairs to the roads or concerning the cost of such repairs shall be resolved by the Trempealeau County Highway Commissioner.

5. Require operator to provide comprehensive general liability insurance of not less than \$2 million for operator's trucks operating on Town of Dodge roads, and to name the Town of Dodge as additional insured on the policy. Require operator to deliver a certificate of insurance evidencing such coverage to the clerk of the Town of Dodge prior to any mine activity and within thirty (30) days after the policy is renewed.
6. Require all trucks gaining access to or egress from the site to be covered securely with tarps to prevent fugitive dust from silica sand from escaping from trucks.
7. Blasting may be prohibited at specified mine sites on a case-by-case basis.
8. Prohibit hauling of residual mining materials from other mining sites to the site.
9. Hours of operation??
10. Unless operator commits to constructing a new road on property site and not to use towns roads, require operator to pay for inspecting all bridges on Town of Dodge roads that will be used by operator's trucks prior to beginning operations to determine initial condition of bridges, inspect bridges used by operator's trucks every three (3) months during first year, and annually thereafter, provide copies of all inspection reports to the clerk of the Town of Dodge, and repair or replace any bridges that have been damaged due to operation of operator's trucks on bridges. In the event the Town of Dodge and the operator disagree as to the extent or cause of damage to the Town of Dodge bridges, the Trempealeau County Highway Commissioner shall decide the issue.
11. With the exception of the point where access roads access public roads, require a minimum setback for all activities on the site of 75 feet from the property line with the options of adjoining landowner to waive to the county minimum setback.
12. Require operator to install, maintain, repair and replace, as the Town of Dodge determines necessary, concrete or blacktop tracking pad on exit to Town of Dodge roads. Pad is to be a minimum of 100 feet by 30 feet and must adjoin Town of Dodge road to prevent deposit of sand on the Town of Dodge road.
13. Reclamation slope to be no greater than four (4) feet horizontal to one (1) foot vertical incline. (3:1 SLOPE UNDER COUNTY CONDITIONS)
14. Require trucks involved in operation not to exceed speeds greater than 45 mph on town roads. (ISSUE WITH ENFORCEMENT/EVIDENCE).
15. Prohibit staging or loading of trucks or other equipment on Town of Dodge roads or road rights of way.
16. If the operator desires an area for fueling equipment of the site, require the operator to establish that area in a non-open mine area on the site.
17. Require operator to obtain a non-metallic mining and reclamation permit from Trempealeau County and obtain any other required permits from the Town of Dodge and Trempealeau County (e.g., driveway permit).
18. Require operator to meet Trempealeau County non-metallic mining and reclamation conditions.
19. Require operator to meet air quality standards set by the Wisconsin Department of Natural Resources (DNR) and Trempealeau County.
20. Require operator and land owner to be jointly and severally liable for reimbursing the Town of Dodge for all expenses and legal fees incurred by the Town of Dodge resulting from the operator's application, The Town of Dodge's recommendations, and contractual agreements pertaining to the mining operation.
21. If blasting is permitted to be done at the site, require operator to inspect all structures and wells on the properties adjoining the mining site prior to any mining activity. Require operator to conduct follow-

up inspections to determine whether or not any damage has occurred as a result of the mining operation no less frequently than annually. Cost of inspection to be incurred by the mine operator and require operator to provide copies of all inspection reports to the clerk of the Town of Dodge within thirty (30) days after the inspection is completed.

22. Require operator to remediate any ground water contamination within 2500 feet of mining site at operator's sole expense, but only for sites where blasting or sand washing stations are permitted.
23. Washing sand and conditions associated will be made on a case by case basis.
24. Require operator to inform clerk of Town of Dodge of time of renewal of all permits for the site issued by an entity other than the Town of Dodge at least thirty (30) days prior to the expiration of each permit. A non-metallic mining permit for the Town of Dodge is valid for five years from the date of issuance.
25. Require the operator to scrape Town of Dodge roads used by operator's trucks and located within one-half mile of the site daily when mining activities are occurring to remove sand and debris. (COVERED UNDER COUNTY ORDINANCE).
26. Require operator to ensure that all back-up alarms used on all mining equipment be the low-tone style alarm.
27. If blasting is permitted for the site, require operator to clean up any rock or other debris from the blasting process that falls on neighboring properties.
28. Require that all external illumination at the site shall point downward and point inward on the site.
29. Require the operator to ensure that all activities conducted on the site or related to the mining activity on the site conform with neighboring towns' recommended conditions. Lien added that the last condition kind of states that these conditions should be in harmony with the Town of Arcadia conditions.

The above conditions are general conditions and may be altered or have additional conditions added based on the specific site location. The Town of Dodge reserves the right to recommend that Trempealeau County alter or add conditions prior to any mine activity at the site.

The foregoing list of proposed conditions should not be construed as the only conditions to be applied to the Conditional Use Permit. The Town of Dodge 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.

Barth wanted the audience to understand what the Town of Dodge went through. Barth stated that when he came for this letter of approval, the town had been fairly new to it and they had a couple of other issues going and not understanding a lot of what was going on in the sand industry. Barth went through seven months and five different meetings of going through what they would like, and working with them to make it feasible. The Town of Dodge decided to make those first conditions kind of a "boiler plate" or just general conditions for everybody and then come back and make the additional conditions "site specific" to the mine and that is where Condition #7 where it talks about blasting comes from. The special conditions are what Lien read at first. A lot of the stuff in their conditions, like town roads, etc doesn't apply to this application because they are not using any town roads. Other than that, everything that we worked with, creating that letter and going through everything, Barth stated they are in complete agreement with it. Barth commented that he felt it was gone through quite well. Lien stated the following staff concerns. It was mentioned that this was roughly a four year project, the Town of Dodge stated five fears and the application says eight to nine years. Lien asked for clarification. Dustman responded if one adds the time that it has taken to get to this point, the market has changed dramatically. If there was 4 million tons of what would be between 20/ 70 size sand which would represent the spectrum of what the proppant industry is requesting, it will take longer to get that material because there is a lot of that material, but right now, the 40/70 material just really isn't in demand. There is not anyone Dustman knows that is producing a whole bunch of it and getting it shipped to market, so this deposit has somewhere between zero and about 40% of the courser material and so if the market were to stay

needing this courser material there would be a lot less than 4 million ton on this property and therefore it wouldn't take as long to mine it. Barth added we're trying to have a model/business plan of a low impact site that is why they have laid it out as they have. They're not going for hundreds of acres, they are just doing small impact, short term plans and that is what the Hoesley family also would like. Barth stated it is hard to predict as the industry changes but they are looking at 4 – 8 years to be reclaimed completely and out of there. Dustman's feeling is that it will take only about 1 ½ years per area based on a ten acre per year mining plan. Barth noted that as they start in area 1 and work to 1,2 and 3, they are going to work their way around and reclaim as they go. As they are finishing up area one, they will go into area 2 and area 1 will be completely reclaimed before they start area 2 as the same will be in area 2 and 3. That is why they decided to do it this way as it would be a lot smaller impact and a lot smaller area and they would only go after the course sand that is in demand right now. Dustman verified that these areas are about seven acres each. Barth stated that has kind of been their method of operation, a smaller area which is less intrusive on everybody. Lien recommended, based upon the Town of Dodge conditions, that the mine be limited to a five year mine life. The process is there to get a two year extension. Barth stated they would agree with that. In looking at the site plan, it stated there are no streams on site. Lien didn't have enough time to walk the whole site. In looking at the air photos Lien stated there appears to be some intermittent streams on the site. Shoreland zoning has a minimum shoreland setback of 300 feet. Lien's recommendation is absolutely no mining activity take place within 300 feet of those intermittent streams. Barth agreed with that. Lien stated the Transportation Impact Analysis (TIA) has not been given back. Lien assumed the applicant is working with the towns' on road use agreements. Barth responded they will not be using any town roads. Barth verified they are working with Jim Johnson on the County road use agreements. Lien added he considers these permits to have preliminary approval, if it is approved, because if the Committee approves it, there is a list of conditions the applicant doesn't have today that need to be met. In order for Lien to recommend to the Chairman to sign the Conditional Use Permit all conditions must be met and we don't waiver from that. No mining activity takes place until those conditions are met. Barth stated he was ok with that. Lien stated the reclamation plan is to put the land back into agricultural uses. Lien wasn't sure on the separation of the A and B horizons. Lien has been to enough sites that if one reclaims the minimum 135 requirement put six inches of topsoil on a site, the chances of that being productive farm land in the future are pretty slim. The Committee has "picked that ball up" saying that we would like those A and B horizons separated and put back which does change the processing a little bit because now there is more material stripping and more material to be utilized for reclamation. Barth noted that Perry Hoesley is researching what will need to be done to the ground to get crop land that will produce. Lien mentioned there is no letter in the file in regard to the cultural resource report even though the plan states that has been checked into so we would need that as well. A stormwater permit is in process and Lien didn't expect that to be done at the date of the meeting because there are a lot of expenses and other things associated with that, but that is something that would be required before final approval. Lien stated there is some discrepancy about the acreage however Lien verified with Barth that it is a 171 acre site with approximately 58 acres of mining activity. Lien mentioned Dodge is asking for a 4 to 1 slope site reclamation, Arcadia had a 3 to 1 slope and so does the County. It seems somewhat inconsistent to have at the same mining site different requirements that cross borders. Lien commented it was up to the Committee and the County Ordinance is 3 to 1 slope. Lien didn't have an issue with either one as both meet NR-135 requirements. Bice closed the public hearing at 10:57 AM. Bice made a motion to approve the Conditional Use Permit application, Thompson seconded. Nelson asked how far they would be travelling on County Roads. Barth responded at this time they would be going on County Highway J to G and they will try to eliminate that two miles (to go into the outside of Dodge where the wastewater treatment site is) and put a processing and rail facility there. Today Barth stated they would be on County Highway J and G. Brandt noted that as he went through all of the CUP applications for today, there is kind of a theme developing around reclamation and storm water management. From what Brandt understands, when the process of mining is going on it will be internally drained, but potentially externally drained. Brandt asked if Barth would be getting a permit from the DNR for an internally drained facility. Dustman responded, ultimately yes and that it kind of the answer to the A and B horizon issue too. Dustman added what they like to see, especially on

this type of facility where they're isolated, they're small and kind of a knob that is going to be flattened down a little bit, is that one would berm the outside. Dustman stated Barth has a really nice history of doing some really nice erosion control. In Dustman's opinion, Barth is currently working on a project in Buffalo County that is a model project of how this can be done. Barth designed that plan layout so that they come around and take care of the land as they do so, kind of in a circle, and reclaiming behind them to control erosion and water runoff. Barth stated they are doing the permit because that's the way it is but they are trying to design it to be internally drained. Lien added until they can prove that they establish an internally drained site it is going to be handled as an externally discharged site. Brandt felt one of the things the Committee should look at is, as companies come for an extended period of permits, there should be thought as to whether there is a red flag around external drainage or wetlands or haul roads, etc., perhaps giving them a shorter period, see how they can work with us and how well they are able to accomplish what they say their goals are and then expand the permit. Brandt asked if the haul roads will be paved. Barth responded not inside the mine, but the entrance will be paved. Brandt asked if there was some kind of plan for the trees that need to be cut down. Barth responded that, compared to other sites, there are not a lot of trees. On other sites they logged out any sustainable lumber and then went from there. Brandt asked when they get up into the northern part of area 2 and also area 1, there is a significant amount of slope at the border. Brandt is wondering if they can do a 3 to 1 because if they take out between 50 and 100 feet of material, how are they going to get the slope back. Barth replied that out of those 50 to 100 feet of material there is only 50 percent roughly that is usable so 50% stays onsite depending on the quality of the sand. Barth added that on area three they are really taking the middle out of it and putting it back down so it is flat. Barth stated there is sand all over the Hoesley farm, they just picked the areas that were the easiest to put back. Brandt noted in the town conditions that there is no backhauling. Barth agreed to that. Brandt added we really need to see the wetland delineation. Bice understood that Barth is very willing to do the A and B soil separation, berm the outside areas of where work is to be done and when they get done, Hoesley's will have good farmable land. MSHA will absolutely require the berms. Lien stated the Town of Arcadia had in their request a 50 foot setback from the property line and then sloped at a 3 to 1 at that point. The application states 75 foot from the property line. Lien noted that the application stated 80 to 100 loads per day. Lien would like that "pinned down" more. Lien added there is another site already using County Road J so that needs to be considered plus there are issues in Centerville with truck traffic, therefore Lien would like to know a more precise number of trucks. Discussion took place on the number of trucks and the road agreements. Brandt reviewed staff recommendations: five year permit, needs to be information from the DNR in terms of the natural resources issues as well as archaeological issues, Traffic Impact Analysis and the County Road Agreement needs to be in place, approved blasting plan, (Barth noted there is no limestone on top of it so they don't anticipate blasting right now), standard conditions of County have to do with 24 hours notice, the survey of the foundations and the wells within 2500 feet, wetland delineation as well as intermittent stream shore land protection setback, A and B horizons separated, and 80 trucks per day maximum. Barth and Brandt agreed that all those things have to be covered prior to any activity on the mine. Vold requested that when the conditions have all been met and CUP issuance completed, the Committee should be notified or made aware as to the status – perhaps at the appropriate Committee meeting. Brandt made a motion to amend the application approval to include all the conditions listed by the Town of Arcadia and the Town of Dodge and the one just listed by Brandt and staff, Thompson seconded. Bice went through all of the conditions again. Quarne commented that at the last Towns' association meeting, it was mentioned that the Committee should be careful as to how many conditions are put on mines because if we aren't careful we will lose County control as was done with livestock siting. Motion to approve the amendment on the table carried with Quarne abstaining. Motion to approve the CUP with the amendment carried 6-1, Quarne abstained and all other members present voted yes to approve.

Public Hearing – Conditional Use Permit and Reclamation Permit – Nonmetallic Mine- Thomas A. and Rhonda J. Segerstrom, Applicant/Property Owner, Strum, WI and Paramount Sand of WI, LLC, Eau Claire, WI, Operator– Town of Hale Chairman Bice called the public hearing to order at 11:19AM. Nelson read the public hearing notice aloud. Lien stated the application is in the Town of Hale. A couple of

months ago there was a rezone applied for that would have been part of this operation, however since that was not approved they have scaled the plan back and this application is only on the Thomas Segerstrom property. Lien had in the plan that there were only 165 acres to be mined. Matt Segerstrom verified that it is 183 acres. Lien turned the meeting over to the applicants. Matt Segerstrom introduced himself as the co-founder and CEO of Paramount Sand. Segerstrom introduced his partner, Travis Adams (co-founder and president of Paramount Sands), Thomas Segerstrom, Chad Dwyer (Environmental Consultant for Paramount Sands) and John Dustman (principal and professional geologist with Summit Environmental Solutions), Chris Kelly (manager of aggregate processing for the McLanahan Corporation), Ron Beek (president of Tarmac International sand drying and screening) and their attorney, Brian Nodahl –Spangler, Nodahl, Kruger and Klinkhammer. Segerstrom stated over the past four years Paramount Sands has spent thousands of hours researching, networking and gaining knowledge to position themselves to build a successful mine processing plant. The amount of valuable information gained over this time has been vast. They have consulted with some of the largest sand producers in the country. They have conducted the upfront diligence and were one of the first permitted sand mines in Buffalo County, Wisconsin. They have travelled the country touring numerous mining operations which has given us our vision and our planning and development stages. There have been barrels of sand shipped from the Segerstrom property to test facilities to find the most effective and efficient processing plan. They have teamed up with some of the highest regarded professionals and experts in the industry today which they have with them from Summit Environmental Solutions. Tarmac International and McLanahan Corporation just to name a few. The principals, Adams and himself, grew up in Buffalo County and they are sons of third generation farmers and landowners. They understand the pride in owning land and they feel that a lease for royalties in lieu of a sale of the land promotes good will for the community, maintains the pride of ownership as the landowner has the final say in the reclaimed land use. They formed Paramount Sands in Wisconsin to safely, effectively and efficiently process and provide customers with high quality Wisconsin frac sand. This is to be done while being good stewards of the land, community and industry with professionalism and integrity at all times. They will give back to the community through donations and sponsorships. They will also make every effort to buy locally, purchase fuel locally and use local business services and products. Segerstrom then gave an overview of the proposed mine on the Segerstrom property. Paramount Sands, Wisconsin will mine, process and sell high quality frac sand from approximately 90 acres of the Thomas and Rhonda Segerstrom property within the Town of Hale. They submitted their application to the County on May 9th, a third party engineering review was completed on May 21st and all recommendations were addressed by Paramount Sand. They plan to operate 240 to 260 days per year and the life expectancy of the mine is estimated at up to 25 years with each phase lasting approximately 2-4 years, reclaiming as they go. Commencement of operation is anticipated between spring and fall of 2013 depending upon issuance of final conditional use and all state permits. They are dedicated to maintaining the health and safety of the public through diligence, expert consultants and regulations. They have invested a significant amount of personal capital into the planning efforts and due diligence just to get here to be heard today. They have and will continue to hire and seek expert consultation from mining operators, engineering firms, environmental firms, excavating companies and public entities on best practices and procedures to safely and efficiently operate this sand mine. They will also invite emergency services on site prior to operating to conduct training and familiarize them with the site. They are well prepared to operate this business for the long term. They feel their operation is sustainable because they are not relying on outside processing facilities to hopefully have room for their sand. They have funding available to build this multi-million dollar facility. They have rail options and numerous buyers looking to sign long term contracts. They have conducted core drilling on the property to identify and analyze the existence of frac sand. The results prove there is approximately an 80 foot layer of saleable frac sand. They have estimates to bring three phase electric and natural gas. The wash plant will provide clean sand while using a settlement pond with the option to add a filter press after operations has begun. The drying process will utilize natural gas and a rotary dryer. Sand storage will be done on site in stockpiles, loading bins, load out bunkers and possibly silos. The product will be hauled to a potential rail site exiting off of Highway 121 just west of Whitehall. Covered trucks will enter onto Erickson Road, head west to Lindberg Road and then to State Highway 93 proceeding

south to State Highway 121 east towards Whitehall. Their alternative route is North on Highway 93 from Lindberg Road remaining on State Highways exiting Trempealeau County. They have consulted with an engineering firm and have a proposal to add turn lanes north and south at the intersection of Highway 93 and Lindberg Road. They have been in contact with and have a draft for a road use agreement with the Town of Chimney Rock and Hale for one mile of township road from the plant entrance at State Highway 93. There will be up to 150 loaded trucks per day based on operations during current mining hours set forth by Trempealeau County and they are considering no hauling on Saturday's. Their hauling schedule will be similar to other mines as some days may require "max" hauling while other days may be significantly less. Next Segerstrom discussed why this location is ideal. They have evaluated and visited numerous potential mine sites in Western Wisconsin and after all the research, the Segerstrom property proved to be the most viable due to the rural location, the sand deposit, proximity to state highway and rail and the availability to electric and gas. Present use is rural agriculture and woods. There are zero homes on all adjoining parcels to the proposed mine site. The tree canopy and berms will be utilized as buffers to the mining operation on three sides helping to reduce noise, dust and eliminate visual access to the site. In addition, each phase will be reclaimed as they go. The final reclaimed use will provide almost three times more agricultural use with larger, flat fields while maintaining the natural character of the area. The final reclamation elevation is expected to be 50 – 60 feet higher than the elevation of Erickson Road creating a raised plateau ideal for farming. The closest residence to the Segerstrom property is approximately 1500 feet from the mining site border. Regarding blasting, Segerstrom stated David Hesch has provided numerous testimony at previous county meetings. He has stated that a concerned neighbor on his site, at an 800 foot distance, had no issue with blasting after they conducted several 1.3 second blasts. Segerstrom stated they will consult with blasting experts to use similar techniques. There is safe access and minimal traffic at the site entrance on Erickson Road. Over a three week period from July 10th until July 31st their records show only 13.1 cars per day passing the proposed entrance site. In addition all residents on Erickson Road, east of the proposed mine site have alternate routes to Strum and to Highway 93. Roskos Road to Moe Valley Road to County H is the quickest way to Strum and Roskos Road to Lee Road to Paulson Road to get to Highway 93 or the option to take Roskos Road all the way to Highway 93. The town road will be built up and improved to DOT standards prior to operation. They will be replacing culverts and most likely the bridge on Lindberg Road to allow safer traffic flow. All incurred costs associated with construction maintenance will be paid for in full by Paramount Sand. The turn bypass lanes added north and south on the Highway 93 and the Lindberg road intersections will also be paid for in full by Paramount Sand. Just like all other non-metallic mines in the County, they are operating under the regulations of the Wisconsin DNR, Mine Safety and Health Administration (MSHA), OSHA and the Trempealeau County Comprehensive Zoning Ordinance to maintain the health, safety and welfare of the public along with employees at the mine site. They are capable of and will follow all regulations. There are close to 20 approved non-metallic mines in the County. Many of these sand mines are raw extraction only. As supply catches up with demand, some of these sand mines have not begun operating or have shut down; this is why they are proposing a processing facility at their site. There are currently several sand mine processing facilities in Trempealeau County. This is a proven industry with regulations in place. On March 13th, 2012, Tom Segerstrom was issued a letter from the Town of Hale stating, "The Town of Hale board supports Thomas Segerstrom in mining for sand in the Town of Hale". Paramount Sand has been at the last four monthly Town of Hale meetings and they have been open to addressing questions or concerns. At the May 8th town meeting, the board stated that they had already consulted with the attorney, Mr. Schaumberg, regarding possible township conditions. At a later date, the Town Chairman stated that he was unaware that there are standard county conditions along with staff suggested conditions that they must follow. They then sent the township a copy of standard county conditions and potential site specific conditions that they feel are relevant to their proposed site. The town has had three months to review the Segerstrom plan on the proposed site and consider conditions. They feel the town has had ample time. They will continue to be open to work with the town as this project progresses. In regard to what is required from the town for this conditional use application, Section 10.04 of the County Zoning Ordinance states, "a letter from the town board regarding the conditional use permit" is the only requirement needed. They have also posted an ad in the Ad Delite and held

a public site visit at the Segerstrom property on Saturday, August 4th in which approximately 40 people attended. They have communicated with all of the adjoining neighbors to the mine site. Six out of seven of the adjoining neighbors signed a letter stating they do not oppose the sand mine on the property of Tom and Rhonda Segerstrom. Neighbor #7 would not comment either way. Segerstrom read the following letter from adjoining landowners: To the Trempealeau County Environment and Land Use Committee: This letter is in regards to the Conditional Use Permit for non-metallic mining on the property on Thomas and Rhonda Segerstrom in the Town of Hale. WE are long time landowners in Trempealeau County and most importantly we are adjoining landowners to the property of Tom and Rhonda. We understand the decision will be voted on to approve the conditional use permit. We would like to make it known that we do not oppose the non-metallic mine site on Tom and Rhonda Segerstrom's property. We wish them the best in their endeavors and have confidence they will be good neighbors and answer any questions we may have going forward Tom and Rhonda are working with expert industry consultants along with a family owned company willing and able to go the extra mile to maintain our health and safety. Sincerely, Trempealeau County Landowners, adjoining neighbors of Tom and Rhonda Segerstrom; David Stetzer, Jerry Knudtson, Alan Erickson, Dennis Ulberg, Bruce Prudlick and Ralph Kisor. Segerstrom continued that this proposed project will bring a positive impact to the community. We anticipate 20-30 good paying jobs with benefits, increased local tax revenue, increased local business revenue and increased local contract work during the construction phase along with maintenance during operation. In conclusion, they have conducted significant diligence for their proposed site. They are ready and able to move onto their next step which is to obtain this conditional use permit so that they can begin their next planning phase. This will involve hundreds of thousands of dollars in site engineering, equipment deposits and additional permitting. They would like the opportunity to address any conditions when they are presented. Segerstrom turned the meeting over to Dwyer and Dustman to further elaborate on their research and expertise. Dustman presented a 3-dimensional map overview (included the county's digital elevation model) of the property for all to view and provided explanation. Dustman explained one can see what the geology is and why this area has this type of natural resource. It is also important to realize that this same exact sand has gone into every piece of glass, windshield, home window, etc. as that is how glass is made is through a silica sand product. Dustman stated a geologist would call this pattern a dendretic drainage pattern and one can see how the erosion has eaten down through the layers of sand and rock. In putting together the reclamation plan they do lots of different layers of information, so that is how they generated the necessary figures that are in the packets. Dustman explained the mining site plan. Dwyer explained that Phase 1 will have the plant site and staging area, Phase 2 – they can berm it on the north and west side. They are also utilizing the knob on the west side. They won't be taking the whole knob out but they are trying to visually screen that portion from Lindberg Road and Highway 93 along with utilizing their sediment, A & B horizons along the bottom edge with a silt fence. That is where the externally drained would come from – it would more than likely be in those portions until they can get that internally drained status and store that 25 and up to 100 year storm if they can get the storage on site. Phase 3 they will use the topsoil there to reclaim Phase 2 and Phase 4, etc. A fifty foot buffer will be maintained on the entire perimeter of the property. On the north side of Erickson Road there will be a 300 foot buffer. It is pretty clear by DNR it is a stream. Dwyer wasn't sure if it flowed all year round, but when they have been out there it has been flowing so they buffered it. Nodahl understood that there is an issue with the Town of Hale and their letters and he wanted to talk about that. Nodahl stated the requirements of Chapter 10 and Chapter 13 have been complied with in this case. Mr. Segerstrom went through the history with the Town of Hale. Nodahl appreciates that the town has comments or considerations that they would like to raise. However, as Nodahl has represented municipalities in the past and does so now, this becomes a question of county zoning, not town zoning. With all due respect to the town, the creation of conditions and the implementation of conditions rest with the county staff and this body. With, that Nodahl asked that this public hearing be concluded and closed, due deliberation be given, proper conditions be established and this permit be issued without delay.

Stephen Doerr – Registered to testify in favor. Doerr stated as a patriot and having knowledge of the need for this sand versus the alternative that someone suggested (import the Chinese ceramic proppant) Doerr

encourages the board to look at approving this proposal. It would supply the United States with a natural product as opposed to the alternative being that we don't know what the ingredients are in these ceramic products coming from China. This also would continue to hurt us economically as a country. Doerr encouraged the Committee to treat the applicants fairly. Doerr has been through this procedure here and in Buffalo County and there are times when there has been unfair treatment. Doerr stated today we observed the approval of a permit, where the letter was actually for Perry Hoesley, when the applicant was Robert Hoesley, so we have seen things, even today, where things have not been fair. When conditions are examined do so in a way that it doesn't violate any rights of those people that are applying nor the rights of the people that are seeking protection in that area.

Robert J. Smith – Registered in opposition but not testify.

Travis Adams – Registered to testify in favor. Adams is the co-founder and president of Paramount Sand of Wisconsin. Adams grew up in Buffalo County. Although he resides in Arizona, he has deep, emotional ties to this area. Many of Adams' friends and almost all of his family live in this area and that is why over the past seven months he has put his heart and soul into conducting due diligence just for the Segerstrom sand mine to be heard here today. As a business owner for all of his adult life, he knows they are taking the proper measures and have the right team in place to operate it and evaluate every aspect of this proposed mine site to be sustainable for the long term. They are a privately owned company and they have disclosed significant proprietary information to prove that they are dedicated to doing things right. Tom and Rhonda Segerstrom are the closest residence to this proposed mine site. The number one goal is to maintain their health and safety along with the health and safety of their children and grandchildren on their home everyday. By achieving this goal, the standard of health and safety will be carried throughout the surrounding area. They will continue to consult with expert environmentalists, engineering firms, excavation companies and sand processing companies. Their experts will show air and water quality will be maintained and monitored well below approved standards of each state agency. The land will be reclaimed to maximized agricultural use remaining consistent with the neighboring properties. Their operation will be governed by MSHA, OSHA, WI DNR and Trempealeau County Zoning. Each agency has regulations and conditions that were written by professionals in their field. Paramount Sand will adhere to all of these regulations and conditions. They have put a plan together and Adams was asking the board to give them the opportunity to execute this plan.

Amy N. Smith – Registered in opposition but not testify.

Todd Pecha – Registered to testify in favor. Pecha lives up in Bloomer. Pecha wanted to talk about the impact that he has experienced from the sand plants. Pecha stated they have about seven active sand plants – wet plants besides dry plants within a 10 mile radius of Bloomer. The job impact is phenomenal – the restaurants, car dealerships, gas stations and the motels, everyone is busy. It is a good thing for the entire community. The trucks going up and down the road comply with all the laws. The sand plants, as far as dust control, they all have water trucks. There are ponds to retain all their storm water. These things are all regulated. There are a lot of people saying things that are just not true. The contamination of the water wells is not true. In regard to the dust flying in the air, there is more dust flying off gravel roads that adjoin. If a sand plant sees any dust, the water truck is running. The quality of life for the people who were able to come home, instead of working in Pennsylvania, New York, Arizona, they are home and with their families. Some people would rather have a person live two states away from their home than see a sand truck go down the road and it is not really fair. Pecha added this impacts people directly. They are coming home to work instead of going out of state and that is a big deal. All of the local business's – this money gets spent in our communities. Pecha asked the public to take that into consideration. There are agencies available that have all these regulations and things are complied with. These people are not cutting corners. Think about your neighbors too.

Thomas Wik – Register in opposition but not testify.

Kayla Bates – Register in favor but not testify.

Carolyn Johnson – Register in favor but not testify.

Stuart Hagen – Registered to testify in favor. Hagen stated he is a homeowner in Buffalo County by Modena. Hagen is also part of a sand operation proposing a transload facility on the west side of Whitehall. That will be brought forward in the next month or so. If the applicants are successful in getting this through, Hagen can provide a lot of transport for the sand to eliminate a lot of the trucks through Whitehall. The proposal is for a transloading facility where they will transfer sand to a rail and ship it to a destination. Hagen is in support of all these sand operations.

Mary Dubiel – Registered to testify in opposition. (Dubiel had already testified). Dubiel stated if there are 150 trucks in an 8 hour day that is a truck going by on average every 2.7 minutes. If it would go to 24 hours that is 8.5 minutes per day. Dubiel knows this is a big industry but she hoped the Committee could see where people are coming from and if there is another way of doing this business.

Timothy K. Johnson – Registered to testify in opposition. Johnson stated that of all the signatures that Paramount Sand got, only two of those people live in this area 24/7, the rest just own land but do not live there. This mine site is inappropriate because of it's' proximity to several residential homes. There are at least nine homes within a half mile of the mine perimeter and an additional two recreational homes. There are eight residences within 2500 feet of blasting range. These all need to be monitored for blasting foundation and well damage. This valley is the home to at least sixteen residents. Non-metallic mining does not align with the Comprehensive Smart Growth plan for Hale Township. The citizens of this township chose to zone almost exclusively R-8 because we felt that is where the future of this area was. The surrounding townships around Hale do not support mining for frac sand and have either denied applications or developed moratoria to halt the development of industrial frac sand mining as an incompatible land use in a residential zoned area. Mr. Segerstrom's property is zoned for Farmland Preservation. Under land use in Farmland Preservation zoning district Wisconsin Working Lands Initiative Chapter 91, Subchapter 2, Farmland Preservation Planning 91.10 Item #2 it states, "the county has a comprehensive plan, the county shall include the farmland preservation planning in its' comprehensive plan and shall insure that the farmland preservation plan is consistent with the comprehensive plan". Mining for frac sand and creating an industrial sand plant within a residential area is incompatible with the residential zoning that has been set in place in the Hale township. The decision by the Hale township board to vote on and write a letter of support for the frac sand mining is in violation of Wisconsin's open meeting law. It states under Item 3, two basic requirements of the open meeting law; there must be advance public meeting notice – the agenda for the Hale township board must provide information in the notice must be sufficient to alert the public to the importance of the meeting so that they can make an informed decision as to whether to attend. Generic designations are not sufficient. Since January there has not been one mention in the agenda related to frac sand mining. Secondly, issues that arise during public comment should be dealt with as follows: Such a period – public comment must be included on the meeting notice. If a member raises a subject that is not on the agenda it is advisable to limit the discussion of that subject and defer any extensive deliberation to a later meeting so that more specific notice can be given. The body also may not take formal action on a subject raised in public comment period unless the subject is also identified in the meeting notice. Mr. Segerstrom, without being on the agenda, requested the conditional use and a letter of support without any public notice. The Board heard the request on March 13th and voted the same day. Under penalty section, it also states "in addition to the forfeiture penalty, Wisconsin Statute provides that a court may void any action taken at a meeting held in violation of the open meetings law". Therefore the letter of support for Thomas Segerstrom should be considered invalid. It does not represent what the majority of the township wants. When the public did become aware of the decisions that had been made, without their knowledge, there was and still is very strong opposition to the decision. There is no conclusive evidence that mining for frac sand is completely safe. We know that crystalline silica is a health

issue. There are numerous health agencies that have studied the health impacts and found that exposures to elevated PM and respirable silica lead to an array of respiratory issues. There is the potential for water contamination from this type of mining and plenty of accidents associated with this activity.

Danielle M. Johnson – Registered to testify in opposition. Johnson lives 1500 feet from the proposed mine. There are a lot of reasons to deny this and Johnson respects the work that the Committee has put into this. When you say you've put your life savings into this, so has everyone who lives around there. This is our land and we built our home, our properties and our life time investment and we stand to lose everything that you stand to gain. Secondly, when you say the people around you supported this, you cannot use Dennis Ulberg to say he supports it. He is part of 4-Buck Farm and there are four owners. You have one signature out of four that does not count. The 120 acres to the south, you do not have the support of those people and you need all four of them to agree. Third, you say you are very concerned about our land and our health. In your comprehensive plan there are no monitors proposed, no liner in your pond, you plan to have external drainage, the slope of this proposal is to run to the north, and if it does it goes right into that creek if those berms break and we know that they break. There are other issues, again Tim talked about the comprehensive plan, this is completely in opposition to our comprehensive plan. All around this area, we are R-8, people wanted it, this is the exception right here and when you say it is in Farmland Preservation, Farmland Preservation still has to align itself with the comprehensive plan of the surrounding area. It is very clear and it says this and yes we are prepared to go to the DA (District Attorney) because there have been open meeting violations for this township. This letter of recommendation should have no credence. On March 13th, they went in and there must be, "from the public – good meeting notice - information in the notice must be sufficient to alert the public to the importance of the meeting so that they can make an informed decision whether or not to attend". They still continue with generic definitions, not letting people know what is going on. When we showed up, they were surprised. The township is pulling back their desire to want to even do this because they see that people are mad. We were not informed; this should not be considered a valid letter of recommendation. Under Farmland Preservation it is still a conditional use. They need some sort of agreement to move forward with this. This does not align itself with our Comprehensive Plan. Lastly, you talk about that you need evidence. There is lots of evidence. The CDC (Center for Disease Control), (those people that have no financial gain here) is telling you your health is being impacted. These guys are going to tell you anything to get in. We need to give credence to these people who are studying this who are concerned about the health of people. Johnson added the dust that you can't see is the dust that is going to kill you because the fractured silica is smaller than what you can see under the microscope. Once you breathe it in you cannot expectorate it. It is in your lungs and it causes silicosis and that is the truth.

Steve Seigfried – Register in opposition but not testify.

Barb Seigfried – Registered to testify in opposition (Not present).

Paul Gunderson – Registered in opposition but not testify.

Donna Oliver – Registered in opposition but not testify. (Has already testified)

Bridgitte Ross – Registered in favor but not testify.

Josh Segerstrom – Registered in favor but not testify.

Gary Duggleby – Registered to testify in opposition. Duggleby stated he spoke briefly before on the frac sand thing in general. Duggleby reiterated that the frac sand processes are similar to a cement plant. The main processes are different; the back end is similar because one has to haul something out. It is extremely costly to haul so if you have to do that it not only drives the cost up and it is based on diesel fuel the thing we are trying to get more of ourselves. The point being that there are good places to do frac sand mining and like cement plants if they are put near rivers like the Mississippi or put them on rail spurs that actually exist that is realistic. If you are trucking it 20 miles or renting equipment and leasing the land you can just shut it down and chain it up like the place in Minnesota did for the last four months, but is that what you want? Do you want something put in place that can go out of business just like that or do you want something that is going to be there for

awhile. Everybody can “blow off” transportation but it is vitally important to the cost and if one wants to stay competitive and be there for awhile, they better be addressing that.

At 12:00 Noon Bice adjourned the meeting until 12:45 PM At 12:45 PM Bice called the public hearing to order for Thomas Segerstrom and stated the Committee is in the middle of taking public testimony from anyone wishing to do so.

Rhonda Segerstrom – Registered in favor but not testify.

Angela Engen – Registered in favor but not testify.

Tammy DeWayne – Registered in favor but not testify.

Darrel Engen - Registered in favor but not testify.

Rose Segerstrom - Registered in favor but not testify

Becky Baumgart - Registered in favor but not testify.

Steve Segerstrom - Registered in favor but not testify.

Allan Erickson - Registered in favor but not testify.

Bonnie Wenger - Registered in favor but not testify.

Kim Wenger - Registered in favor but not testify.

Marvin Moy - Registered in favor but not testify.

Paige Segerstrom - Registered in favor but not testify.

Gail McGee - Registered in favor but not testify.

Dick McGee - Registered in favor but not testify.

Deborah Erickson - Registered in favor but not testify.

Brian Nodahl – Registered in favor. (Stated he would save his time for rebuttal).

LaVern Johnson – Registered in favor but not testify.

Ralph Kisor - Registered in favor but not testify.

Dave Stetzer - Registered in favor but not testify.

Chris Segerstrom – Registered to testify in favor. Segerstrom wanted to clarify that on the 4-Buck Farm they did sit down with all four and Dennis does have Power of Attorney on that, so he signed for all four. For clarification, Segerstrom stated the landowners that they talked to were touching the Segerstrom property not the Allan and Deb Erickson property. Segerstrom is a representative of Paramount Sand of Wisconsin. Thank you to County Board members and officials for listening to the public and all of our view points and concerns. Segerstrom too has a concern. Segerstrom is concerned that a decision will be based on high emotions rather than based on proper procedures, standards, protocols and regulations. Segerstrom is a teacher by trade and teaches middle school math, language arts, social studies as well as coaching three sports in Alma, Wisconsin. As a teacher, Segerstrom is expected to teach, not only his content, but morals, work ethic, responsibility, respect and much more. We call this the the unwritten curriculum which in Segerstrom’s opinion, as a teacher, is the most important curriculum. What Segerstrom demonstrates himself and expects out of his students and athletes, he also expects out of any organization or company that he supports and Paramount Sands of Wisconsin demonstrates all of these qualities and more. Segerstrom is here today as an active member of society standing up for what he believes in. Segerstrom believes that the proposed mine has numerous benefits to offer. By permitting this mine, the County would receive tax revenue. There will also be an economic stimulus created by this mine. 20 -30 competitive jobs will be added and the impact of those jobs will be felt throughout the community, like the gentleman spoke about in Bloomer. This part of Wisconsin has a rare deposit of sand and we need this in our country. More than just the mine, the county must take into consideration the company behind the operation. Segerstrom is standing up here right now because he believes in Paramount Sand of Wisconsin. The company is not an impersonal company showing a lack of concern for the community; actually it is the exact opposite. As Mr. Segerstrom stated earlier, the company has close ties to the area. Segerstrom personally knows how much time, effort, money and research has gone into the planning of this mining operation. They are here to work with the community to address all

concerns and to follow all laws and regulations set forth by the town, county, state and federal officials. As a family member and a representative of the company, Segerstrom can't emphasize enough the importance the company places on doing things right. This is a company that will give back and one that you can trust not only to follow all regulations, but also to consider the issues that arise from mining. It is Segerstrom's hope, today, that after listening to many different viewpoints, that the Committee members make a decision that is fair. Segerstrom understands some of the concerns with mines, however, it is not fair to stop a company that has and will continue to do things right. Abraham Lincoln once said, "I do the very best I know how, the very best I can and mean to keep on doing so until the end". This quote reminds Segerstrom of the two principals of Paramount Sand of Wisconsin. Matt and Travis will continue to do their best until the very end. This wasn't something that was written for Segerstrom to be read here, rather, it is coming from his heart. Thank you Committee members for listening to this hot topic but he does hope that you make a decision that is fair for the company.

Chris Mueller - Registered in favor but not testify.

Michelle Mueller - Registered in favor but not testify.

Nick Zander - Registered in favor but not testify.

Erin Severson - Registered in favor but not testify.

Grace Kugel - Registered in opposition but not testify.

Ron Kugel - Registered in opposition but not testify.

Beth Segerstrom - Registered in favor but not testify.

Tom Segerstrom - Registered in favor but not testify.

Laura Humphrey - Registered in favor but not testify.

Kathleen Jessesky - Registered to appear and testify for information only. (Not present)

Eldora Bowen - Registered to appear and testify for information only. (Testified earlier).

Linda Dugleby - Registered in opposition. (Testified earlier)

Gerald Hawkenson - Town of Chimney Rock Chairman - Registered to appear and testify for information only. Hawkenson stated there has been nothing signed and no agreements or conditions are in place with/from the Town of Chimney Rock.

Patricia Erickson Barnes - Registered to testify in opposition. Barnes stated she is the closest living residence to the proposed sand mine other than the Segerstrom's. Ironically their letter was true to the fact that it was landowners, however nobody else lives the closest other than Barnes. Barnes lives within 300 feet of the boundary. With that being said, they forget that Barnes has lived there for thirty years and she can say that there are eleven families that use that road. Most of them have two to three drivers per family. There are wetlands, creeks, and springs all throughout that area. The processing plant and the fact that it is going to be 10- 25 years of us sitting there with this right across from us, that we have to endure it, this is not an industrial area. They want to turn it into an industrial site and these are our homes, our properties and everything that we have worked our entire life for and they want to change everything. The gentleman who talked about Bloomer, Barnes knows exactly about the Town of Howard. One of her customer's owns the Town of Howard sand plant that he is talking about and it is a totally different "animal". They don't have a processing plant there, all they do is dig it up, put it on the trucks and run it out. Totally different than what we are talking about. In regard to land values, quality of life, and the fact that the company is going to abide by all the rule and laws that are existing, that is the whole point that this is so new that the existing laws and rules are not up to date. They don't know what is going on yet, there isn't enough history to know what is going on. They are talking about tax revenues, it has been proven that the tax revenues are far below anything that they ever expect and as far as long running, they can shut it down in a moments notice. In regard to health issues, there are long term issues which Barnes had brought up. Barnes asked what is going to happen when this sand mine goes out of business and there are health issues. If one wanted to bring a civil suit, the mining company is not around so who are we going to sue. In Chippewa County, they had a concrete wall fall and crumble on

five people which was ½ to 1 million dollars worth of medical costs. We don't have trauma centers around here that can handle that. When one has trauma of that great quantity you are ending up with 10 – 20 people in the room trying to take care of that person so that person doesn't expire/die. We just don't have that type of stuff around that can handle that. Barnes stated Rhonda Segerstrom wrote a letter to the Town of Hale, upset, that her banks/ditches were sprayed to kill the growth. She was upset, because when she goes for her walk, e she wasn't going to be able to see any "green" and she wrote a letter to the township saying that she wanted to see "green" during her walk. Barnes asked what about the rest of the neighbors' walks. There are numerous people that use that road and that area. Just because they want to mine, they are going to infringe on how many people? This isn't something that is going to be stuck out in the woods, there are residences. Barnes knows, specifically, of eleven families that are going to be directly impacted. Would you like to have a sand mine right next to you? It isn't just a gravel pit, it is an industrial site and they are talking about a processing plant so everything that one can possibly have will be there; water, holding ponds, everything. This is a little bit more than a small gravel pit. If Barnes would have known that the Committee had questions about health issues, she would have had the people that spoke in Eleva come here and talk about that. Bice requested that Barnes give him printed material with that information. Upon Bice's request, Barnes stated the name of the expert is Dr. Crispin Pearce and the other was an editor for Women's Health.

Rachael Baker – Registered in opposition but not testify.

Robert J. Smith - Registered in opposition but not testify.

Lien read a number of phone messages and e-mails that were received in the DLM office.

Gary and Pam Knudtson – Phone message – Opposed to the Segerstrom mine site.

Deane Sczepanski – Phone Message – Opposed to the Segerstrom mine site.

Neal Olson – Phone Message - In favor of Segerstrom mine site.

Harold and Gail Lindebo – Phone Message – Opposed to Segerstrom mine site.

Edward Halama – Phone Message - Opposed to Segerstrom mine site.

John Hepfler – Phone Message – Opposed to Segerstrom mine site.

Billie Laraco – Phone Message – Opposed to not just this site but other mining activity in the county.

Tim Engel – Phone Message – Opposed to Segerstrom mine site.

Kamala Engel – Phone Message – Opposed to not just this site but other sites in the County as well.

Paul Adams – Phone Message – Opposed to Segerstrom site and other sites in the County. Adams commented he really has great concern with the amount of traffic and distance from rail lines.

Wade Pittman – Phone Message – Supports the Segerstrom mine site.

At this point Lien stated he would read the name and if someone is in the room and has already commented and does not want Lien to read their comments, please speak up.

Darrick Westphal – E-mail - I want my name read off as supporting the plant during the meeting and the Eleva-Strum school.

Gayle and Kathy Olson – E-Mail – This is to let you know we are in favor of the frac sand mining in Chimney Rock. We also would vote yes for a wash plant in the Town of Hale

John and Sandra Bellville – E-Mail - Opposed to Trempealeau County mining in general, especially in Chimney Rock township.

Bonnie Wenger – E-mail – I would like to show my support for Tom and Rhonda Segerstrom as they are hard working, honest people and deserve the opportunity to use their land however they please. The sand industry will bring jobs to the community. Why would anyone not want to improve the community with endless opportunities in economic growth? Please read my support e-mail during the hearing.

Anthony Sacia – E-mail – I am writing in advance of the public meeting scheduled for August 8th to discuss the potential approval of the sand mining operation which is proposed for the Tom and Rhonda Segerstrom property. I would like to express my support for the proposed operation on the principals that similar sand

mining operations have been proven to be compatible with other neighboring land uses and that the environmental impact has not been proven to be adverse. As long as the mine site plan and the reclamation plan are following applicable state, federal and county regulations, there should not be any opposition by Trempealeau County Land Management Department, in my opinion. These operations provide an opportunity for economic development throughout the County and surrounding area providing quality jobs at the site as well as jobs in supportive industries. I have personal knowledge of the principals involved in Paramount Sand Corporation as well as the landowners and know them to be reasonable, conscientious and honest individuals. They are conservationist minded people, long time residents and good citizens of this area and have the best interest of the community in mind considering this operation. Please act favorable on their proposal.

Rosalie Gray – E-mail – I am not able to attend the meeting on August 8th, 2012 regarding the Conditional Use Permit for non-metallic mining on the Rhonda and Tom Segerstrom property, but would like to let you know that I support giving them the permit and that you can read my e-mail at your meeting. I grew up in the Town of Hale and have spent the majority of my life on my family farm. I know that a farmers' retirement is his land, not a 401K or a pension plan that is provided by an employer. The Segerstrom's have been hard working farmers who have worked and loved the land and raised their family on the farm. If they have an opportunity to profit from a resource that is on their land, I believe they should be given the opportunity to do so. There is also a need for some good paying jobs in our area and believe that this is an opportunity to see some economic growth in the area which will not only impact the Segerstrom's but many people in the area. I understand that people have concerns, but before anything is done, there will be reclamation plans for the land. There are mines in other parts of the county, so we can not allow the Segerstrom's a chance to have a mine on theirs. In closing, I would like to again, urge you to issue the permit to the Segerstrom family and allow them to have the opportunity to profit from being landowners.

Bjorn and Judy Olson – E-mail – We believe that Segerstrom's of Eleva should have the right to do what they wish with their land as long as they follow all the guidelines. We are not opposed to frac mining as long as all guidelines are in place and followed according to the environment.

Kyle Pratt – Vmeer – Email - I have had the pleasure of getting to know Travis Adams, principle of Paramount Sands of Wisconsin, LLC over the past seven years on both personal and professional levels. I can assure you that his character and integrity is of utmost respect. Travis has always given 110% in everything he does. Perhaps two of his greatest traits are his attention to detail and persistence to not give up. When Travis shared with me some of the details of his venture that he and his business partner, Matt Segerstrom, were started out on, I was both intrigued and excited for them. Travis has always pursued his entrepreneurial spirit, he understands how to think outside the box, recognize opportunities and control threats while relentlessly pursuing his passions. The key is, he grasps reality and the economic environment that we are in today. He understands the need to create jobs, pursue the tough roads and he understands those roads have obstacles, but he can see through to the end what can be and what could become of it. As a business owner myself, I understand the challenges that lie before the Segerstrom family and Paramount Sand of Wisconsin. I have experienced, first hand, the political and economic challenges that it takes to grow a business. I have seen my business grow 30% a year in good times, reaching 30 million in size which have to react to declines of up to 40 % on the back end of the business cycles. The team assembled before you have what it takes to make this plan successful for all parties. Countless hours of personal sacrifice and hard earned capital have been allocated to organize, evaluating and preparing their business plan. They have done the research and they certainly feel they have a viable business opportunity in front of them. I would encourage you to ask questions, probe the research to build a foundation for your decision based upon fact not hearsay. Furthermore I would encourage you to evaluate the plan and the framework of our current economic climate where unemployment is reaching reported double digits and assumed to be closer to high "teens" in our country. These individuals are actively trying to create opportunities, they themselves are not in line asking for handouts, rather they are looking for opportunities to create jobs and perhaps more importantly much

needed local tax dollars while providing their families with hard earned wages. They are trying to make a difference. It is often easy to sit on the sideline and point out opposition, but in different it takes risk in pursuit of entrepreneurial adventure. If there are legitimate concerns to the safety and well being of the members of Trempealeau County then let those concerns be heard. I challenge you to give the Segerstrom family and the principles of Paramount the chance to field answers to those concerns and present the facts without bias. I am confident that in the end, the collective and level minded thoughts of a consensus can be reached. You certainly don't need to re-create the due process. I am just asking you to follow it to the best of your ability. In closing, I will challenge you to prepare a baseline for your decision on the following question. What are the grounds for opposition to these planned operations? Are they contractual or statutory or founded upon emotion or personal bias? Is the safety and well being of our county constituents at risk and can it be documented? What measures are being taken or could be taken to limit identified risk. Is there really any grounds or concerns that have no compromise? Are there circumstances where, in reality, there are positives that can be created? We often find ourselves trying to please everyone when, in fact, all we do is create a system that has so many obstacles we find ourselves fearing change and compromise, but we insure of our ability successfully arrive back at a state of equilibrium. Therefore, in an effort to be fair, we often end up penalizing the sole means by which our economic system is built upon. New organic growth driven by entrepreneurial minded individuals. In turn, we look to reducing programs and internal cost to offset increased factors such as inflation and cost of living. I am confident that in the end, when the facts are represented, you will be able to make the right decision for all parties involved. I certainly appreciate your time and willingness to hear the business plan being presented and further offer my personal support to the parties involved.

Corey Teigen – E-mail - As a member of the surrounding community, I want to express my support for the proposed sand mine. I feel that a business such as this has great rewards for the county and the surrounding communities. In the rocky economy that we are in, I don't understand why a county would want to turn down potential revenue and jobs that this would bring to the area. I live next to a quarry and deal with unlimited trucks hauling gravel on a daily basis. I know many feel that the trucks added to the traffic on the highway will be too much of a nuisance. From my ten years of living next to this quarry you grow accustomed to the traffic. I feel that there are many positive aspects in allowing the sand mining in the county. #1 – The economic boost that it will bring to the county.

Rebecca Teigen – Email – (Same letter as above)

Liz Gunderson – Email – This e-mail is in regard to the vote to be held on 8-8 regarding proposed sand mine on the Thomas and Rhonda Segerstrom property. On 7-24 we attended the informational meeting regarding the sand mining process at the Eleva-Strum High School. We learned a lot. We have 165 acre farm in the Town of Unity and we would hate to see this be affected by a sand mine, so on 8-8, I encourage the E & LU Committee to vote “no” to implementing this mine. In fact, we would like to see some kind of special zoning implemented to prevent future sand mines.

Heather Oliver – E-mail – Please approve this mining site. Tom and Rhonda have the right to do with their land as they see fit. After all, they own it. The area needs it economically. The country needs the sand to reduce dependency on foreign oil; it only makes sense to approve this. This would significantly improve the quality of life of our families by reducing unemployment. My fiancé' drives to North Dakota for work at this time while we are left behind. He is missing his kids growing up. I couldn't help but notice, at the previous meeting, the “Hale No” people mostly are retired and self-employed or government workers, what about the rest of us. The comment was made that Hale is such a beautiful, wonderful place to live, well that may be true but not if you can't make your house payments. People can no longer support their families for a whopping \$9.00 an hour. We must have more industry or the American dream will die for this area. Regardless of all

the reasons we should have sand mines right here in our backyards, these folks have the right to do with their land as they wish. If the opposition wants the say over the land they should have bought more land.

Casey Van Pelt – E-mail - As I am unable to attend the meeting on August 8th, I want to express my full support of the sand mining operations trying to be permitted at the farm of Tom and Rhonda Segerstrom in the township of Hale.

Linda M. Wateski Getter – E-mail - I oppose frac mining. Our lands around here are great the way they are. I say no to the mine being put on our lands.

Chad Thompson – E-mail – I am in support of the sand mining in our area. I understand that there are reservations from some people, however there were reservations in the late 1800's as railroads starting building lines throughout the country. There were reservations in the 1950's when Eisenhower developed the interstate system. It was called progress. Where would we be without those things that people originally contested? Mining and excavating of various resources have gone on in the State of Wisconsin for many years. In fact, many people have made it their livelihood. I own property near a quarry that has been operated for 30 years; mining, crushing and even washing the resources within the plant. They are providing a needed finished product for roads and other projects. The one thing I believe, and some tend to forget, is that we as a community, county, state and country need to change in order to move forward. Unfortunately, a small farmer in our state cannot make what most consider is a decent living any longer. Therefore, if we as a community, county and state have the opportunity to increase jobs, stimulate the economy and progress forward, I think we need to support sand mining.

Jason Klopp – E-mail - I am unable to attend the meeting on August 8th to discuss the sand mine on the Tom and Rhonda Segerstrom property. I support Tom and Rhonda Segerstrom and Paramount Sand and believe they have the right to the opportunity.

Matt and Danielle Unser – E-mail - We (Matt and Danielle Unser) sincerely regret that we are unable to attend the meeting for the approval of Segerstrom Mine. But, please know that we will stand behind you one hundred percent in your efforts to go forth with the opening of the Segerstrom Mine. For we know that the opening of the Segerstrom Mine will have a great economic impact on the area from the creation of new jobs, to the purchasing of equipment. We also know that the Segerstrom Mine will abide by the rules and regulations that are put in place to ensure the safety of all mankind. So everyone, please sit back and think about the positive effects that the opening of the Segerstrom Mine will have on the community and give them your full support.

Gary Knudtson –E-mail - When I purchased my 40 acre piece of land in section 10, Chimney Rock township, in 2005 I was trying to maintain a connection to the land. My 40 acres plus 120 more were homesteaded by my great-great grandfather in 1870. I can only think that he chose this property for its natural beauty and remembrance of his native Norway. Any and all intention to destroy this natural beauty would be an affront to my ancestors and me. Therefore I strongly oppose any and all Frac Sand Mine proposals in Trempealeau County.

Isaiah Humphrey – E-mail - My name is Isaiah Humphrey. I am unable to attend the meeting on Wednesday but would like the committee to know that I fully support the approval of the Segerstrom Mine. This will benefit the community AND surrounding area by bringing good honest jobs to the area for 10-15 years. It's absolutely asinine that in this current economic crisis, anyone could ever deny jobs to people who WANT to work. Don't be part of the problem, be part of the solution. I support the team of Paramount Sand as they have dedicated many hours of their time to research this. I would like this email of support read during the hearing.

Donald Lindner – E-mail - I want to express my opinion on Segerstroms proposed sand mine. I am Don Lindner, 45713 Lindberg Rd., Tom and Rhonda's neighbor. I and the Bauch's, (my neighbors to the west of me), greatly oppose the idea of having this peaceful valley destroyed with sand mine activity. We live where we live because we wanted beautiful scenery, peace and quite. All this is now being shoved down our throats. I can see our property values greatly dropping with our road turning into a busy truck route. Why should we have to have our lives so greatly disrupted for one persons gain? I enjoyed 21 years of watching wildlife out of my windows, thinking how beautiful it was, enjoying peaceful days on our three season porch with no activity, other than a car once and awhile. All of this is now in jeopardy. The thought of this proposal truly upsets me, and I don't want it. Any questions feel free to call me (701) 264-9529.

Donald and Cheryl Solfest – E-mail - We are unable to attend the Frac Sand Mining meeting on Aug. 8th at the Trempealeau County Courthouse. We are writing to let you know that we do NOT approve of the mining in Trempealeau County. Our property meets with the intersection of Cty Rd Z and Cty Rd V in the Town of Chimney Rock. Our home is on Edison Road. We have been active with the Trempealeau County Tourism, and have been promoters of the safe house locations for bicycle riders. Our roads are enjoyed by bicycle riders, motorcycle riders, and several car clubs that admire the hills and valleys. We also greet and share the East Bennett Valley Church located on Cty Rd V with several tourism buses. (Our last one was on July 12th, and another is set for Sept. 20th.) We have also provided our hobby farm for bus tours to see and learn of our llamas and miniature horses. We do oppose this proposal, and thank you for your time.

Donald and Cheryl Solfest – 2nd E-mail - (Same as above)

Gwen M. Bee – E-mail - This email is being written in support of the Tom and Rhonda Segerstrom frac sand mine in the township of Hale, Wisconsin. Given the current dismal state of the economy, allowing non-metallic mining on the Segerstrom property would create much needed jobs. According to Paramount Sand, this proposed operation will create over twenty new full-time jobs, with every effort being made to hire locally. The building phase will create millions of dollars in construction work, which Paramount states will also be bid locally. This will result in increased local tax revenue and additional revenue for local businesses. Of course there are environmental impacts that come along with frac sand mining, just as there are environmental impacts that come along with farming. However, according to Kent Syverson, a professor and chair of the Geology Department at UW-Eau Claire, "The benefits of frac sand mining outweigh the negatives." Professor Syverson supports responsible frac sand mining in western Wisconsin. I've forwarded the article written by Professor Syverson on January 10, 2012, for The News, to Mr. Lien. I am not an expert when it comes to the environmental impact that frac sand mining will bring to the area. However, when a 20 year geology professor believes that the benefits outweigh the negatives, I believe the community needs to focus on those benefits. The bottom line is that Wisconsin is in need of economic growth and frac sand mining will bring that much needed growth to the area. Therefore, I am in favor for the application for a Conditional Use Permit for Non-Metallic Mining on the Tom & Rhonda Segerstrom Property to be approved.

William C. Hallam – E-mail - We are opposed to any sand mining permit approval in Trempealeau County that results in mines being established that truck the sand to its shipping point. It simply makes no sense to burden our town and county roads, and State highways with endless trucks moving sand when far more efficient methods are available. Think of the heavy truck traffic pressure in Osseo, Strum, and towns in other counties. If the oil and gas industry needs the sand, they will buy it at the most reasonable cost. At New Auburn and in Blair, the sand is moved by conveyor to waiting rail cars. 100 car freight trains then move the sand to its point of utilization. This is so much more economical than trucking. These proposed small, local mines will not prevail. They'll become a white elephant thrust upon our quiet community, gathering rust after they've ripped open the terrain. The future of sand mining is the efficient, not the spotty mess we will inherit.

Louis W (Bill) and Mary A. Kupersmith – E-mail - I am a tax payer and property owner in the Town of Hale, Trempealeau County, Wisconsin. I am unable to attend your meetings but want you to know that I am in full support of the Segerstrom's proposed mine. Any progress and jobs creation to our area is nothing but a positive thing for all of us.

Ron and Marie Kugel – E-mail - I am drafting this e-mail in regards to the upcoming sand mining permits for the township of Hale and Chimney Rock. I am strongly opposed to these actions for many reasons, but want to go on record by saying that the county needs to take a serious look at the Farmland Preservation Agreements mining cause, as its intent is too vague for this day and age, and needs to be redefined by Trempealeau Co. This is why we elect officials and county employees to safeguard Trempealeau County residents from this type of poor planning and governing. Secondly, imagine, if the 2 proposed mines were to take place in Hale and Chimney Rock, the overall disruption to Highway 93 and the cities of Independence and Arcadia would be bordering on catastrophic, from the amount of truck traffic that would prevail from these proposed sand mine operations. Think about it, you would need stop lights in Independence and Arcadia to allow people and traffic to cross or gain access to said highway 93. This would only be part of the problem, as daily personal road safety would be highly compromised. Unrealistic for a two lane road! We also need to take a very serious look at the resource base and environmental issues that will rear its ugly head if this activity is allowed to take place. Let us not be the guinea pig and forever take the blame for such a great unforgivable error. Please share my views with your Land Use committee.

Harold and Gail Lindebo – Mail – Please note that my wife and I are opposed to sand mining in Trempealeau County and Chimney Rock township. Environmental issues are important but mostly we are opposed for moral reasons. If the land is destroyed and property ownership is man's world and should not give us this right. To us it is an evil act of man.

Wendy Olin – E-mail- It is my pleasure to write a letter of support in granting a conditional use permit for non-metallic mining on the Tom & Rhonda Segerstrom property in the Township of Hale and to Paramount Sand of Wisconsin. I strongly support this endeavor and its goal to improve the economic landscape of the area while contributing to the growth of the national industry. I have known Travis Adams and Matthew Segerstrom collectively for over 20 years. I know them individually to be caring, conscientious, and hard-working people. Travis' attention to detail and intelligence have helped him be a successful, young entrepreneur despite these tough and uneasy economic times. Matthew's enthusiasm and unique perspective has been valuable in his pursuit of business ventures and in turning them into successes. As a team, they have proven over and over again to be driven, thorough, and dedicated to each and every goal they set for themselves in business. Travis and Matthew have devoted the past 7 plus years to carving out a business niche for themselves through endless research, enhancing their market knowledge, and working tirelessly to understand what factors drive the economy in a given area. This makes them positive and proactive candidates to pursue the opening and successful running of a non-metallic mine. As an educator, I value homework. The ability to take on and complete homework proves a valuable survival skill in a person. This is what Travis and Matthew have done and will continue to do. They have identified an opportunity that could contribute profitably to an entire community and have certainly done their share of homework toward making this goal attainable. This has meant completing a wide range of steps from conceptualizing a business plan to doing their share of research into every aspect of putting that plan into action, including looking into health and safety factors thoroughly. I trust the ideas and knowledge base of Travis Adams and Matthew Segerstrom. I believe the business plan and philosophy of Paramount Sand of Wisconsin is sound. I hope that they will have the opportunity to provide resources and bring improved sand plant technology to the Township of Hale, WI for the betterment of the entire community. Thank you for taking the time to read my views on this plan and I emphasize my support of Tom & Rhonda Segerstrom through a partnership with Travis and Matthew of Paramount Sand.

Gary Duggleby – E-mail – Duggleby was present and stated he already spoke therefore his E-mail was not read aloud.

Kevin Anderson – E-mail - I am writing today as I am unable to attend the meeting on Aug. 8. I am in support of sand mining at the Segerstrom farm. Having known the Segerstrom family for years I know they are good honest people that wouldn't intentionally hurt anyone. They are the kind of people who would give the shirts off their back if you needed it. Beyond the fact that they are good people the mining in Hale would create jobs in and around the community. During these hard economic times any job growth is good for the people of Hale. Although, this sand mine does not only encompass the people of Hale it is wide reaching in the effects of the production and manufacturing phases. With this being said I am fully in support of allowing mining on the Segerstrom farm. When all is said and done I know you will make the right choice in allowing the mine to be created.

Tony Genelin – E-mail - We are unable to attend the meeting on Wednesday morning, to discuss the Segerstrom mine, but we would like to give our support for the approval of this mine. My brothers and I believe in the personal property rights of the individual. We all pay property taxes, and when these opportunities present themselves, the property owner should be able to benefit from them. Besides the jobs that it will provide, it also is an opportunity for our area to help provide domestic solutions to our energy needs!

Jake Krisik – E-mail - My name is Dr Jake Krisik, and I'm writing to show my support for the approval of the Segerstrom Mine. I also would like this email of support read during the hearing. I have known Matt Segerstrom & Travis Adams my whole life, and I wanted to attest to their great character. They are very honest and hardworking individuals. They are local to this area and would not be doing something they felt would hurt their communities. This is a tremendous business opportunity for them and all the people involved, and I ask that they be allowed to proceed with it. The concept that some people would want to block this boggles me. First of all, I just want to say to anyone in the audience, if you were to discover you had gold on your property - YOUR property, something that you worked to buy and hold as your own. How would you feel if you found tons of gold there, but when you went to try and mine it your neighbors said, "No, we're not going to let you do that because we don't want the possibility of a truck being on our highway." Or "we don't want the possibility of that hill not being there anymore." How would you feel? You worked all your life to be able to call that land your own, and yet suddenly you have no right to claim what was on it? This concept doesn't make sense to me. It seems very selfish to me. Second of all, as another example, I grew up in Mondovi on the western part of the city, right next to the big Schmidtknecht farm. Everyone in Mondovi knew that it was far from ideal having that big farm right next to the city. Their liquid manure would stink up the entire city for days, and having to live right next to them was not a treat on those days. But did the city of Mondovi band together and tell the Schmidtknecht's that they couldn't farm anymore because some neighbors didn't like it? Something they had earned the right to do through years of working their own land and do what they wanted to do to make money off of it - namely farming? No we did not. Despite being inconvenienced by them, I feel it's not my right to tell someone else what to do with THEIR land. I know Matt & Travis have worked incredibly hard at getting this mine to come together. Everything will be done to State standards and in accordance with environmental regulations. The mine will bring in both jobs and lots of tax revenue for the state of Wisconsin. I'm trying to fathom why someone would not want this to be done, and all I can come up with is either they don't understand the process, or that they're just selfish people who don't want any change to the area. If you are one of these people I ask that you please reconsider, and try to act how you would want to be treated if it was you that found gold on your land.

Jan Martin – E-mail - I am writing to support the Segerstrom Mine because I am unable to attend the August 8th meeting. I have known the Segerstrom families for years. I know they are hard working farmers who deserve to do what they want with their farm land. I believe they would not do anything that would hurt their

neighbors or community. I believe they trust Paramount Sand Company to do no harm to them or their community. And I trust this will be true. I therefore support them, and hope that others will do the same. Many of the fears are unfounded, and we need to allow the Segerstrom's the right to their land and to the use of that land.

Eric Wackwitz – E-mail - I am writing this email in support of Matthew Segerstrom and Travis Adam's project to start a frac sand mine at Tom and Rhonda Segerstrom's farm. I have known Matt and Travis for over 10 years and know both of them to be tremendously responsible young men. I know that they would never start a project without completing their due diligence first. In my opinion, they will bring nothing but good to the community when their project is approved. I believe their goal is to build a lasting (and positive) relationship with the community in the way of economic prosperity and employment. I would like my email read during the hearing on August 8th. I appreciate your assistance in this matter.

Lisa Robertson - E-mail - I am sending this in support of the future development of the Segerstrom Sand Mine. I have reviewed the Paramount Sand brochure and believe this information to be thorough and positive to the community. Economic growth will only prosper from this development and provide more than needed employment for this area. Please let my opinion be counted during the meeting tomorrow as I will be unable to attend. Thank you very much for your help and consideration.

Dr. Barry Moon – E-mail - I will be unable to attend the meeting tomorrow the 8th but I would like to show my support for the Segerstrom cause. I personally know Tom and his son Cole and I know of the hard work and dedication they bring to anything they are passionate about. I'm very astonished of the opposition about the Segerstroms starting this venture for it will bring in revenue and jobs to the area with sustained growth and contribution to the county and state. Paramount Sand is a company that will actually give back to the community making it stronger than before creating jobs that will bring economic growth. The hundreds hours and research that has gone into the planning of the mine is nothing short of the proof of the dedication and perseverance of the Segerstroms and holds more weight than words alone that this will be done correctly and in the peoples best interest. I 100% support the Segerstrom family and would like all of this information to be available to the people at the hearing.

Ashley Bedell – E-mail - I am sending this e-mail as I will be unable to attend the meeting on 8/8/12 but would like the committee to know that I support the approval of the Segerstrom Mine. I have known the Segerstrom family for many years and they are by far one of the hardest working families I have ever met. The dedication that has gone into the family farm is incredible. This family is more than deserving of any opportunity such as this that comes their way. I feel strongly that the jobs and opportunities that this mine will create will be a real advantage to the community. A lot of hard work has gone into researching and planning of the mine site and I hope that all of that and the other reasons stated above will be taken into consideration.

Patrick Olin – E-mail - I would like to express my support for the approval of the Segerstrom Mine/ Paramount Sand application. I believe the Segerstrom's and those at Paramount Sand have done a great amount of research and are going through all the proper channels for this project. I think their proposal will increase economic growth in this community. Again, I fully support their plan and hope they will be met with approval to move forward with this project.

Dr. Duane Olson – E-mail - I am unable to attend the CUP meeting for the Segerstrom Sand Mine. I would like to share the following with the Environment and Land Use Committee and those in attendance. Ladies and Gentlemen thank you for this opportunity for hearing my concerns. One major concern I have that HAS NEVER BEEN ADDRESSED is the use of Dihydrogen Monoxide. Dihydrogen monoxide is colorless, odorless, tasteless chemical that kills uncounted thousands of people every year. Most of these deaths are caused by accidental inhalation of DHMO, but the dangers of dihydrogen monoxide do not end

there. Prolonged exposure to its solid form causes severe tissue damage. Symptoms of DHMO ingestion can include excessive sweating and urination, possibly a bloated feeling, nausea, vomiting and body electrolyte imbalance. For those who have become dependent, DHMO withdrawal means certain death.

Dihydrogen monoxide:

- Is also known as hydroxyl acid, a major component of acid rain
- Contributes to the “greenhouse effect”
- May cause severe burns
- Contributes to erosion of our natural landscape
- Accelerates corrosion and rusting of many metals
- May cause electrical failures and decreased effectiveness of automobile brakes
- Has been found in excised tumors of terminal cancer patients

Quantities of dihydrogen monoxide have been found in every stream, lake and reservoir in America today. But the pollution is global, and the contaminant have been even found in the Antarctic Ice. DHMO has caused millions of dollars of property damage in the Midwest and all over the USA.

Despite the danger, dihydrogen monoxide is often used:

- As an Industrial solvent and coolant
- In Nuclear power plants
- In the production of Styrofoam
- As a fire retardant
- In numerous forms of animal research
- Distribution of pesticides
- Additive to certain “junk foods” and other food products

Even after washing, produce we eat daily remains on the produce and is ingested. This sounds severe enough to me to stop this. However Ladies and Gentlemen, This toxin "Dihydrogen Monoxide" we are talking about is H₂O. Congratulations to all of you who wanted to ban the use of water. Di-from the greek work meaning "two"; Hydrogen- regarding the hydrogen atom; mono- greek word meaning one; oxide- representing oxygen.

This ladies and gentlemen is how information is often twisted with emotions and a play of words. Everything stated earlier is mostly accurate and true in regards of the "effects of DHMO, water" However, everyone in this room knows of the importance of water. You need to consider each testimony based on the facts, not emotions. You need to realize that the state, DNR, county and townships have regulations in place to overlook the entire project. I do not believe you can deny the application because of testimony based on people emotions. You can not allow other sand mines to come into the county and set up shop, which are under the same County Zoning rules and regulations as the Segerstrom's proposed mine will be, then deny another simply based on emotions. As I went through nearly 8 years of schooling obtaining my Doctorate I was reminded early and often that information needs to be based on "Peer Reviewed" literature from professionals and professional organizations. I had an entire semester class on how to differentiate between peer reviewed reliable information and "persuaded" non reviewed information. The internet can be a great place to start a search but one needs to go further than that to get proper information. I got the following information about water from the "DyHydrogen Monoxide Research Division" website, www.dhmo.org. Sure it sounds good and legitimate but it's a website put together by someone as a joke. It is not a reliable source at all. I would question information that comes from a blog site, facebook or someone's "opinion" in the local paper. You need to separate the facts from fictions and emotion. Emotions are inevitably going to be running high when you have imposing views; it is your job as county board representatives to make decisions based on factual information.

Kelly Segerstrom – E-mail - I am writing to show my support for the mining operations to take place on the Segerstrom Farm by Paramount Sand of Wisconsin. Paramount Sand can contribute greatly to the responsible

economic development in this area. I trust the team of Paramount Sand and their experts who have developed an operational plan that puts the safety of the community first. Matthew Segerstrom and Travis Adams are not new to Wisconsin. Both individuals grew up in Mondovi and only want to see success come to small farmers and landowners in and around the area. With Integrity as their motto, Matthew and Travis have proven to be successful business partners in a variety of fields. Their attention to detail and the diligence set forth in their endeavors is a valuable commodity that you do not see reflected in many young entrepreneurs today. The research that Matthew and Travis have conducted throughout the years in non-metallic mining operations has allowed them to assemble a team of experts that are the best in the field. This team has been comprised of geologists, environmental specialists, community leaders, and financial investors from the local community. The confidence and knowledge that Matthew and Travis created when delivering their business plan to these individuals is what inspired them to become part of the Paramount Sand team. Tom and Rhonda Segerstrom are family. I want to see them succeed. I want their family to prosper. I strongly support their endeavors knowing that Paramount Sand is going to conduct a mining operation that is safe and reliable for the surrounding community. As a team, Paramount Sand and the experts they have assembled will stand by their philosophy and abide by the reclamation plan set forth to ensure the safety and success for the community. I support and encourage the granting of the Conditional Use Permit.

Lien conferred with Danielle Johnson as to whether to read her letter. She agreed to waive the reading at this time.

At this time Lien read the report that was received back from the third party engineer; Reviewed the site drainage plans during mining operations and found that the storm water will stay on site for each phase by flowing to a low active area of each mine. The water used in the hydrosizer will flow to a recycle basin where the sediment will settle out. The water can then be reused and pumped back to the hydrosizer where it will be supplemented with water from the high capacity well. Since storm water and process water are internally drained at this site there are no environmental concerns. We also reviewed the haul road and see no safety concerns from the actual truck traffic originating from the mine site. The site is adjacent to Erickson Road which runs west to Lindberg Road which connects with State Highway 93. We would recommend paving the drive so that the truck tires will be clean by the time they turn onto Erickson Road where mud could cause a safety concern. The plan does not call for a tracking pad, which would remove most of the mud if routinely maintained, but then the addition of a paved driveway would provide additional safety and reduce dust from truck traffic. Since a high capacity well is needed to provide water from the hydrosizer plant, a high capacity well approval application from the DNR will need to be completed and approved. A water table drawdown analysis will need to be completed that shows that adjacent private and public wells will not be affected in a negative way. No ground water model was included in this application. Mining Reclamation: After reclamation is complete, the slopes will be graded so that final runoff will follow the predevelopment runoff pattern. This should cause no problems to the environment around the site as long as the vegetation is established on each phased section of the reclaimed mine as each is completed. Silt fence shall remain in place until all vegetation is established. The post mining slopes will meet the 3 to 1 maximum 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 storm water but will need to be kept in place until all vegetation is established. Any erosion that is placed on the slopes in the mining areas will remain as a permanent erosion control device unless it interferes with the post reclamation, agriculture operations. I reviewed the conditional use application and it shows that the non-metallic mine to be completed on the Segerstrom/Erickson property will not meet the requirements of the Wisconsin Department of Natural Resources NR-135 and the Trempealeau County Comprehensive Zoning Ordinance Chapters 13 and 20. Under the Trempealeau County Comprehensive Zoning Ordinance, Chapter 13, Section 13.02 #8, Trempealeau County requests that a cultural resource site review be performed by the Department of Natural Resources. There is no cultural resource site review report included in the Conditional Use application. This report should be included and approved prior to approval of this application. (Lien stated that report has since been completed and he has it in his

possession). Since no ground water modeling was completed for this site, approval of this application should not include permission to drill a high capacity well as needed for use in the hydrosizer plant operation. A high capacity well is one that pumps more than 70 gallons per minutes (gpm). The approval for a well can be approved separately at a later date once it is established that no adverse affects will be done to adjacent wells. However, we recommend that this analysis be completed prior to approval of this conditional use permit. A planned footprint area plan sheet; Phase 1 – for detailing contours and drainage arrows needs to be included in the application. This plan should show the location of the hydrosizer, conveyor, stockpiles, settling ponds, loading facilities and other needed items so the plant area can be reviewed properly. Prior to the approval of this permit, the mine operator shall define all alternative trucks routes for the finished product. One the routes are determined it shall not deviate from these routes without Trempealeau County approval.

Lien mentioned receiving two letters from the Town of Hale. The first letter states the Town of Hale Board supports Thomas Segerstrom in mining for sand in the Town of Hale. The Town of Hale board members agree as of March 13th, 2012. On July 23rd, Lien received another letter from the Town of Hale which stated the Town of Hale board members are requesting a 60 day (delay) on the conditional use to allow the Town of Hale board members to write up conditions that would be written up in regard to Thomas A. and Rhonda J. Segerstrom, landowners, that are asking for mining permits in the Town of Hale.

Lien stated the Environment and Land Use Committee and the DLM have had very close ties with each and every town in the County. Lien felt that for the Town of Hale this was their first “kick” at something of this nature and there may be questions as to what procedures and legalities were followed with that first initial letter. Lien thought that after people came forward and talked to the town board, they realized that they needed more public input. They are not asking for an approval nor a denial, they are asking for a stay of action for 60 days to allow them to do some research to come up with possible conditions for this site. Lien noted that the Committee allowed the Town of Trempealeau to do something similar as well as the Towns of Arcadia and Dodge. Lien didn't feel this was an unreasonable request as 60 days is relatively short when one looks at a project of this magnitude. As staff, Lien preferred to keep up the good relationship with the towns. Lien stated staff recommendation would be to table this to allow the town to come forward with some conditions that would apply to this site and if they don't that is fine, but give them the 60 days that they are asking for. Brian Nodolf, Attorney stated in regard to the third party review and the discussion about the high cap well permit, that approval would not come from the County, as that would come from DNR and it is not a permit approval, it is an acceptance of the application. Nodolf explained they are required to file the initial permitting, DNR will give their preliminary approval and require the drilling of monitoring wells and require at least a 24 hour drawdown test to determine whether or not a permit for the well is appropriate. Nodolf continued that one of the opposition members stated that the governmental bodies don't know what is going on. With all due respect, Nodolf found that laughable, as he has spent most of his days and nights permitting facilities of this nature and it is a very complex procedure and to say that the DNR doesn't know what is going on is a gross misstatement. In talking about air, Nodolf's office has two full boxes of DNR studies and reports, areas which have been extensively studied. In this case, separate from what the County will have as their conditions, they will still have to file for an air permit. Along with the air permit, air modeling studies will be required along with a fugitive dust plan, air monitoring and inspections. So to say that no one has any idea what is going on, Nodolf stated it is simply not true and the same goes with the high cap well. DNR has had some experiences where they have had negative impacts and so they are very careful as to how they issue these and if there is any question, they are not issued. Nodolf stated the County certainly has some involvement here and that is a critical component but there are separate things that are going to be handled by the DNR. Nodolf understands staff comments about town involvement. Nodolf represents town bodies and has great respect for them, but Nodolf's disagreement with staff is a respectful one in the sense that he understands that the town has asked for more time, but at some point there was a decision made about whether we have town zoning or do we opt for county zoning and when that decision was made it was to go to county zoning. Although past practice may have been to take input, ultimately this decision lies with this Committee

and its fashioning of conditions. Nodolf asked the Committee to look at the facts that were issued today and issue the permit without delay. Nodolf felt this was strictly a county issue at this point. In addressing the issues about comprehensive plans, Nodolf stated, “frankly they are red herrings”, as this is a County Conditional Use Permit and the Comprehensive Plan, regardless of what may be in it, does not trump what the Conditional Use Permit and applicable zoning law in the County is. The bottom line is that the property is properly zoned; it is entitled to a Conditional Use Permit. Generally, the permit is issued with the appropriate conditions. In this case, you have to look at what conditions would be appropriate here and clearly those could be addressed here through a variety of mitigating conditions which are set forth in the Ordinance. Nodolf understands people are opposed to it, but opposition in and of itself does not mean that a Conditional Use Permit is not appropriate. In fact, it means that is why one has a CUP because one is saying without some conditions, it may have a negative impact, so we find the appropriate conditions to make sure it is appropriate. Nodolf ended by commenting, with respect to keeping government separate, and talking about the Town of Hale, Nodolf’s office is in the process of drafting a road use agreement with the Town of Hale, but again that is a town issue and not a county issue. Nodolf asked that the issue not get mixed into the County’s deliberations. Nodolf reminded the Committee to be sure they are looking at facts because he heard the opposition say that the tax implications are far less than what was proposed. Nodolf stated he knew that was not true as he was one of the permitting attorney’s for EOG Resources and their facility in the City of Chippewa Falls (currently the largest frac facility in North America and Nodolf happens to live in the City) and in that case the tax implications for the city have been dramatically higher than what was anticipated, so to say that they have been dramatically lowered is simply false. The information is available in public records to verify that. Nodolf asked the Committee take the facts and issue the permit with the appropriate conditions.

Bice asked for any other public testimony.

Gary Duggleby stated he, as part of the Town of Hale, was never informed about this permit and that is ok if that is fair but no one was informed. The Town of Hale meeting was really held between a very limited number of people. People have Duggleby’s address but no one has ever sent them anything. Duggleby’s point being, maybe the county should prevail in this, but what about the people that actually live there. Bice closed the public hearing at 2:01 PM. Upon Bice’s request, Lien reminded the Committee of the rapport that the DLM has with the towns through county zoning enforcement to UDC enforcement and all the services that DLM provides. Lien stated it would be against his better judgment, for the Committee to take action without allowing the town the opportunity to “weigh in”. Lien didn’t see the harm in allowing the town the 60 days that they requested. Geske commented that if we take July 23rd (the date on the letter, that Lien received from Town of Hale’s requesting a delay) as the start of the 60 days and go to the next meeting date, that would be 50 days (which would be 10 days short, hopefully they have been working on it already), so Geske made a motion to table any action on this CUP until the next E & LU Committee meeting (scheduled for September 12th, 2012), Thompson seconded the motion. Motion carried with no opposition.

Due to the Segerstrom CUP being tabled, no action was initiated on the Thomas A. and Rhonda J. Segerstrom Farmland Preservation Special Use Application.

Public Hearing – Conditional Use Permit and Reclamation Permit – Nonmetallic Mine –Judith M. Barth, Applicant/Property Owner, Arcadia, WI and Sand Tech. LLC (Tim Barth), Watertown, MN, Operator - Town of Chimney Rock Chairman Bice called the public hearing to order at 2:06 PM. Nelson read the public hearing notice aloud. Lien stated this 27 acre site is located in the Town of Chimney Rock. Lien has two letters from the Town and one other letter. At this point, Lien turned the meeting over to the applicant. John Dustman stated this is the second time that he has been in front today and really there is no major difference from the other application. Dustman explained there will be a very small “footprint” relative to some of the other ones that the Committee has seen. This site is located just south of Eleva and southwest of Strum. Dustman explained an overhead aerial map that was provided of the site. Barth stated they looked at different parts of the land in this area and decided where the most feasible area was, least impactful and

where the sand could be taken out and still be at the right elevation to the neighbors and to existing properties. They don't have any runoff water leaving the site. Barth explained the industry has changed and pointed out on the aerial map where the quality sand that one is looking for sits. By taking the quality sand, they will lower the ground down to the level to where it is a flat field. Right now it is a hard field to farm because it is so steep. The end result would be a field/family land that is more useable. That is basically why they have decided to mine this area as opposed to other areas. Dustman explained the mine facility plan and mining plan. Barth stated the reason that the haul road is on the outside of the perimeter is because it allows them to reclaim as they are in the process, which allows less impact and having less earth open at the time of operation. Dustman stated they are dealing with approximately 25 acres inside of the mining area as shown in the reclamation plan. The total parcel is 45 acres. A discussion took place on where the sand was located and the elevation of the water table. Dustman displayed some generalized groundwater contour maps on the overhead of the area. Dustman noted one can see that they are at the 920 contour and certainly they wouldn't be within 10 feet of the groundwater surface. At this point Chairman Bice called for public testimony.

Jeff Back – Registered to testify in favor – Back has been living/farming across the road since 1977. Back pointed out his buildings and the neighbors buildings. Back pointed out on the map where the sand would be taken from. Back stated right now it is pasture and he tries to make some hay on it, but it is very steep and for him, taking some sand out of this hillside, and bringing it down so that he could have a few level acres to farm when the mining is done, wouldn't be such a bad thing. Back offered to take anyone out there to view the site and commented that other than the pasture, it is really a rough farm. Back stated his mother actually owns the land, but it is very hard to farm. Back didn't think this would be any worse, then when the County cut the hill down, a few miles down the road, and there is probably 20 feet of shale on each side of the road. People have gotten accustomed to seeing cuts in the road. People that are biking or driving by won't even notice that there is someone mining back there. Back commented that his family is going to do some of the mining as his stepdad runs 16 milk trucks and is able to please all these farmers/people, so if there are issues from the public they will be able to deal with those. They will follow the regulations for whatever needs to be done. Back didn't have a problem taking anyone out there to show them what they are going to do. They are going to be doing it as a family; Howard Barth will be doing the hauling. Upon inquiry from the public, T. Barth answered there would be 80-100 trucks per day, 5 - 8 years of mining and they didn't expect it to grow beyond what is proposed today. Barth added the rest of the farm is not feasible for mining because of the overburden. Geske inquired about the residence on the corner of the property. Back responded the house is owned by Renee and Jay Prudlick and Back owns 200 acres across the road and his mother owns 102 acres of other property around there. Back has talked with R. Prudlick and she has no problem with the mining. Upon inquiry, T. Barth responded that suspending the operation for school busing has not been brought up by the County, etc, but as far as hours of operation that will follow the county guidelines. Back noted if it is a big issue he also has two children who go to school, so they would address that as no child is worth having an issue.

Roy Engen – Registered to appear and testify for information only. Engen stated that in 1998 the school buses almost ran together, Engen complained and they finally widened the road out. Engen's opinion was that the road is bad. If one runs 100 trucks up and down that road, someone has to rebuild it. There are ten foot drop offs on each side of the road and the road is too narrow and the Chairman knows that. Engen is ok with the mining, but the road has to get a heck of a lot better than what it is right now and who is going to pay for it.

Kathy Zeglin – Registered to testify in opposition – Zeglin had two brief points; Mr. Brandt brought it up that companies "should prove to him that they are the best". The sand company has been listed as B & B Sands and Sand Technologies. B & B Sands has only been in operation since September 26th, 2011 filed in Minnesota. Sand Technologies is not filed in Minnesota. They filed in Wisconsin, April 13th, 2012. So these LLC's are brand new and untested and Zeglin has a problem with that. Secondly, the Town of Chimney Rock residents are rural residents. They work during the day so there are not a lot of them here. Back when the

zoning went into affect, the majority stated that the highest priority was natural beauty and the rural small town way of life. This is industrial development; it has nothing to do with the rural, small town way of life. There was an informational meeting in February on another town proposed sand mine at the Independence State Bank. The meeting hall was full to overflowing with standing room only and an overwhelming majority there did not want any sand mine in the township. Another meeting of the town in March again overflowing with standing room only crowd and again the vast majority of residents are opposed to sand mining. Zeglin is submitting a big “no” on this.

Tim Zeglin – Registered to testify in opposition – Zeglin is the assessor for the Town of Chimney Rock. Zeglin felt all these concerns about health and the environment, etc. are all very valid but since the Committee has heard them all he won't go over them. Zeglin wanted to talk about the money involved. Zeglin's perspective is that he is a 39 year property owner in the Town of Chimney Rock. He bought the farm they now live on. They bought it in 1973 and they still live there. For ten of those years, Zeglin had to take work off the farm so he lived in Stevens Point, but he is still a 29 year resident of the Town of Chimney Rock. For the last six years, Zeglin has been the township assessor, so he feels he has a unique perspective as a resident, owner and now as an assessor and it is really from that point of view of which he would like to talk. Zeglin has heard a lot of people touting the economic benefits of sand mining throughout the day. Zeglin pointed out that the Town of Chimney Rock is enjoying prosperity and growth. The Town of Chimney Rock from 2000 until 2009 has grown 17%. When Zeglin moved here in 1973 it was the poorest township in the County and people got used to thinking about it as a bunch of hillbillies and that isn't true anymore. The population has grown since 2009; the estimated median income has grown from 44,000 to 52,000, so the estimated median income in Chimney Rock is more than the median income in Wisconsin. It has come up the ladder. The median house income in Chimney Rock in 2000 was \$89,000. In 2009 (the last time Zeglin has data) the median house income was \$146,787 which is a real sharp increase. What Zeglin would like to get across is that six years ago when he started assessing (even with his long relationship with the township), he was amazed when he started actually going out and doing field visits that the township was doing so well. That so many people from other parts of the state or from other states had decided to invest in Chimney Rock, buy land, put up an expensive home and live there. These homes are not visible from the roads, but they are there and they are adding to the value of Chimney Rock. Chimney Rock is really appreciating. A few years ago, Zeglin stated all the residents of Chimney Rock filled out questionnaires for the Land Use Plan. They (84%) rated natural beauty as the highest importance and small town atmosphere. Only 41% of Chimney Rock residents talk about being near their job as important. Zeglin pointed out that the Town of Chimney Rock is growing and is growing well, it is prospering, the people who live there put a very high value on the natural beauty and the scenery. It is not something to take lightly as some people pay money for “mountain views or lake frontage” and we have that in Chimney Rock and that is why people have moved in. People are building up and improving their homes by building new houses. The reason they are moving there is because it is quiet and scenic and there is wildlife running around in the hills and clean air and water. If this mine or any other mine is put in Chimney Rock, you are destroying any incentive people have to move there, to build there. Zeglin asked the Committee to deny this permit for the future of Chimney Rock.

Gerald Hawkenson – Registered to appear and testify for information only. Hawkenson stated at the present time there are no conditions from the town in place. The applicant has not met with the town board since the letter of approval/intent was given in February. Hawkenson stated Barth had said he talked with the Town of Dodge (another application) for seven months. Barth responded he met with Dodge to go through the conditions. Barth thought that is how Chimney Rock wanted to handle it such that Barth would come back to work out the conditions, etc. after today's meeting. Barth added the rules state to get a letter from the town. Barth stated Chimney Rock put in their letter that they wanted the opportunity to weigh in after this meeting. Hawkenson acknowledged that was correct. Barth explained they plan on coming to the Town of Chimney Rock and going through the conditions after this meeting. Hawkenson commented that he thinks the Farmland Preservation contract is being looked at the wrong way. Under the old contract, non-metallic

mining is approved and legal, but Hawkenson thinks that was put forward way back when everybody just wanted a little gravel to fix up a road on their farm, etc. and not now. Zeglin added that he felt what Hawkenson was trying to say is that the applicant is really running around the zoning requirements as this Conditional Use Permit is being requested because the land was/is zoned Exclusive Agriculture 2 (EA2) when it was put into the Farmland Preservation Program some years ago. The rules of that program do allow a farmer to take some fill out for road building/construction, etc. There is nothing in the intent of the Farmland Preservation Act that says you can use membership in that program to create industrial scale silica mine. Bice acknowledged that he understood what Hawkenson and Zeglin were saying but that issue would be addressed separately.

Thomas Wik – Registered to testify in opposition – Wik stated he has land/farm in the Town of Chimney Rock. He also has an old school house/property near this site. Wik's great grandfather homesteaded the property and it has been in the family for 132 years. These hills that we all have are a watershed for all the water that comes down through and cleans the water. Zeglin had talked about people buying and building, Wik stated in Austin Valley there are two people (one lives down by Oak Creek and the other from West Bend) who both plan on building very expensive homes in Chimney Rock. Wik had talked to those people this past spring and they said if there are going to be sand mines here we aren't going to build. Wik asked why they should. These people bought the land for peace and quiet. Who want's to actually live next to a sand mine. Wik asked the Committee to consider all of these different things.

T. Barth talked about the zoning of Chimney Rock and the fact of that is why they decided on this site because it was properly zoned.

Nikki Fjelstad – (Sand Mines in General) Registered in opposition but not testify.

John Hepfler – (Sand Mines in General) Registered in opposition but not testify.

Mary Lee Hegenaur – (Sand Mines in General) Registered in opposition but not testify.

Bice called for any other public testimony.

Al Slaby – Registered to testify in opposition. Slaby stated Lien has a letter from him to read. Slaby also wanted to elaborate on what Zeglin had said. Slaby stated the Committee would also understand more of what Mr. Wik was saying. Lien read Slaby's letter aloud: My wife and I have been taxpayers in Trempealeau County for seventeen years. Fifteen on the current property that we own in the Town of Chimney Rock. It is important to note that we have invested in Trempealeau County in good faith through the purchase of this property and the tens of thousands of property tax dollars we have paid over our time of ownership. My wife grew up on this land as it was purchased from her parents who had owned it since 1978. It was our hope someday to possibly pass this property on to our son in the future. Our tax dollars have been imported into Trempealeau County from our professional jobs in Eau Claire County which helps enrich the economy of Trempealeau County. We own this land because of the connection between my wife and her parents and we live in a very green lifestyle. This land supplies felled trees which we use along with secondary solar energy to heat our house by use of high efficiency indoor wood burner. We use only \$180 per year worth of LP gas. We use open field space to forage hay which we use to mulch large gardens producing vegetables for two families. Hunting on the property is also nothing short of excellent. We are raising our five year old son here which will offer him a unique perspective on life and offer him some great values for to use in his life. My wife and I are also avid runners and we use the local roads to exercise, train for charity racing events around the State of Wisconsin and Minnesota. Our property is located exactly two miles east of the proposed Barth mine site. This means that we will be directly affected by prevailing westerly winds and by the threat of silicosis from the mine operations and trucking operations that will be blowing microscopic dust constantly at our property. We are fully aware of the effects of silicosis from frac sand mining. My wife has been an RN specializing in cardiac and critical care for more than 20 years. She has seen personally the devastating and

irreversible affects of pulmonary fibrosis which is caused by silicosis. Pulmonary fibrosis is nothing short of a death sentence. As you can see a frac sand mine on the Barth property would eliminate our quality of life by decreasing air quality, water quality and increasing traffic in the area. Our quality of life would be eliminated leaving no reason for us to continue living in Trempealeau County. With the impending and constant threat of silicosis from this mining operation, there is no way, in good conscientious that we could continue to raise our son on this property and risk his long term health. These things are simple common sense. We would be forced to move out of this area any way that we can. We would be moving our long term tax revenue from this county permanently. I am willing to bet that we are not the only family that will do this. No one is going to continue to reside in, what will soon become a very industrial area. As you know, the economic impact of this mine on our family will be devastating. Government studies show that properties located within four miles of a mine or wash plant site suffer up to 30% decrease in value. Approval of this permit may immediately cost my family an estimated \$50,000 to \$100,000 in lost financial equity. This is real money to us. This is money that would be used in the future as college tuition for our son or retirement so that we would not be a burden to our son or society after we can no longer work. If a mining permit is approved on the Barth location, the financial benefit which we worked very hard to ascertain will now end up in the pockets of the landowner of the mine and the mining company. Is anyone going to help us out with our financial loss that results from a mine permit from this proposed location? The only group with the power to affect the Barth mine project is the Trempealeau County Board. This is where the buck stops in this situation. The Board has a responsibility to do what is in the best interest of the constituents within Trempealeau County, all the constituents, not just a few. If good long term tax payers begin leaving the County because of these very intrusive mining operations, and all the County gets in return is a temporary tax surge and an environmentally degraded landscape, water and air quality, have we really gained anything by permitting these mining operations. The very few jobs that these mines produce do not seem to be worth the long term losses to the tax base and the not so far off future. Also, without proper long term environmental studies, of the effects of these mines on air quality, water quality and land degradation, how can any member of the County Board make a truly informed decision to permit these types of mining operations? If a Board member votes to permit the mine at this point, they are making an uninformed decision where they are “shooting from the hip” so to speak. This essentially is failing their constituents by not doing due diligence to the question at hand. This lack of due diligence is what the mining industry is depending on. The result of this type of decision making devastates the lives of constituents who are, unfortunately, caught in harms way resulting from the mining operation and have no economic means to get out of the way after years of investment and what they thought was a good place to live. It should be the responsibility of the landowner that is working to achieve the mining permit and the mining company to produce concise, complete, independent long term studies of the mines environmental air quality impact to the County Board before consideration of a permit at all. These studies should be funded by the landowner and the mining company since they are groups that stand to make substantial money from this operation. It should not be the responsibility of the taxpayer base to pay for these studies. In summary, I am opposed to the Barth non-metallic mine permit. It is my hope that the County Board will consider the long term economic and environmental impact to these operations that affect residents who have invested in Trempealeau County for decades. When these residents leave that change is permanent and it removes multiple generations from the area permanently.

Lien read three letters from the Town of Chimney Rock. The first letter was dated February 15th, 2012 and stated the Town of Chimney Rock Board of Supervisors has been informed of the proposed non-metallic sand mine on the Judy Back/Barth property. The presentation on the proposed mine was given by Tim Barth at the February 14th, 2012 board meeting. Parcels are located in Sections 21 and 22 adjacent to County Road VV in the Town of Chimney Rock. Lien thought there was some confusion on Barth’s part when he started this process because he obtained what he called a “letter of awareness” from Chimney Rock and the Town of Dodge. Barth added it was based on the County’s rules to obtain a Conditional Use Permit. Lien added that the interpretation was made that our Ordinance requires the town to “weigh in” on a proposal so the DLM received this letter and one from the Town of Dodge about the same time. At the same time, Lien stated we

received this letter from the Town of Chimney Rock dated February 15th, 2012 which states, the Town of Chimney Rock Board of Supervisors passed a motion at the February 14th, 2012 board meeting stating that the Town of Chimney Rock shall remain under the existing zoning districts as defined in the County Comprehensive Zoning Ordinance with respect to the Chimney Rock Smart Growth plan. Lien added that we did receive a letter on July 31st, 2012 which stated the Town of Chimney Rock Board of Supervisors are working on conditions to protect surrounding property owners. If you have any questions, please do not hesitate to contact us in regard to the Barth frac sand mine. Lien noted that Hawkenson had written on the letter requesting the Committee to table any action until conditions are in place. Based upon the last letter received from the Town of Chimney Rock, Lien stated as a staff recommendation he suggested tabling this CUP in order to give the town the opportunity to come up with a list of conditions to bring it back before the E & LU Committee and that is what the town is requesting. Bice called three times for any other public testimony. Bice closed the public hearing at 2:47 PM. Barth stated one letter from the town talked about being properly zoned in Chimney Rock. Hawkenson added that everything was zoned Rural Residential and since that time Barth's had applied for Farmland Preservation (FLP). Judy Barth commented that Farmland Preservation was applied for way back in the 1970's. T. Barth added that the property was always zoned correctly and that is why they chose this property. Long before they came for a frac sand mining permit or before it ever became an issue, the property was zoned properly. Hawkenson noted that the FLP contract was renewed around 2004. T. Barth made the point that the land has always been zoned properly and they haven't asked to change the zoning, etc. and the second letter from the Town states that they are going to stand by their zoning of which the Barth property has always been zoned correctly from the start. At the Chimney Rock meeting, T. Barth fully understood that they would have to meet again with the town in the event there was anything that the town wanted to weigh in on or add. T. Barth noted that there are no town roads which they are asking to use so there won't be any town road agreement, there will be a County road agreement and T. Barth has talked to the Highway Commissioner about that. In regard to the ability to use ones' land, T. Barth stated it goes back to being zoned properly which allows them to obtain a Conditional Use Permit to do this process. T. Barth reiterated the advantages to mining this particular site. As far as the air quality, etc. T. Barth introduced Warren Barth to talk about specific issues.

Warren Barth stated he has worked in environmental health and safety for 33 years. He is a certified safety professional, sworn to a code of ethics. Although he is a family member here, obviously he is here in support of this, but if he thought it wasn't something that was safe and proper environmental wise, he can tell you in no uncertain terms, he would not be here. Barth's first point being; in the field safety professionals that would investigate this, the processing of frac sand, the excavating, washing and drying would be considered an acceptable practice. Point number two, regulations are already in place to regulate this. Barth stated, he knows from consulting on the other mine that they already have open. MSHA, DNR, DOT and OSHA are all regulating these industries. Barth has permitted facilities in the plastics and aerospace industry in five states in the United States and five countries, internationally, and he can say that they have not had the scrutiny of those things as much as what we see right here with MSHA, OSHA and the others regulating this industry. Barth stated this was factual information. That coupled together with the County, doing what this Committee is doing, you are doing a heck of a job. The bottom line is this; there is nothing out there that isn't already regulated. You will hear people say that there are fears of the unknown. Yes, regulatory agencies are doing some interpretation of these rules that are already in place, but they actually are in place. The scientific data is out there, it would take Barth the rest of the week to talk in detail about it. Barth would be happy to talk to anyone afterward on this subject in further detail. Barth has great confidence in the regulatory agencies monitoring this. Barth wanted to put the talk about silicosis to rest. Barth stated the wet excavation of sand at moisture content from one to four percent is not going to produce respirable silica. Barth has done some testing with silica sand, 25 years ago, and it was the respirable type. If you find someone that is working in this field, (doing the testing in the health field such as OSHA as talking about air quality regulations is a different subject matter and people are getting confused between the two) you need to talk to an industrial hygienist or an industrial toxicologist. We are talking about air quality around the mine where the greatest exposure is going to be – it is the health side. If you keep the exposure on the health side, low, there is not a

chance 300 feet outside of that of getting an exposure that is going to cause a problem. Barth demonstrated some calibration equipment (cyclone) used for testing. Barth stated anyone doing sampling/testing of wet sand and coming up with levels that exceed the allowable levels set by OSHA is not using the cyclone and separating out the respirable silica. It just factually cannot happen. Barth continued, that for those people opposed to frac sand mining and don't want it in your township or your community, and don't like trucks going by your road, he empathizes with them, but he can tell them that from an environmental and safety perspective and specifically on the air side/health side, there is just not an exposure. The closest that will come to it, that will even be detected, is going to be at the dry processing plants. If we ran into that in an industry, and Barth has, we simply put a respirator on them (\$12.00 respirator) and a \$6.00 set of cartridges (3M-2091 hepa cartridge) and it solves the problem. Barth added that respirable silica or silica exposure is every bit as bad as they say if you get it, but you simply can not get it from this process. Dustman added they had done some testing (his company has a sand lab) and they have been testing hundreds of samples of sand. Being a geologist (and with a last name like Dustman, he is not an air guy), but the whole dust issue has caused a lot of consternation, and actually studying these exact formations for a long time he was curious as to what the silt and clay side of these particles were. There is really no such thing as dust; it is the size of the particle. It made sense to Dustman that it wasn't "silica" at all. It didn't make any sense to Dustman that there would be silt and clay sized particles that make up the rest of sandstone. Dustman went and took the same exact material that would be taken out of this site (raw sand which was 99.6% above the 200's which is getting down into the finer grades – below sand but in a silt range), and took it to a laboratory that specializes in X-ray fraction. They looked at the particles that were micron size. Dustman gave the elemental analysis of the particle. Dustman stated the industry would agree that it is the 4 micron sized particles that are fairly respirable and could cause silicosis. Dustman suggested that in lieu of tabling this CUP, it seemed to Dustman that the Barth's have shown that they would be willing to work with the township on any reasonable conditions. Bice closed the public hearing at 3:02 PM. Upon Bice's inquiry, Lien's staff recommendation was to table this CUP until the town can weigh in with conditions for the site, based upon the letter received from the town with that request. Vold made a motion to table the CUP, Geske seconded. Bice asked how long the permit was to be tabled. Discussion took place on a time line. Vold commented that he believed there was a resolution passed that all of these permit conditions are supposed to be met before these hearings would even be held. Vold added we have spent two and a half hours on the last permit doing the same thing. T. Barth stated that Tim Brueggen had told him they had met all the conditions to get on to this agenda. Bice amended the motion by stated the Committee is going to give them 60 days to come back with reasonable conditions and in the future he hopes these things will be settled before they get to this point. Brandt seconded the motion. Geske suggested making it two meetings from now (October 10th meeting) and not 60 days. T. Barth asked if they would be back for their approval on October 10th if they have their conditions met. Bice amended his motion to make the date to come back as October 10th, 2012 and not 60 days. Brandt seconded, the second, motion to add the amendment carried. Motion to table the CUP carried with no opposition.

Due to the Barth CUP being tabled, no action was initiated on the Judith M. Barth Farmland Preservation Special Use Application.

Public Hearing – Conditional Use Permit Amendment - Nonmetallic Mine –Dennis J. and Darlene K. Rossa, Applicant/Property Owner – Town of Arcadia Chairman Bice called the public hearing to order at 3:10 PM. Nelson read the public hearing notice aloud. Lien stated a CUP public hearing was held on this site previously and it was approved with conditions from the town and the County. They are expanding this site and changing some things. The site is currently at 147 acres and they are now looking at a wash and dry facility on this site that was not planned prior. Lien noted this hearing was publicized in the newspaper for two consecutive weeks and letters were sent to all adjoining property owners. Lien did not receive any calls for or against this proposal. Lien has talked to some of the neighbors and they are here to represent themselves with some of the issues. Lien turned the meeting over to Bill Vachon of Foth Infrastructure, an environmental consulting firm out of Green Bay. Vachon explained he has been retained by the Rossa's to

assist them in this CUP application for the expansion of the existing permitted site. Vachon experienced some technical difficulty with his equipment. During this time, Chuck Walek suggested that the Committee consider having the meetings in a different location as the room is too small for this many people. The Committee also has their back to a lot of the public which wasn't a good set up and isn't conducive to a public hearing. Vachon continued stating expansion is being requested primarily to process the mineral that they were looking to remove in their original permit of 41 acres which was a little too confining of an area to conduct that activity and to do it properly. The property is not being sold; it is being retained by Rossa's. Vachon reiterated the property is located east of Arcadia on County Highway T, intersection of Joe Rossa Lane is to the west of the property. Vachon explained the layout of the property via an overhead aerial map. Of the Rossa's total 541 acres, there is the 41 acre permitted site and the additional acres would be about 109 totaling approximately 150 acres. There would be about 113 mineable acres with a dry plant and wash plant covering about 6-10 acres depending on the equipment that is selected. Each active mine phase is between 6 and 15 acres depending on the mineable material that is in each phase. There will be a portable crusher, a wash plant, dry plant, loading operation, etc. The reclamation will go back into agriculture land as the property had been. There is Farmland Preservation but at the last hearing there was a separate discussion on that which basically allowed this area to be used for non-metallic mining. In talking with Judy Betker, Vachon stated this didn't need to be done again. All Betker needs to do is submit the minutes of this meeting to the State and they will modify that original Special Use Exemption to allow for the Farmland Preservation. Vachon explained the site development plan. The process area to be mined is basically between 860 feet to 900 feet which is about a 40 foot layer. The process area will be a wet/dry plant, water retention basins, storm water pond. There will be a berm around Shanna's home to minimize visual impact from Joe Rossa Lane. There is a current access point, a culvert off of T and there will be no transportation onto any town road. Vachon stated they are looking at about an eight year operation and that is based on the current production rate and the current demand for the 20/40 sand. Vachon commented that when this sand issue first started, they were looking anywhere from 20-140 gradation (screen size) but because of the soft winter; there is a glut of natural gas so the 40/70 and the 70/140 really isn't in demand anymore, so it is the 20/40 sand that is the primary material. When they looked at making the operation flow and protecting the adjoining property owners from the operation, they looked at the phasing and giving them a bigger operating footprint and the ability to have bigger surge piles and area for their surge piles. Vachon noted that the blue line (860 feet) is the limits of excavation and it is greater than the 50 feet that the town or county would like to have for that separation from the road way. The roadway is about at 840 feet so there is still 20 feet of elevation from the roadway to where they are going to start doing the excavation. There is also the existing tree canopy that will remain. In referring to the site map, the big green area in the center is approximately 37 acres. Due to the depth of the overburden (over 80 feet) that area will not be mined. Regarding pre and post topography, they are showing Joe Rossa Lane as a cross section from west to east. Basically they are going to remove the material, take it off and put the materials back in at a 4 to 1 reclaimed slope. Vachon noted that the County usually likes a 3 to 1 slope but they are trying to make this more advantageous for agricultural use. The property is located in the Town of Arcadia with Exclusive Ag zoning and with a conditional use permit it does allow non-metallic mining. The reclamation will be returning the land to agricultural use. One of the positives is that 46 additional acres of agricultural land will be gained, for a total of 108 acres of agricultural land. Vachon stated they have met with the Town of Arcadia and the town held three public hearings to discuss the expansion of the Rossa property. On June 26th, 2013, the town did submit to Trempealeau County their letter of approval with a list of conditions. Vachon added the mining operations will be run year around, the wet plant will be run about 230 days a year because of winter conditions. The dry plant will be run within the standard county hours of operation, year around, based on product demand. There will be blasting – there may be the ability for the sand to be ripped. The whole operation will be excavation, washing, drying, sorting, and loading of the processed material. In reality they may never meet target, but they will mine 850, 000 cubic yards (about 1 million tons) annually. Transportation of the finished material will be by truck. One positive by processing on site is that they anticipate there is about 40% of material that one just excavates and hauls that is just waste, so one does increase truck loads by 40 % because that material is waste. By processing

it on site one only takes off processed usable material and thus allows 40 % of waste material to be used in the reclamation process which will not have to be imported. Vachon stated a wetland delineation was done and they did look at the two waterways (2 small creeks) on each side of the property (east and west). They are maintaining the required setback from the County shore land/floodplain zoning and the DNR requirement of 500 feet which would require a Chapter 30 permit. A high capacity well is proposed and they have prepared a groundwater model which has basically been done to determine any groundwater impacts which may be on the site. For the dry plant, the air expansion model will be conducted and submitted. It does go to the DNR for their approval. The site currently has a DNR storm water permit however; they will be amending it to reflect the actual activities on the site so the Department and the County will get a plan on that. One of the big things that Foth does in their contracts now is that they do a contract to do the environmental permitting. Along with that contract, Foth contracts with the operators for a one year design operation/maintenance and field inspection of their operations. That prevents the activities that we have seen at another facility. Vachon wants to make sure that what Foth has designed is actually being constructed and it is being constructed to plans. Vachon stated that is tied into their contract and Foth follows them after today for a year to make sure the actual operation is being designed and run as it was planned. Foth has done the groundwater modeling for the high capacity well and the groundwater depth in that area is about 810 feet. The proposed well is down 450 feet. One of the positive things here in the Trempealeau County area is that there is a lower confined aquifer. In this lower confined aquifer is where we find most of these operations are pulling their water from. Most of the private residents in the area are pulling their water from the upper aquifer so there is very little impact from the lower aquifer to the upper aquifer so the possibility of drying out a private water supply well is very minimal. It would be greater if that defining aquifer wasn't in place. They are getting a pumping rate of about 950 gallons per minute (gpm) based on the hours of operation. They did run the model for 24 hours per day, 7 days per week, 365 days for 20 years to get a steady state. All of this information gets submitted to the DNR for their approval on that well permit. Vachon has noticed that the Department has been requesting additional data and looking at more information concerning; are adjacent neighbors wells going to be affected by 1 or 2 feet (that is all they're allowing), and is the neighboring stream/creek/river going to be dewatered. Vachon displayed and explained what the groundwater modeling does. Lien stated if Vachon's theory was correct and they are drawing from that lower aquifer, there should not be any impact to anyone's well around there. Lien stated that is why the modeling always confuses him, because we are talking about the Eau Claire and Wonnewoc water formations, so if the high cap well is in the Wonnewoc and there is a true separation between the two, there should be no adverse affects to any of those wells. Vachon states that is their comment, but when they submit the data to DNR for their review, they do say there is some leakage between the two, so there is some level of conductivity, basically saying that water is being pulled through that confining layer even though the well is actually sealed. When Foth did their original model (they have done a few throughout the county) they keep getting refined by the Department. The first one they sent in was basically "rubber stamped", subsequent one they have been submitting, they are really starting to look at them with a "finer comb" and they are identifying some of these issues. Vachon agreed with Lien that if there is a truly confining lay, any pumping that would be done in that lower formation should not affect any of the wells at all, but yet the Department, by requiring Foth to do some tweaks to their model does show that there is some "bleeding" down into the lower aquifer. Vachon and Lien agreed these are all models and none of this stuff is an exact science. Vachon acknowledged there were concerns from some of the adjoining landowners regarding wells, etc. Vachon stated Bawek's would really like to see the additional acreage/legal description be modified on those deed documents and Foth has agreed to do to assure that the whole property is included in those documents. Vachon stated if the operation does affect the private water supply well (which is a civil matter) of any adjoining property owners, the mine is responsible for remediating that situation. Based on the model drawdown at the well is 34 feet, one to one half foot to the adjoining property owners. They do have a dust control plan which means that the operator needs to go out on a daily basis – numerous times during the day and take a look at the site conditions. Mining operations do meet state and federal air permit requirements. One thing they did identify for the towns' conditions, typically in the structural analysis that they have done have been within 500 feet but the town did want to see 2500 feet, so they did identify within

2500 feet (from the property boundary and not from the actual blast) any structures that would be impacted by any potential blasting would be evaluated. Vachon touched on some of the other details of the mine such as back-up alarms, speed limits on trucks, construction berms, vegetation and light control, etc. They have conducted a traffic impact analysis and that is going to be submitted to the Highway Commissioner and it identifies a right hand turn lane on County Trunk T coming from the west into the property. The existing row character of the site will be maintained, including the setback off the roadway as they are not going to be clear cutting and they will be very selective with the tree cutting and their uses. Approximately 9 loads per hour per day will be leaving the site and those trucks will also be coming back. The number of loads will vary with the truck size. For clarification, Lien stated Vachon is here to modify that plan so this isn't in addition; we are talking total trucks – 120 per day. Vachon agreed, but stated those are target numbers which are dependent on; is there a buyer, where is the buyer going to pick this material up and how much the dry plant is capable. Trucks will be covered. The haul route is onto County Trunk T, west on either Hwy 95 or south on Hwy 93. Trucking was discussed including no staging on Joe Rossa Lane. Zoning codes do allow the sand/gravel extraction as a Conditional Use. The property will continue to be used in agricultural operations while that area is mined. The site reclamation will be agricultural. A Board of Adjustment height variance may be required depending upon the final selection of equipment. 15 plus additional jobs may be created – about 30 directly/indirectly. There will be an improvement to the value of the tax base. They will comply with all DNR air regulations, they will notify property owners within 2500 feet of the operation prior to blasting, all blasting and blaster will be certified by the Department of Commerce. Signs will be placed 300 feet along the perimeter of the area warning of the mine. The entrance road will be blacktopped. The recorded deed agreements in place will extend to the proposed expansion area. Vachon stated that in talking with Bawek, there was some concern that the existing legal description wasn't taking into account the new added acreage, so Vachon told him he would make sure that the legal description will be amended and those documents will be re-recorded and copies of those documents will be sent to the affected parties. Bice asked if Vachon could be held personally responsible. Vachon stated he could. Vachon added training will be provided to the Town of Arcadia fire department regarding site specific operations and chemicals that might be on the property. The fire department will be able to use the storm water ponds as tanker truck filling stations as needed. Landscaping and seeded berms will be installed at the entrance of the property. A minimum 50 foot setback from property lines will be maintained and that tree coverage. Financial assurance, based on the work plan that has been put together will be provided. Right now they are looking at around \$4,800 per acre. Vachon asked for the Committee's support. Bice inquired if they were actually going to pump 950 gallons per minute every day and every hour. Vachon replied no. Based on how they put the model together for the current plan of equipment was looking at 950 but typically what they see is about 275 -350 gallons per minute during operation. The model was put together for 950 gallons.

Lien read the third party review summary aloud: I have reviewed the Conditional Use application and it shows that non-metallic mining to be completed on the Rossa property will not meet the requirements of the Wisconsin Department of Natural Resources Chapter NR-135 and the Trempealeau County Comprehensive Zoning Ordinance Chapters 13 and 20. Under the Trempealeau County Comprehensive Zoning Ordinance, Chapter 13, Non-metallic Mining, Section 13.02(8), Trempealeau County requests that a cultural resource site review be performed by the Department of Natural Resources and that a copy of the site review report must be provided to the County. In Section 2, Paragraph 1(2) 1, the operator states they have performed a cultural historical resource search through the Wisconsin Historical Society historical research preservation database, however there is no cultural resource site review report included in the Conditional Use application. This report should be included and approved prior to approval of this application. Prior to approval of this permit, the mine operator shall define the specific truck route for hauling the processed material for the load out facility. They have not identified the location of the load out facility so any impacts increased truck traffic has on local roads and bridges could not be considered when reviewing this application. Once the routes are determined it shall not deviate from these routes with Trempealeau County approval. Lien noted these two things are items that they can get to us. We do not have that letter from the DNR, as talked about earlier and

the DLM needs to get that. It sounds like they are working with the Highway Commissioner. This would be considered preliminary approval pending them completing the conditions. Lien stated we do have a new letter from the Town of Arcadia dated June 26th, 2012, which read, the Town of Arcadia Board of Supervisors passed a motion at their board meeting on June 26th, 2012 to submit the enclosed conditions for non-metallic mine operations for the Rossa Non-metallic mine in the Town of Arcadia. Lien read the following list of conditions:

1. Rossa Non-metallic sand mine shall ingress and egress onto County Highway T.
2. 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 work at the site. These wells and structures should thereafter be periodically inspected to determine, to the extent practicable, whether or not damage has occurred as a result of the mining operations. Inspection and damage costs shall be borne by Rossa Non-metallic sand mine.
3. 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 Rossa Non-metallic sand mine. Reclamation of the mine site shall begin no greater than one year time with a three month period for reclamation to be completed. Inactivity within the mine for a period of twelve months means the mine is inactive. If 30 working days of activity in succession, the one year period will start.
4. 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.
(Lien commented this is one that the Rossa's might want to revisit with the town because Lien has experience first hand the shading that goes on there from that road and there might be some advantages to removing that at some point in time because of that).
5. If the Wisconsin Department of Natural Resources changes permitted air quality standards as they relate to Silica, and/or Silica related compounds, the Conditional Use Permit shall be modified accordingly to the Rossa Non-metallic mine site activities and must always comply with the most recent DNR standards.
6. The Town of Arcadia Board of Supervisors to review and approve final site plan and equipment list when available and prior to issuance of conditional use permit.
7. A notice shall be given to adjacent landowners within 2500 feet of the mine perimeter, 24 hours prior to blasting.
8. Blasting plan submitted and approved by the Department of Land Management prior to any continual blasting.
9. Financial assurance amount will be established after final site plan approval and prior to any excavation activity.
10. The Town of Arcadia Board should meet with Rossa Non-metallic sand mine a minimum of every 6 months for the 1st two years then if mutually agreed annually after the 2nd full year of mining activity.
11. The Town of Arcadia Board shall be responsible for signage of Rossa Road.
12. The Town of Arcadia Board of Supervisors shall review the conditions, compliance and complaints of the Rossa Non-metallic sand mining permit with the owner/operators on an annual basis.

13. A 50 foot setback adjacent to the property line must be reclaimed at a 3 (maximum) of 3 to 1 slope.
14. No truck or equipment staging on Rossa Road.
15. Entrance and exit driveways shall be black topped prior to operations.
16. Rossa Non-metallic sand mine shall be responsible for picking up rocks and/or debris on adjoining land at the land owner's request.
17. The back-up alarms used on all mining trucks and equipment must be the new style, low tone alarm.
18. All mining trucks leaving will be tarped.
19. All lighting shall be shielded and directed towards operation of the Rossa Non-metallic sand mine.
20. Rossa Non-metallic sand mine 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.

Bice called for public testimony.

Beth Killian – Registered to appear and testify for information only. Killian stated Vachon had alluded to the original agreement for springs and fair market value for the 41 acres to be changed and amended to include the total 147 acres. Killian is still waiting for the well and foundation inspections and questioned when that has to be done. Lien verified that is to be done prior to any type of excavating activity. Killian commented that earlier this spring there was a big machine out there moving and scraping some of the hill. Darlene Rossa stated they brought the backhoe in and pulled down some of the sand off the hill because they needed better gradation values on it and then they just took piles from there and that is all they did.

Jeff and Carol Bawek – Registered to express concern for recorded agreement for spring. Bawek had talked to Vachon prior to this meeting. Bawek stated they had come to an agreement that those documents will be re-recorded so they are happy with that. Bawek inquired about the 24 hour telephone number and the eight year time line and if that was something “set in stone” or is that just a number. Vachon responded that at this point in time, it was just a number based on where the material is going and the 20/40 gradation that is what the plan is to move in that eight year period. Vachon has to go on the best information provided by their clients. Vachon stated the 24 hour telephone number will go up on a board placed near the entrance of the facility for any concerns/questions regarding the mining operation. The original documents that Bawek eluded to earlier were included as part of the CUP application. Vachon reiterated he had no problem with revising the legal description and having those documents re-recorded.

Richard Klonecki – Registered in favor but not testify. Klonecki offered no comments.

William Vachon – Registered to testify in favor (Had already done so.)

Bice called for any other testimony from the public three times.

Lien wanted to reiterate the following points and perhaps the Committee would make them conditions.

- 1.) Follow through on the road use agreement on County Road T with the Trempealeau County Highway Department.
- 2.) The TIA (Transportation Impact Analysis) is a critical part which has yet to be completed
- 3.) The air quality permit will be revised. There is a comment in the plan stating it was exempt, but that will have to be revised because of the new facility.
- 4.) The cultural resource letter is needed from DNR.

- 5.) Lien stated the plan says 20 years, but Vachon stated it would be an eight year operation. Lien questioned if Vachon would be comfortable with an eight year permit that has the two year renewal option. Vachon responded it would be an eight year permit with the two year renewable.
- 6.) The town had conditioned a 50 foot setback with a 3 to 1 slope but in the plan it was a 4 to 1 slope for agricultural purposes.
- 7.) Lien noted that there really hadn't been a discussion on separating the A and B horizons. If this is really going to be utilized as a crop field, to put six inches of topsoil over fine sand isn't going to be sufficient. Lien stated that issue has been a condition on some of the other permits. Vachon replied there is currently about 8-10 inches of topsoil on the site with the leftovers from the chicken barns.
- 8.) Lien stated the storm water plan will have to be revised to reflect the actual acreage now being permitted.
- 9.) Baweks and Killian had both requested the modification of the personal agreement that they have with Rossa's to reflect the new acres. Lien asked that this be made a condition that it be modified so that it is alright between the two parties.
- 10.) Lien commented that this is the first permitted area that is highly wooded. Lien inquired as to what the plan was for stump removal and disposal. Vachon's recommendation was that they get a chipper on site and those stumps actually go through a chipper so they can use that as mulch. Lien's staff recommendation is that the stumps be chipped and utilized as a mulch.

Geske, from the perspective of being on the FSA Committee, commented if they are going to be bringing in 40 new acres of tillable ground, they will have to do a Sod Buster/Swamp Buster plan on that through NRCS before they plant it or they will be in violation. There being no further testimony from the public, Chairman Bice closed the public hearing at 3:58 PM. Nelson made a motion to approve the Conditional Use Permit with the conditions/recommendations from the Town and staff, Thompson seconded the motion. Brandt inquired as to how much area was going to need to be cleared if they are not going out onto Joe Rossa Lane. Vachon responded Sokup Excavating had been in there and made a lane that goes from the culvert area and runs parallel to County Trunk T heading west and loops around where Joe Rossa Lane is and comes through. They are actually looking to go about 300 feet and then cut up through the reserves to where they have the staging area. Brandt clarified that the TIA the Committee is looking for is the one from the Department of Transportation which specifically includes the intersection at Highway 95. Brandt clarified that the operators of the mine will change that intersection as necessary. Upon Brandt inquiring about the curves on County Highway T and line of site, Vachon responded he has talked with the Highway Commissioner, Jim Johnson, and he has suggested using the existing culvert access onto the property to the west of Soppa Road which has a very good line of site to both the east and west. Brandt stated that the entity that deals with conditions related to the permit is the DLM staff so Brandt hoped that when the sign with the telephone number is put up that it will include the County DLM number because that is where complaints are supposed to go. Brandt noted that not only the Rossa's but the County also need to have the seismographic records on any blasting. Brandt verified that Rossa's signed off on the reclamation plan so that they are responsible for the bond and reclamation. Upon Brandt's inquiry, Vachon stated Canadian Silica Institute (CSI) is a sand group out of Calgary that is looking to sign a lease agreement/arrangement with Rossa's. Vachon explained they are looking at local contractors to actually do the digging, but the equipment would be basically paid for by the CSI LaPrairie Company. The LaPrairie Group is a family owned company that has been in operation since after World War II. They are about a \$32 million dollar company; they do maintain about 7,000 kilometers of roads up in the Northwest Province. Brandt stated it was brought up by the third party engineer that there is no final destination and to go to the only rail load out in Trempealeau County they would be turning right on Highway 95 as opposed to left to State Highway 93. Brandt asked if that was a possibility. Vachon replied that at this point in time, the end point is to Winona to the transloading facility. Brandt noted that needs to be in the Conditional Use Permit as well. Vachon assumed that if a transloading facility became available and the haul routes were to change, they would need to come back before this Committee and modify the permit. Lien stated that all prior conditions to this site would still apply. Any conditions that are stated today that would be in duplication, etc., they would supercede the other ones. Geske inquired about the bottom of the settlement

ponds. Vachon responded there is about 6-15 feet of clay where they show the storm water basin so they would use that clay in the storm water basin to line the settling basins. Even with the storm water basin, after the first rain event, it cannot really be called an infiltration basin because of the amount of silts that do fill in, one has a pool. This will be an externally drained site. They are working with McClanahan on the equipment and they like to use the clarifier ponds but they are costly, so right now they are looking at earthen ponds to be constructed according to DNR standards for earthen basins with clay liners. Upon Geske's inquiry about the water table being pretty close to the surface, Vachon responded the water table is quite a distance down (about 810 feet) and where the base of the excavation line is it is 860 feet. Lien inquired if polyacrylamides/flocculants will be used in the settling ponds. Vachon responded that was correct. Lien noted that to be consistent with all the past permits, whenever there have been processing settling ponds; this Committee has required concrete liners because they will have to be cleaned eventually. Brandt made an amendment to include the condition that the settling ponds contain concrete bottoms and a concrete ramp. Nelson seconded, motion carried with Quarne abstaining. Motion to approve the Conditional Use Permit carried with Quarne abstaining.

Public Hearing – Conditional Use Permit and Reclamation Permit for 10K International, LLC-Non-Metallic Mine at the Robert and Patricia Prokop and Hunts Valley Acres, LLC Properties-Town of Burnside. Chairman Bice opened the public hearing at 4:12 PM. Nelson read the public hearing notice aloud. Lien stated this hearing has been published in the newspaper two weeks prior and letters were sent as a courtesy to all adjoining property owners. This site is 177 acres site. Lien has a letter from the town and has knowledge that the applicants have been working with the Highway Commissioner on a road use agreement (first one in the County). Matt Hieb introduced himself. Hieb is a “back-up speaker” as Brian Hunter, the main speaker, had to leave due to the length of today's hearings. Hieb stated the site is 177 acres with 15 proposed phases. The site is located just off County Highway X just west of Independence on Wolf Creek Road. The site consists of some wooded areas and some open areas. A wetland delineation has been done to define the wetland on the site. An endangered resource review has been completed and the DLM has a copy of that. Hieb explained the phases referring to a site map. Each phase is anticipated to be 1 – 2 years. Upon Lien's inquiry, Hieb confirmed that this is raw extraction only. There will be no high cap well or processing being proposed. The reclamation plan maintains the setback from property boundaries. They will be doing 3 to 1 side slopes and the perimeter of the side will be a relatively flat area which will be used for agricultural purposes with the 3 to 1 side slopes being left in more of a natural grass state. Bice verified that this will be farmable land? Hieb pointed out on the site map the area that would be farmable and noted they would be separating the A and B horizons and they will be placed back in the same manner as taken out. Bice called for public testimony.

Stephen Doerr – Registered to testify in favor. Doerr has been on this site to obtain hay. Earlier someone had mentioned that the timing really doesn't make a difference. Doerr knows from experience that it makes a real big difference. Doerr explained his application experiences in Trempealeau County and stated because he was not successful in that experience he lost his job, so timing is everything. Doerr has taken time off from work to be here today because he knows of people in Texas that are interested in the 40/70 sand, but they don't have enough quantity of 20/40. There are companies that have ceramics available but they are so much more costly that sand is needed and it is needed today. Doerr reiterated that there is a supply shortage and because of that shortage companies are forced to buy cheaper produced, Chinese ceramics. So economically, we are assisting the Chinese in our economic war by failing to provide these companies with a sand source. Doerr knows this family to be a hard working, honest family as he has been around them. It is also kind of a quiet site with few neighbors. There is a limestone quarry near there on County Q operated by the Kraemer Company so this would not be something new to the area.

Anthony Konkol – Registered to testify in opposition. Konkol is concerned because his house is approximately 300 feet from the mining site. Konkol inquired how often the blasting would occur. Hieb

responded they don't anticipate blasting and if they did do blasting they would do the required testing. Lien thought their plan stated that blasting may be a possibility, but there were no details given in the plan. Lien stated if they were going to decide to blast they would need to come back unless it is conditioned today with blasting. Hieb requested that conditions for blasting be placed on the site. Lien stated the well and foundation testing for those within 2500 feet would be a blasting condition. Upon Konkel's inquiry as to who was responsible if blasting does occur, Lien responded they are the ones that are supposed to be held responsible; however it is a civil matter. Lien stated this Committee didn't want to give anyone false hopes that the Committee is going to take care of the problem, but they try to address it by having the foundation and well inspections done by the applicant. That way there is some type of background information as to what conditions the structures are in right now. Konkel inquired about the trees that are going to be excavated. Hieb stated they are going to maintain a buffer along the roadway that will buffer the wetlands and approximately 150 feet up to the mine, the trees that would be cut down would be logged with the stumps being burned. Lien commented that can be addressed through conditions with the stumps being ground and used for mulch. Konkel provided the Committee with pictures of the water that comes off of that property after a 2-3 inch rainfall and proceeds through Konkel's yard. Hieb responded they are going to be limiting the phase size to approximately 10 acres exposed at one time. There will be five acres being mined and five acres being reclaimed. They do have in the plan, on each of the low areas identified, storm water management plans to control the water. These ponds are sized for a ten year event. Hieb added that part of the overall drainage area is off of this site, but for what is on this site they will have the storm water ponds in place while the activities for that phase occur. Once the sand is taken out, Konkel asked what is going to keep it from taking out Wolf Road or dumping on everyone's property along side of it. Heib responded that is why the storm water ponds will be put in. Heib noted they are required to get a storm water permit from the DNR before they start. Lien commented that the reality as to why the Committee has put so many conditions on these sites is that (it doesn't matter about air quality or storm water), over the years Lien has experienced a very strong faith to have very little faith in DNR and the violations that the County has experienced as of May 4th, 2012 have yet to be rectified and here we are on August 8th. If the County doesn't take care of it, Lien reassured all present that it will not get taken care of. DNR is understaffed just like the DLM. Discussion followed on items to control the runoff issues. Hieb noted the mine will be internally drained so these are supplemental ponds to that. Lien noted a comment that Brandt had made regarding a shorter mine life until the operator has proven themselves and then granting extensions to that site. Lien would like to give the operator the opportunity to handle these sites as there is a lot of inexperience in this industry which has been demonstrated. Lien would like to see the length of these mines shortened with demonstration of being a good steward of the land. If they are a good steward there is no reason that the permit could not be extended. It puts the onus on the mining company to do their due diligence and be a good neighbor to the people living there. If there are violations then the company would need to look at the operation of that site and whether it should continue. Upon Bice's inquiry, Konkel responded he has lived there for 38 years and this runoff has been an annual event. Bice asked if there was any other resolution. Konkel wasn't concerned about the water because no one is going to stop it; he was concerned about the sand. Hieb stated they can't control everything but they will implement erosion control measures and that is why they are limiting the size of the phase.

Deanne Sczepanski – Registered to testify in opposition. Sczepanski stated her husband was raised in Traverse Valley on the family farm. He could not take it over because of asthma, but all of the people that live out on County Road X are his life long friends. He loves the land and they would not like to see mining done there. We have rights but you can't yell fire in a crowded theatre. If one is a landowner as she is in rural Whitehall, one does have rights. Her rights end where your nose begins and we have to be responsible. In Blair, when that mine reservoir of very contaminated water tipped over, that they used to wash the sand with, it didn't tip over on the mine side, it tipped over on the other side. At 10:30 PM this Amish family found themselves in water and mud and in the dark. They grabbed their children and ran. Amish people don't wear pajamas to bed, they wear another set of clothing and they just picked up their kids and ran for their lives. They didn't even know what was happening. Their home filled with mud and they were told to burn all their

clothing, they were told to destroy all their food (hundreds of jars of home canning). They had to destroy all of that. Would you want to live there? They can't sell it as no one is going to buy that place. They are basically homeless and Amish do not pursue things via lawsuits. Sczepanski doesn't understand this. Another family near the mine, the Mueller's, have three homes with extended families. There is an autistic man that lives in one of the homes and he has always been very mild mannered until the mine came and the blasting started. Now he is very agitated, they don't know what they are going to do with him and he has respiratory problems. If they have to move with him, then all of the families will be moving, but what are they going to do with their small farm as no one is going to want to buy a farm near a mine. At the Eleva Strum High School, the last meeting there, she learned that land near a mine devalues an average of 30%. An elderly man in the Amish family had a stroke and possibly the stress of wondering what he is going to do with his family caused it. So there are a lot of elements that go into this. At the high school, Sczepanski got a booklet on silicosis which is a very serious disease. It is similar to asbestos and we thought that was safe until we found out that it wasn't. At the Eleva Strum school a gentlemen showed pictures of dust that arises from the mine in Chippewa in the winter when they don't operate. These are all concerns that we have to think about.

Paul and Judy Boland – Registered to appear and testify for information only. (They were no longer present).

Peter Gierok – Registered to testify in opposition. Gierok lives on County Highway X where all this sand will be traveling. Contrary to some of the rumors that Gierok has heard about his involved in these cases, Gierok is only here today to urge the Committee members to honor the 200 load conditions that the local town board put on this matter. Gierok remembers Chairman Bice telling the Chimney Rock Chairman to come up with some reasonable conditions. Gierok thinks that 200 loads a day is reasonable. In this political season we hear a lot of sayings like "we don't want Washington telling us what to do" we can do things better much locally. How much better, locally, can you get than a town board, knowing these roads, knowing every curve, rut and area in the road? Gierok felt the board put a lot of time coming up with this 200 load maximum between the two mines. In arriving at the 200 trucks by a different method, the 10K mine initially asked for 175 loads from the Bork/Bragger mine and 175 loads from the Prokop mine. At that time they wanted the wash plant about six miles away. That wash plant failed and they are now proposing to have the wash plant right at the Bork/Bragger mine. The president and CEO, at a meeting two days ago, said that 40% of the sand is not any good. It has to be washed out. Basically one would have been hauling all of this sand down to the Woychik site and hauling 40% of it back. Now with this new wash plant likely to go through (as Gierok hasn't heard much opposition) there will only be 60% of the original sand that is cleaned going down the road, so 60% of the 375 trucks originally proposed would be roughly 200 again. Gierok strongly urged the Committee to follow the recommendation of the town board on this.

Anne Gierok – Registered to testify in opposition. Since most of the Committee members don't reside in the Town of Burnside, you may not be familiar with the dangerous road conditions that exist on County Road X, however the town officials are well acquainted with them. They know about the numerous blind driveways, 90 degree turns, the lack of shoulders, and the existing traffic which is a concern for all of us. If the Committee chooses to grant the Schank/Prokop permit, Gierok is asking that the Committee honor the load limits that have been recommended by the elected Town of Burnside officials, which is to allow not any more than 200 loads between the one mine that this Committee has already permitted (Bork/Bragger mine) and this new mine which is virtually adjacent to it, the Schank/Prokop mine.

Chuck Walek – Registered to appear and testify for information only. Walek wanted to know what the haul route was right now. Hieb stated they are going to be hauling down County Highway X to State Highway 93. Hieb added that if the wash plant is approved then the trucks would go to the wash plant site and then down County Road X. Walek wanted the Committee to realize that there are two mines that are coming into play here. Walek stated it was mentioned by the Gierok's that we have two different mines sites and some very

difficult roads there to haul this sand out. Walek asked how far they have to be away from a creek. Hieb responded it depends how far away it is and what activity is taking place as different activities trigger different permits. Walek stated right next to Wolf Road there is a creek that basically follows the road. Hieb acknowledged that. Walek inquired how far they are going to have to stay away from that creek. Hieb responded they will have to stay 500 feet away with storm water ponds and 300 feet away with the mining. Walek stated in looking at the site map, it looks like 1000 feet is the highest elevation next to the east boundary. Walek and Hieb discussed the elevations between Wolf Road and the mine site. Walek stated they are going to have a very difficult time getting the slope they are talking about in that, if they're going to have a flat plain. Hieb referred to the reclamation plan and gave Walek an explanation of the plan elevations, etc. Walek then questioned the linear feet and he and Hieb were in disagreement that there was 1200 feet available. Nick Gamroth commented that 1,320 is a forty. Walek stated 1,320 is a forty and Wolf Road comes right down the middle of the forty, so at most there is 650 feet and they were going to drop 150 feet? Walek stated they couldn't do what their claiming with the numbers presented plus they say they are going to stay 150 feet away from the creek on the bottom. Walek acknowledged they own the land on the whole east boundary and questioned how far they would be staying away from there. Hieb responded fifty feet. Walek took 50 feet off the 650 and another 150 feet off from the road so that leaves 450 feet and they want to drop 150 feet, Walek stated he didn't feel they would be able to do what they are claiming. Pat Prokop commented the whole top is flat and that they rake hay on it. Hieb stated the drawing they have presented is a scaled drawing, elevation wise, their survey crews went out there and shot an elevation, so it is possible, it is shown on the map which is drawn to scale based on actual field information. Upon Walek's inquiry, Hieb responded there will actually be sand taken from Hunt's Valley. Walek questioned how the sand is going to be hauled off the site? Hieb responded the plan right now is to haul on Wolf Road onto County Road X. In response to Walek's question, Hieb stated there have not been any soil borings etc. to determine the condition of Wolf Road. Walek's concern there was that Wolf Road was within twenty feet of a creek. If 150 trucks are sent down that road loaded, everyday, what is going to happen to that road and that creek? Pretty soon that road is going to be into the creek. Town of Burnside Chairman Fred Boe stated one of the conditions is that the applicants would have to obtain a Road Use agreement with the town. Walek noted that when the informational meeting was held at the town, he didn't think the applicants planned on going on Wolf Road at all. Hieb stated the maps have not changed since that meeting. Hieb clarified that two information meetings were held at the town level. One meeting discussed this site and one discussed the wash plant proposal at the corner of State Highway 93 and County Road X.

Roger Sonsalla – Registered in opposition but not testify.

Rick Slaby – Registered to appear and testify for information only (Slaby was no longer present).
Bice called for any other public testimony.

Dean Servais – Registered to testify in opposition. Servais stated he is a neighbor to the site. Servais explained that his son stated it won't be that bad Dad because it will be behind the barn. Servais replied to his son, it probably won't be for him because he is going to move out of here, but Servais's dream is to die in his house, but he told his son they are going to raise heck with your inheritance because the land value is going to drop. If this was going to be so great for the township and the area, somebody should kick in a pile to the school district and drop everyone's taxes and make it so that everyone would accept this a little bit better, but that is not going to happen. The basis that they are going to get off of the tax use is only going to benefit the landowners. Servais has nothing against them, but feels that everyone in the township should get some benefit out of this at some point. Everyone around is going to lose tax base. Why should we take the brunt of someone's "gold" mine and suffer because of that. Servais has lived in the valley for almost thirty years and now in four months we are supposed to change our whole way of life. Servais feels this should slow down and be thought through a little bit further. There is the Prokop/ Schank mine and the Bork/Bragger mine. Servais questioned if there will be any more in the valley? That is basically two in one small valley already. If

there are a couple more there will probably be 700 trucks going up and down this road. Servais questioned if this Committee would want to live with that. Servais elaborated on the trucking possibilities. Servais's point was, he didn't mind that people were making money, but why should he take the brunt on the other side. We still are tax payers and someone should be looking out for our backs.

Nick Gamroth – Registered to appear and testify for information only. Gamroth stated he is a landowner in the Town of Burnside and hopes to live in that township someday. Gamroth questioned if they were anticipating the 200 trucks per day if the Bork/Bragger wash plant is approved, going up and down the road. Brian Hunter introduced himself as the owner and CEO of 10K International. Hunter responded the question comes down to the same. When they talk about the Bork/Bragger property (moving away from the Prokop/Hunts Valley property for a moment) it is permitted for 175 trucks and that is it. It doesn't matter if there is a wash plant there or ten wash plants as there are only 175 loads that can be removed from that property. Gamroth asked what Hunter was anticipating for trucks leaving County Road X per day. Hunter responded that if the audience actually thinks that as an operator, we think for a minute that they could move 350 loads per day on County Road X, we're all fooling ourselves as it is not going to happen. Because of the market changes and because of the application for a wash plant which will be in front of the Board in another month, that is to reduce the number of trucks. Therefore the product from the Prokop/Hunts Valley property will be hauled directly to the Bork/Bragger property. Hunter is well aware they are using a township road and that there are issues with the township road and there will be further studies and some designs that will be required. It may happen that they may not be able to use the town roads and they would have to bring everything out "cross country". Hunter stated in talking in unison about the two sites, they have no intention of hauling the material from this site directly out, it will only be hauled to the Bork/Bragger site although the application is worded that way because both applications are not in front of this Committee at the same time. Gamroth added his question was if there was going to be any way to reduce trucks on County Road X as that is a heavily traveled road now. Gamroth is glad to see that the sand is going to be processed on site to reduce the amount of trucks. Gamroth inquired if this material will be stockpiled on this site. Hunter responded there will be screened piles but it will be moved as required and stockpiling over the winter will be done at the Bork/Bragger site. Gamroth inquired if 10K is going to work with the town on the intersection Wolf Road and Hunts Valley Lane in order to make the turn out of there. Hunter stated if it is determined that there will be hauling on a township road, there will be all kinds of discussion beforehand. Hunter doesn't know at this time just what that bridge status is, but he does know the road is not straight and that there are lot of issues. They will look at that from an engineering standpoint the same way that the County looked at County Road X. They have already bonded County Road X so they would look for another route to use County Road X if needed.

Upon P. Gierok's inquiry, Hunter stated they have looked at a conveyor or slurry system and there will be something they will "put in play" to try to reduce the impact of trucks.

Lien read a letter from the Town of Burnside which stated they have voted to approve the CUP application for nonmetallic mining by 10K with the restriction of a maximum 25 loads per day, not allowing the 175 requested in the permit. This would bring the total loads per day, between the Bork/Bragger mine and Prokop/Hunts Valley mine to 200. If there is a desire to tie the activity together of these two mines, allowing more loads from the Prokop/ Hunts Valley mine, and reducing the Bork/Bragger mine, Burnside town board would not object and take action if required at their next regular monthly meeting as long as the total loads permitted would not exceed 200. Data provided by Jim Johnson at a public information meeting regarding this mine held on July 10th, 2012 indicated the most recent DOT traffic county was 460 on County Highway X. The addition of 200 round trip quad axle semi's would be near a 90% increase in daily traffic. The town board feels it is our responsibility to limit this increased traffic on local County Road X because its' effects on local road safety and the effect on the ability of the road itself to withstand the increased volume of heavyweight traffic. Private driveway approaches, blind corners, narrow curves along the truck route and

everyday farm equipment traffic make it difficult to insure safety along the six mile truck route when a truck will be passing every two minutes. (Lien felt the six mile truck route reflects having a wash plant down at the end of the valley). We also acknowledge the concerns expressed about the effects on the quality of life for adjacent property owners. Particularly the Tony Konkel property and desire an acceptable agreement to be reached between the property owner and 10K International regarding their concerns. It is our view that the town board has no authority to address those concerns. The town board requires that a road use agreement between the township and 10K needs to be in place before mining operations commence for use of Wolf Road and Hunts Valley Lane. We also request restricted truck traffic during school bus am and pm hours on County Highway X to be worked out with the Independence School Board. Lien read the Standard requirements for non-metallic mining of Prokop and Hunts Valley Acres, LLC property from the town.

1. The duration of the permit is 20 years from the time of issuance. After a 20 year time period the applicant may apply for an extension in accordance with Section 13.03 of the Trempealeau County Comprehensive Zoning Ordinance.
2. The applicant shall work with the town board and/or the County Highway Commissioner to develop a road use agreement.
3. No mining activity shall take place within 50 linear feet of the neighboring property boundary's unless the adjacent parcel is under common ownership and the applicant and the land is within the permitted mine boundary.
4. All structures and cased wells located on the properties within 2500 linear feet of the proposed mining area site shall be inspected and the condition of each shall be recorded prior to the commencement of any work at the site. These wells and structures should thereafter be periodically inspected to determine to the extent practical whether or not damage has occurred as a result of the mining operations. A third party independent inspector shall be used and the costs associated should be borne by the owner/operator of the mining site. Adequate bonding should be in place to insure that this requirement is met. Landowners may sign a waiver declining the inspection of the structures and cased wells located on their property.
5. A and B soil horizons must be kept separate for use in later reclamation.
6. A 24 hour blasting notice shall be submitted to the Department of Land Management and all neighboring property owners within 2500 linear feet.
7. All trucks, trailers and dump boxes leaving the mine site shall be covered or enclosed. The maximum number of loaded trucks leaving the site is 10 trucks per hour during approved operating hours.
8. All required permits or permit exemptions for the Wisconsin Department of Natural Resources or Trempealeau County shall be acquired prior to any mining activity.
9. Financial assurance for reclamation will be established and filed with the Department of Land Management prior to any mining activity.
10. The Department of Land Management will notify the owner/operator of the mine site when all conditions are met and mining activity may start. Until notification from the Department of Land Management no unauthorized land disturbance may take place at the mining site. Any nonproducing mine, if inactive for a period of one year, must be reclaimed.

Fred Boe – Registered to appear and testify for information only. Boe had a few comments regarding the things discussed today. Hopefully everyone got an understanding of the haul route situation. The haul route is down County Road X onto State Highway 93 down to Winona as it stands, but the likelihood of a wash plant occurring up the valley, two miles, is what this talk has all been about. Boe appreciates and like Lien's notion regarding length of contract, in that, the town board came and supported as a standard condition and based on the application 20 years, but the suggestion of a potential eight year contract with extensions based on merit is something Boe feels would be very much appreciated by the town board. Boe stated the two biggest concerns that have come out of the meetings that they have had are traffic and controlling water. Boe is personally concerned about 10K building their storm water ponds for a 10 year event. Boe thinks the suggestion of going

to a 100 year is probably a good one because of some of the experiences that have occurred. Konkel's pictures are a perfect example.

Pat Prokop stated they rent Konkel's farm. Prokop stated if something comes up that Konkel doesn't like he should come to them as they are neighbors. Prokop stated the water comes no matter what and they even built two dams to stop all of the water. They do everything they can. Gamroth asked if 10K was going to work with the County Highway Commissioner on the intersection on State Highway 93 and X. Gamroth felt it shouldn't take the mine to do it as it is a bad intersection to begin with but asked if that is something that is going to be looked at. Hunter responded that in the previous application that they had with Bork/Bragger that has already been dealt with, so State Highway 93 and County Road X will be dealt with. There will be some turning lanes, etc. Hunter stated they understand County Road X and they understand the concerns, etc. There are some things that are going to happen to County Road X because of the Bork/Bragger application to begin with and that has already been dealt with. There are some additional things that 10K is going to do, with the blessings of the County. Everybody that drives that road, 10K understands that the roads that come off of County Road X, don't necessarily come off at the correct angle that they should, they come off every which way. They also understand to the blessing of the farmers in the area, that they have done the County a favor by planting their corner almost to the road shoulder in order to keep down the weeds, however, when that corn gets to fourteen feet high, it is a bit of an issue. 10K will mow that if they get the County to approve it. 10K will mow back every corner that they can so when they get to Lyga Road (which is so dangerous today because of the corn planting and Hunter wasn't taking anything away from corn because it is a valuable crop) they will take that corner out the best that they can to get better sight distance as they are only interested in road safety. Hunter understands the road and the issues and 10K is going to go beyond what is required to improve that road. There are going to be some side slope improvements that will take place and some widening of the road where it can happen. If 10K has to travel through someone's yard because it happens to be on both sides of the road, trucks will not be going 45 miles per hour through there. It is in 10K's best interest to police themselves and to work with the community, township and the County. Hunter asked the public to give them that opportunity. Bice closed the public hearing at 5:13 PM. Lien gave the following staff recommendations; Separating of the A and B soil horizons, 50 foot setback from the property line, any time that there are forested areas the stumps should be ground and used for mulch versus trying to bury or burn them. Lien stated the life of the mine states 30 years, the town had suggested 20 years. Lien suggested issuing the permit for 5 years and the Ordinance makes it very clear that if they meet the Ordinance requirements they can get a two year extension repeatedly. If after the five year period they have been a good neighbor with no erosion issues, etc. the permit can be extended. The Transportation Impact Analysis (TIA) must be completed with the designated end route. The last issue that was talked about is the 10 year storm event; Lien suggested the storm water pond be based on a 100 year event as he didn't feel the 10 year was adequate. Geske made a motion to approve the CUP with all the standard conditions, town conditions and staff recommended conditions applying, Nelson seconded the motion. Brandt made an amendment to the motion to include the condition that the company/developer follows DNR recommendations/actions to protect the barn owl (checking for nests during nesting season, etc.), an endangered species that was identified on the site. Brandt stated the wetlands are also a specific kind of wetlands and exist because there is a seep from groundwater somewhere above that comes down and creates this wetland. The wetland will in fact be surrounded by the mine. The five year permit will give the Committee a chance to find out if in fact this wetland will perhaps dry up due to mining activity. IN terms of staff, Brandt asked if we could keep this in mind, on other sites as well, in terms of the remediation. There have been issues with that in terms of destruction of wetland and the requirement for remediation in other places. Brandt wanted to just raise this issue and put it in the minutes, etc. Geske seconded the motion to amend the conditions to include the protection of the barn owl, motion carried with Quarne abstaining. Motion to approve the Conditional Use Permit for the mine with the standard, town and staff recommended conditions applying carried unopposed with Quarne abstaining from the vote. Hunter asked if it was clear as to the number of trucks. Lien responded the application from the town limited it to 200 maximum and gave 10K the versatility of splitting it up

however they would like between the two mine sites and that is what was adopted. Lien stated to Hunter that at anytime they wish to change or amend those conditions, they can come back before the Committee to do that. Upon Walek's inquiry, Lien stated if the route changes that needs to come back before the Committee.

Conservation Engineering Specialist - Lien stated Mark Carlson has recently vacated this position and has accepted the Sanitary (POWTS) and Zoning Position. Carlson is also currently doing the agricultural work. Lien asked for approval to fill Carlson's position. Nelson made a motion to approve filling the Conservation Engineering Specialist position, Quarne seconded, motion carried unopposed. Upon Vold's inquiry, Kabus stated it has to be posted "in house" for five days but it can be advertised to the outside at the same time.

Surveyor's Report – Brandt made a motion to approve the surveyor's reports and bills as presented, Vold seconded, motion carried unopposed.

Office remodel/expansion – Lien has talked to this Committee for years about trying to do something with the department space in the way of remodeling however the hallway is an issue and cannot be blocked off. Lien is asking to move into the space occupied by UW-Extension and have UW-Extension move into five offices now occupied by the DLM. Right now we are at an all time low for staff with the two vacancies. UW-Extension is going through some changes and they are also at an all time low. There perhaps is no better time to make the change if it is going to happen. Lien has made the proposal to the Extension staff, to Nelson - Chair of Ag/Extension Committee and Chairman Bice, and for the most part Extension was in favor. The proposal is to take existing Extension staff and move them over to the "zoning" side where there are six work stations available. What is the Ag Extension agent's office now, would be a conference room for both offices to utilize. The wall between the "land conservation office" and the Extension office will be opened up to make a pass through. The service window that is in the back "land conservation office" would be closed off. In addition, at budget time, there will be a budget proposal that will come forward where Nick Gamroth would potentially become part of the DLM staff for multiple reasons which will Lien will get into at budget time, therefore additional office space will be needed. Lien elaborated on some budget items in relation to staff. Lien asked for the Committee's support on this because some of the Committee members sit on the Ag/Extension Committee also. Lien has talked to Bruce Cheline about any structural issues and he brought in Jurowski Construction to look at the remodeling possibilities. Lien has the money in the budget. Bice made a motion to approve Lien taking this issue to the Property Committee and to the Ag/Extension Committee, Quarne seconded, motion carried unopposed

WLWCA Dues – Lien stated last year the dues for staff members were \$180.00 to this organization. This year for both Committee and staff to be paid member the bill is \$1,311.33. Lien has not heard Bice's comments from the meeting held in LaCrosse. Lien explained that if staff isn't a paid member, they cannot attend some of the conferences and trainings that are available for them. Lien's opinion, on the benefits, was that WLWCA does do some lobbying for the ag side of things and therefore the larger body (merger of WLWCA and WLWCE) is more effective. Bice commented that he did attend the meeting in LaCrosse with an open mind and his take is that he can see a benefit but he can't see enough benefit that he would recommend paying the dues. Bice feels that Lien can pick most of this information up just through conversations with people that he does visit with at different times. As far as the lobbying, Bice isn't sure how effective they can be. Bice stated he would never support paying dues for this as he can't see where the taxpayers will ever get \$1300 out of this in any way. Brandt stated there are two issues; one are the qualifications that the staff needs to do they're job, going to the trainings and making sure their certifications are updated. Brandt elaborated on the fact that DATCP was going to do away with the WLWCA Board and do other things virtually taking away our voice. Lien commented he may not benefit much from the membership, but the new staff members would benefit greatly from the trainings and the networking. Brandt made a motion to pay the dues for everyone, Geske seconded the motion. A voice vote was taken: Quarne –

yes, Vold-yes, Thompson-yes, Nelson-yes, Brandt-yes, Geske-yes, Bice –no, motion carried 6-0 with Bice voting in opposition.

Petty Cash Card Refill - Nelson made a motion to refill the Petty Cash Card with \$50.00, Quarne seconded, motion carried unopposed.

Set Special Meeting Date to review DLM Budget and Next Regular Meeting Date – A special meeting was set for Monday August 20th, 2012 at 6:00 PM in the Tremplo Room to review the DLM budgets. The next regular meeting date was set for Wednesday, September 12th, 2012 at 9:00 AM. At 5:45 PM, Gamroth left the meeting.

Closed Session per WI Stats 19.85(1)(c) to consider employee data/compensation for Land Management Director. At 5:48 PM, Quarne made a motion to go into Closed Session, Geske seconded. At 6:18 PM, Brandt made a motion to reconvene into Open Session, Geske seconded, motion carried.

At 6:30 PM, Quarne made a motion to adjourn the meeting, Bice seconded, meeting adjourned.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary