

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
September 12th, 2012 9:00 AM
COUNTY BOARD ROOM

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

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

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

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Jake Budish and Keith VerKuilen.

Others present –Dick Marino, Roger Osegard and Bob Jewell representing Kramer Company, Donald Andre, Ken Visger, Mary Dubiel, Debra Erickson, Nicole Aiona, Nicholas Segerstrom, Tom Segerstrom, Kim Randall, Les Goetting, Anita Adams, Ken Schreiber, Chad Thompson, Karen Franson, Judy Christen, Eric Franson, Matt Franson, Gary Christen, Jack Davis, Pete Oberlin, Paul Boland, Chris Kusilek, Matt Hieb, Brian Hunter, James Bork, Johann Bragger, Tim Barth, Paul Toubert, Chris Kelley, Rory Heap, Mary Lee Hegnauer, Susan Marks Faber, Bridget Kelly, Emery Palmer, Brian Nodolf, Kathy Zeglin, Tim & Danie Johnson, Julie Hanvold, Linda Duggleby, Gary Duggleby, Forrest Nutter, Paul Gunderson, Deanne Szczepanski, Peter Gierok and Matthew Segerstrom.

Adoption of August 8th and August 28th (Special Session) Meeting Minutes – Bice noted that on the August 28th meeting minutes it was noted that the meeting was opened at 1:00 AM which should be changed to 1:00 PM. Thompson made a motion to approve both sets of August meeting minutes with the noted change, Nelson seconded, motion carried with no opposition.

LIDAR (Light Detection and Ranging) Resolution from Town's Association- Lien stated at the last towns' association meeting they adopted a LIDAR Resolution as they felt it would be a wise use of County money. Lien explained right now flood plain maps are based on 20 foot contour intervals. LIDAR would change the contour maps to a 1 or 2 foot interval, therefore drastically changing flood plain areas. It would give DLM staff the ability to do some waterway and dam designs, in house, with cuts and fills, the ability to figure amount of tons of mining done per acre, etc. There are many facets and uses for LIDAR. In referencing the towns' resolution, Lien stated it would help several hundred perhaps thousands of residents in the County which are paying flood insurance based upon very inaccurate mapping that was developed around 1976 on a 20 foot contour map. DLM recognized the need for this technology and has been putting money aside the last two years for future purchase of this technology. Land Records has also been putting some money aside for this purpose. Lien stated it will be on the next County Board meeting agenda for discussion. Lien requested that a resolution come out of this Committee that \$100,000 from the General Fund be added to DLM's non-lapsing account money for the purpose of LIDAR being flown in 2014. Lien noted this would approximately a \$300-\$400,000 project to be flown in conjunction with the next aerial photo flight pattern. Upon Brandt's inquiry, Lien noted this would be in addition to the flight pattern and Lien felt the same company should be able to do it. Lien explained the flight pattern is just an aerial photo, but what LIDAR does is stacks points up so that there can be multiple points on top of each other so that tree density, tree canopy versus understory can all be obtained. Lien added the Villages of Strum and Eleva both had LIDAR flown for the purpose of flood mapping and it dramatically changed the lines for those two villages. Bice asked Lien for more information on the flight pattern to be done in 2014 and the cost involved. Lien responded Land Records budgets money each year for the aerial pattern to be flown to update the County maps (for changes) and the resolution also

gets better each time. If the flight pattern is not updated every few years they get outdated. Lien stated NRCS (federal) does it annually; unfortunately they don't share or are required to share that information with the County. Because of cost it is only flown every few years, the last time a flight was done was in 2010. Lien clarified he wasn't asking for the flight, he was asking for money for LIDAR. Bice commented if the towns' want this he felt they should put their funding together rather than force everyone in the County to pay for it. Bice's research tells him that only 10% of what we will pay for we'll receive in benefits, so he is not in favor of doing this. Bice added, regarding comments that the County is "swimming in cash", that comment has been made, the County Board has been very responsible with its' budget and we do not have a cash-on-hand issue, but Bice could not see any good reason, at this point, to jump on this and start transferring money for the purpose of LIDAR. Bice believed, as with most technology, that the price will come down, so he would just as soon wait as to appropriate money at this point for that. Lien provided each Committee member with a copy of the resolution that will be before the County Board this coming Monday. Brandt wanted clarification as to if Lien was asking for a motion to designate some of the overrun money for the non-lapsing LIDAR fund or was he asking for support for the resolution from the towns' association for the County funding part of LIDAR. Lien was asking for support for the resolution from the towns' and also that this Committee forward a request to Exec./Finance or full County Board that \$100,000 from the General Fund be put into a non-lapsing account designated for LIDAR. Brandt made a motion to support the resolution from the towns' and requested that \$100,000 from Trempealeau County's budget for 2013 be designated for LIDAR, Thompson seconded the motion. Discussion followed on the County benefits of LIDAR versus the cost. Bice called for a voice vote, Brandt- yes, Low -no, Vold - yes, Bice - no, Nelson - yes, Thompson - yes, motion carried 4-2.

Public Hearing – Land Use Change/Rezone — Rural Residential (RR) to Exclusive Agriculture 2 (EA2) – Donald J. and Karen J. Andre - Property Owner/Applicant -Town of Dodge. Chairman Bice called the public hearing to order at 9:22 AM. Committee and staff introductions took place. Nelson read the public hearing notice aloud. Lien referred the Committee to an overhead aerial photo and pointed out the Whistle Pass quarry. Lien noted when the Town of Dodge went through the land use planning process this land was zoned Rural Residential but the mine had been there prior, so it is a legal nonconforming activity that is taking place in a residential district. Because they are having the public hearing today and are changing some of the operation of that mine, they decided to rezone the property, which Lien supports as it will clean up the zoning map and put the land in the right district. Lien reiterated that the request is from Rural Residential to Exclusive Agriculture 2 and that request is in harmony with the existing maps. Lien noted this hearing has been publicized in the newspaper and he did not receive any correspondence for or against. At this point Lien turned the meeting over to representatives from the Kraemer Company. Dick Marino stated they have applied for a Conditional Use Permit (CUP) for a frac sand operation in the Whistle Pass quarry. At the time they talked to the township, and then talked to Lien, and they felt the town had put the quarry in the wrong zoning classification; it should have been Exclusive Ag. 2 which is accepted zoning for a quarry. Kramer's met with the town, got them to approve their change of zoning and also met with the town on future CUP information. Marino reiterated that it is fairly obvious that this land should have been in Ag. 2 zoning. Bice called for any public testimony three times. Lien read a letter from the Town of Dodge which read the Dodge town board supports Donald and Karen Andre's request for a change of land use/zoning on approximately 124 acres of land in the Town of Dodge from Rural Residential to Exclusive Ag 2 so that a non-metallic mining permit may be issued. Lien offered no other testimony in favor or opposition of this request. Bice closed the public hearing at 9:31 AM. Low made a motion to approve the rezone, Brandt seconded the motion, motion carried with no opposition. Lien stated because this is a rezone this will go to the County Board on September 17th for final approval.

Public Hearing – Conditional Use Permit – Beaver Creek Development 2, LLC –Designate Lots 8-11 (twinhome lots)and Lots 24-27 (Single family dwelling lots) – Town of Gale Chairman Bice called the public hearing to order at 9:31AM. Nelson read the public hearing notice aloud. Ken Visger was present to represent Beaver Creek Development. Lien stated the Beaver Creek Development was rezoned a number of years ago to Residential – 20 (R-20). Lien explained the property must first be in an R-20 zoning district, then after that a CUP is required to be able to have twinhomes or duplexes on the lots. Lien added there was some

confusion that took place where they had some covenants on lots of what was supposed to be CUP lots. There was also a public hearing for a CUP several years back and what was in the records of the public is somewhat different than what they had in their restrictive covenant, so Mr. Visger would like that situation cleared up and actually undesignated four lots that were previously designated as duplex or twinhome lots and redesignate four additional ones. Lien stated this public hearing was publicized in the newspaper and letters were sent as a courtesy to all adjoining property owners. Lien received no responses either for or against this proposal. Lien noted there are some existing duplexes and twinhomes in that subdivision already, so this would be a compatible land use. Lien reminded the Committee that they could add conditions to this permit. At the previous CUP there were no conditions set because the State has criteria set if one is going to build a twinhome or have a zero property line setback. The subdivision does meet all the minimum lot requirements and has the appropriate frontage. Visger added there are property owners that bought lots under the assumption that the changes that are being made today were already in place so by making these changes we're adhering to the developments restrictive covenant. Lien clarified for those present that the County does not oversee or have any jurisdiction over covenants that are made in subdivisions or private landowner agreements between people. Lien read a letter from the Town of Gale which read the Town of Gale board gave approval to Ken Visger for the CUP for Lots 8-11 for 1-2 family dwellings and Lots 24-27 for single family only. This approval was given at the town board meeting on August 7th, 2012. Bice closed the public hearing at 9:37 AM. Thompson made a motion to approve, Nelson seconded, motion carried with no opposition.

Public Hearing – Conditional Use Permit and Reclamation Permit – Nonmetallic Mine– Donald J. and Karen J. Andre, Property Owner/Applicant, Fall Creek, WI - Town of Dodge Chairman Bice opened the public hearing at 9:37 AM. Nelson read the public hearing notice aloud. Lien referred the Committee to an overhead aerial map stating this is the same property that the rezone was just approved on in the Town of Dodge. Lien stated this is a pre-existing mine which is a limestone/gravel pit today. The request is to perhaps do industrial sand mining out of this site. They are asking to mine approximately 46 acres, however 124 was rezoned from Rural Residential to Exclusive Ag 2, but the mine application only encompasses 46 acres. Lien turned the meeting over once again to the Kramer Company representatives for more details. Marino stated there is an existing quarry which has been there for many years. There is an existing CUP and reclamation plan on this quarry. Marino explained their proposal is, on the 46 acres, to go down deeper, perhaps widening it a little but still trying to keep it encompassed within the forty some acres so that there would be no view of the quarry from the road. They want to keep the visibility at a minimum. Kramer's have met with the town and the town has agreed to the CUP with some additional conditions. Marino stated Kramer's are in agreement with the towns' conditions also. Marino added it would just be another industrial sand type CUP on a property that is now being used as a quarry. Kramer Company has worked out the road use agreements with the township and the County. Marino explained it is basically an existing mine with about twenty feet of transition material (limestone) that would need to be mined and below that they would be mining forty to fifty feet of Jordan sandstone. Upon Bice's inquiry about the reclamation plan, Lien responded it will be recreational property. It is pretty unlikely that this will be an agriculture use as the area around there is mostly recreational hunting land and forested area. Bice inquired how much topsoil would be brought in to seed the area down. Osegard responded they would use material from the site to seed it down. Bice stated that site has no topsoil. Osegard replied there are berms of topsoil and clay, etc. Jewell added the quarry would grow from where it is and that topsoil and clay would have to be taken off. Bice called for public testimony.

Kathy Zeglin – Registered in opposition, but not testify.

Susan Marks Faber – Registered in opposition – Faber stated she is here in opposition regarding inadequate information on plans.

Lien read aloud e-mails that he received from the public.

Kara J. Wener - I am a lifelong resident of the town of Dodge and reside on Whistle Pass Rd. I would like to voice my opinion on the frac sand permit request made by Donald Andre/Kraemer Company concerning land located on Whistle Pass Rd. I am in firm opposition to the proposed frac sand mine. My opposition stems from several concerns I have about frac sand mining and the location of this specific site. My primary concern is for the health and well-being of my family and neighbors. My mother has an autoimmune disease that has caused her lungs to be weakened and therefore, makes breathing difficult. My mom resides on Whistle Pass Rd and has for more than 40 years. One of her greatest joys is to spend time outdoors enjoying the beautiful surroundings in which we live. I am concerned the dust and diesel fumes created by a non-metallic frac sand mine on Donald Andre's land will follow the wind pattern causing sand to be deposited throughout the valley of Whistle Pass and that diesel fumes will be spread across the valley. Dust and diesel fumes will have a negative impact on my mom's health. My fear is that the sand mine will prevent my mother from taking advantage of one of her greatest joys; to enjoy the fresh air and beautiful surroundings our valley offers. I have also attached a letter from Dr. Gregory Thompson concerning the impact dust and diesel from a non-metallic sand mine will have on my mom's health. Additionally, I am also concerned the dust will have a negative impact on the health and well-being of every individual who resides on Whistle Pass Rd. My second concern is that a frac sand mine on Whistle Pass Rd. runs counter to the plan for increased tourism Trempealeau County has worked with much effort to promote Whistle Pass Rd. as it appears on the bicycle route map for Trempealeau County. The road is utilized daily during the non-winter seasons by various outdoor enthusiasts including bicycles, local walkers, motorcycles, ATVs, horseback riders, tractors (both working tractors and tractor parades), wagon rides, etc. I am concerned that the increased truck traffic on Whistle Pass Rd will have a negative impact on tourism that Trempealeau County has spent a significant amount of resources, both time and money, to promote. It seems approving a mine on a scenic road like Whistle Pass puts out the word that Trempealeau County is open for mining and closed for tourism. I firmly believe the frac mining industry will have a long lasting negative impact on tourism. I would thank Kraemer Company for their willingness to work with the local towns on appropriate conditions. However, I am disappointed that they made clear something that certainly resembled a threat. I heard on more than one occasion that Kraemer Company did not have to go through this process to begin non-metallic mining, but they were doing it to be "good neighbors." The underlying threat, if conditions were too restrictive they would skip the process and do what they wanted. I find using the guise of being a good neighbor to push through a non-metallic sand mine to be in very poor taste. Additionally, I don't believe their argument on that matter holds much water. Kraemer Company noted that they leased the land prior to the Town of Dodge adopting the county zoning ordinance and therefore, they should be allowed to quarry and mine all acreage in the lease without any additional approvals. However, I would point out the majority of the land owned by Mr. Andre on Whistle Pass Rd. is in a Managed Forest Land program that expressly prohibits mining and quarrying. I realize land use and MFL programs are not linked, but I question how the company leasing the land always intended to mine it when the land owner has a majority of the land in a program that prohibits mining. In conclusion, I urge this committee to put the common good of the community ahead of an out of town land owner and company. A company whose representatives openly admit, sand mining on the Whistle Pass Rd site offers no benefit to the Town of Dodge/Trempealeau or their residents. I thank the Committee for taking the time to consider my input and I send my apologies for not being able to attend in person to raise these concerns. However, my work schedule did not allow for me to be in attendance.

Daryl Kramer – I am very concerned about the rapid and profound impact the surge in sand mining is having on the area. Why is it that wind power, a real step toward clean, sustainable and locally produced energy has been virtually regulated out of existence in our county, yet the sand mining is being allowed to proceed at break-neck speed with little regulation and many unanswered questions. The sand mining industry is blitzing the areas that are ill prepared and catching people off guard. The inundation of your office with requests regarding sand mines has the county offices scrambling and this should be a red flag to slow down and make sure the big picture is being seen. Trempealeau County is not acting in the best interests of many of its' tax paying citizens. The opportunity for a small handful of people to make a bunch of money is trumping the quality of life for those most negatively impacted. Deteriorating roads, dust, noise from trucks, blasting, exhaust fumes, dangerous traffic conditions and even the possibility of damage to nearby structures is not

being given property consideration by our County. I am opposed to all sand mining for now, but I want to make it clear that I am emphasizing my disapproval for the proposed Donald Andre sand mine located along Whistle Pass in the Town of Dodge. This mine is just over the hill from my farm. Also, my father lives along Whistle Pass Road and is very sensitive to air quality due to chronic lung problems. Any additional dust or fumes will undoubtedly be detrimental to him. There are others even closer to the proposed mine. They are also at risk due to existing health conditions and I hope they have contacted you as well. There is no question that the sand mining industry is exploiting areas that are naïve, lacking regulation and have little to no knowledge of the far reaching effects of their activity. Other county's that are truly seeking the best means of dealing with this industry and represent their citizens have enacted moratoriums on sand mining. There is no harm in Trempealeau County also taking such measures to assure the necessary time for full evaluation and planning to proceed in a manner that is good for everyone. To do anything less is not exercising full responsibility and that is not serving the greater good of our County. Thank you for the opportunity to express my opinion.

Lien read a letter from the Town of Dodge, dated September 4th, 2012, which stated, "Enclosed are the final conditions for the Kraemer Company sand mine located at the Whistle Pass Quarry in the Town of Dodge. Note the change from the previous submitted conditions". Lien asked Jake Budish to read the conditions aloud from the Town of Dodge. Marino asked, since there is already a CUP on the existing mine, if these conditions were just for the industrial sand part. Lien stated that is correct and the only area that is a little "gray" is that some of it by default is going to apply in general because of working beneath an already permitted area. Lien added these conditions are more specific to the use that is being proposed today. Budish read the following conditions aloud into the record.

Nonmetallic Mining recommended conditions from the Town of Dodge for Whistlers Pass Quarry, Kraemer Company, LLC.

1. Require the operator, The Kraemer Company, to ensure that its trucks use only a route designated by the Town of Dodge in accessing site or gaining egress from site. The Kraemer Company ("TKC") will be required to use the Whistle Pass Road east of the quarry toward County Road F for both entrance and exit to the mine site.
2. Require TKC 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; the road agreement between TKC and the Town of Dodge addresses this issue.
4. Require TKC 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 bond 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 bond should be increased, require TKC to provide a new bond to the Town of Dodge no later than 30 days after receiving notice of such determination. The road usage and maintenance agreement shall provide that the initial amount of the bond will be Ten Thousand and NO/100 Dollars (\$10,000.00). The agreement shall also provide that any disputes between the Town of Dodge and TKC concerning the need for repairs to the roads or concerning the cost of such repairs shall be resolved by the Trempealeau County Highway Commissioner.

Bob Jewell commented, regarding Condition #4, that in the Town of Dodge they roughly have 660 feet of town road before they enter into the Town of Trempealeau. They have a road use agreement with the Town of Trempealeau also. Lien commented the County hasn't required a copy of that agreement, just verification that there is an agreement in place. Jewell continued it may not look like there is a very big bond on the road

but the reason is that there is only a little over 600 feet of road here. Upon Bice's inquiry, Jewell stated they did have agreements with both towns and would forward a copy of those road use agreements to the DLM.

5. Require TKC to provide comprehensive general liability insurance of not less than \$2 million for its operations in the Town of Dodge, and to name the Town of Dodge as additional insured on the policy to the extent damages arise from actions of TKC or its employees or agents. Require TKC 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. Require TKC to require all entities or persons providing trucks for TKC's frac sand mining operations in the Town of Dodge to provide similar liability insurance to the Town of Dodge for operations on the Town of Dodge roads, to name the Town of Dodge as and additional insured on the policy, and to deliver a certificate of insurance evidencing such coverage to TKC, which TKC shall promptly provide to the Town of Dodge upon request.

6. Require all frac sand trucks gaining access to or egress from the site to be covered securely with tarps to prevent fugitive silica sand from escaping from trucks.

7. TKC will be allowed to blast at this site, in accordance with applicable law.

8. Prohibit hauling of residual mining materials from other mining sites to the site. Residual materials for the purpose of reclamation will be allowed to be brought on site.

9. Hauling of frac sand will be prohibited on Saturdays, but work in the mine will be allowed as per county guidelines.

10. Where limestone has been removed prior to frac sand/sand stone then the county setback will be required; where no quarrying of limestone has occurred prior to the issuance of the permit, a 75 ft setback will be required.

11. Require TKC 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.

12. Reclamation slope to be no greater than three (3) foot horizontal to one (1) foot vertical incline, or a stable high wall, if authorized under applicable law.

13. Require trucks involved in operation not to exceed speeds greater than 45 mph on town roads.

14. Prohibit staging or loading of trucks or other equipment on Town of Dodge roads or road right of way.

15. If TKC desires an area for fueling equipment on the site, TKC shall operate the fueling in accordance with applicable law.

16. Require TKC 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)

17. Require TKC to meet Trempealeau County non-metallic mining and reclamation conditions

18. Require TKC to meet air quality standards set by the Wisconsin Department of Natural Resources (DNR) and Trempealeau County

19. Require TKC 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 TKC's initial permit application, the Town of Dodge's recommendations, and contractual agreements pertaining to the frac sand mining operation.
20. If blasting is permitted to be done at the site, require TKC to inspect all structures and wells on the properties within a 2,500-foot perimeter of the mining site, including but not limited to the residences of Neal and Sue Wilber, Gary and JoAnn Galewski, Randall Hoesley, Jill Glenzinski, Anne Gabowski, Tom and Cindy Passow, and Tom and Michaelyn Lambert prior to any mining activity. Require TKC 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 TKC and require TKC to provide copies of all inspection reports to the clerk of the Town of Dodge within thirty (30) days after the inspection is completed. Notwithstanding the foregoing, the requirement for TKC to conduct such inspections of any structures or wells may be waived in a writing signed by the respective property owners.
21. Require TKC to remediate any ground water contamination caused by TKC's operations within 2500 feet of the mining site, including but not limited to the residences of Neal and Sue Wilber, Gary and JoAnn Galewski, Randall Hoesley, Jill Glenzinski, Anne Gabowski, Tom and Cindy Passow, and Tom and Michaelyn Lambert, at TKC's sole expense.
22. Prohibit washing of sand extracted from sites other than the Whistler's Pass quarry (the site that is the subject of this conditional use permit)
23. Require TKC 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. Require that the non-metallic mining permit issued by Trempealeau County be subject to review by Trempealeau County and the Town of Dodge not less frequently than once every five years from the date of issuance during the entire term of the permit.
24. Require TKC 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.
25. Require TKC to ensure that all back-up alarms used on all mining equipment be the low-tone style alarm.
26. If blasting is permitted for the site, require TKC to clean up any rock or other debris from the blasting process that falls on neighboring properties.
27. Require that all external illumination at the site shall point downward and point inward on the site.
28. Require TKC to ensure that all activities conducted on the site or related to the mining activity on the site conform with neighboring towns' recommended conditions.
29. Require TKC to be responsible for all costs associated with installation of signs, with the Town of Dodge to determine the number of signs to be installed.

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.

Bice called three times for any other public testimony.

Lien stated he didn't see any wash plant in the plan but yet the town had made a comment about one. Osegard responded that at this time there is no wash plant being planned. Lien questioned the reclamation plan which looked like 3 to 1 but yet the town reference the high wall again. Osegard stated the reason they did that was to stay consistent with NR-135, allowing for other options. They would like the 3 to 1 but the state requirement says it can be something different so that is why the towns' attorney put that language in there. Lien stated the TIA (traffic impact analysis) has been submitted to the DOT with the haul routes and number of trucks. Lien has received no correspondence back yet from DOT, so staff recommendation is that, if this is going to be approved it is contingent upon what is received back from the DOT. Lien clarified that what was forwarded to the DOT was a request for a maximum of 400 loads per day blended between day cab aluminum end dumps and quad axle dump trucks depending upon availability. Haul route A is Whistle Pass Road west for 2 miles then County Road G south 3.2 miles to State Highway 54 West, 6.3 miles to Winona. Haul Route B is Whistle Pass Road west for 2 miles then County Road G south 3.2 miles to State Road 54 East, 3.6 miles to State Road 93 North, 10.1 miles to Arcadia West quarry. Osegard clarified that was the initial request but then they dropped the number of trucks down. VerKuilen verified that the 400 trucks are what were submitted to the DOT. Osegard explained they have an agreement with the Town of Trempealeau and also Trempealeau County to use County Road F. Lien added staff recommendation is since they have road use agreements in place for using County Road F, they meet the requirements of the TIA, and since Lien didn't see any requested time period for the permit, he is suggesting a five year permit with automatic two year extensions providing they are meeting all the conditions. Lien stated Kraemer Company had sent him some information related to the high walls. All the information Lien received is almost undeniably in road use where high walls are permitted. A road cut has definite property line boundaries, right-of-way issues however we are not looking at that with this site. Staff recommendation is that there should be a 3 to 1 slope as stated in the plan. Lien is not convinced that high walls in a rural area are a good compatible land use. It leaves the landowner open to some real issues in the future as far as being able to stabilize that slope and protect the health and safety of the public. Discussion followed on the length of the permit. Marino commented two things they had questioned at the township level was the additional setback requirement of 75 feet. Marino stated because it is an existing quarry that becomes hard to regulate. Lien commented he had looked at the towns' recommendation on this site and saw it to be a mute point because Lien didn't see anywhere that Kraemer was going to mine that they would be within 75 feet of any neighboring property. Marino felt they could live with the 75 foot setback and noted they have already met many of the conditions. Upon Brandt's inquiry, Osegard responded there will be 100 trucks total, entering and leaving on County Road F per day, as that is what they have worked out with the township. Bice closed the public hearing at 10:20 AM. Thompson made a motion to approve the CUP with Lien's additional staff recommendation of requiring the new TIA provisions (100 trucks instead of 400), 5 year permit, 3 to 1 slope and Town of Dodge conditions, Low seconded. Bice asked if the sand mining project proposed here within the footprint of the current open area or do they intend to open up more area. Osegard responded they would start out in the footprint of it but could potentially open up more area and it could get wider moving into the forties to the North. Brandt wanted more of explanation as to the extent of the processing as he noticed a high capacity well is there already. Osegard clarified that there is no high capacity well on the site and they do not plan on washing on the site there will only be mining and screening. Bice inquired what is the reclamation plan is for the part of the existing mine that they may not touch at all. Lien replied there is an existing permit on that site with a reclamation plan and that land will be returned to recreation area. Lien stated they do have some pushed off, stockpiled area that is mixed clay and topsoil from when the site was originally stripped and will be brought back. The town had addressed the issue that material cannot be brought in from other mining areas but reclamation material can be brought in from outside sources to complete reclamation. Marino stated they do have soils that were native to that property, that have been stockpiled over the years as stripping occurred. Jewell commented the whole western side of the quarry has a berm which is overburden and topsoil and that can be used to get a 6 inch cover across the whole floor and get grasses growing on it. Bice asked if that is what Kraemer's intends to do when this project is finished. Kraemer representatives responded yes. Brandt expressed a concern about the reclamation plan in that much of the processing, as well as the activity in the mine including the reclamation

plan, is based on market forces, specifically, “mining reclamation will begin as soon as it becomes practical related the driving force behind the reclamation time table are market demands”. The impression that Brandt gets is that the areas that are open and will remain open until Kramer’s determines that the amount of material that they want out has come out and then and only then do they reclaim. Osegard responded that is not correct and they will be reclaiming as they go. They will start on the south end of the quarry with the sand mining operation. There is about 20 feet of material that has to come off first, that will be stockpiled towards the north in the quarry, and then as they have to strip more area they will reclaim behind them. Brandt clarified there is no time table because the markets change. Osegard noted they will continue to operate the limestone quarry although most of the limestone has been removed. Brandt commented it appears that the change in the route was a way of accommodating the concerns of the people who live on Whistle Pass Road to the west of the mine. Osegard responded that was correct and also the road was much better going to the east. Whistle Pass road has been improved (wider and heavier) to the east because they have been hauling from the limestone quarry to supply blacktop plants and big construction jobs. Brandt stated Kraemers’ are operating under a CUP for the current mine which came into effect in 2003. Marino stated that was correct and they are operating with a reclamation plan in place that is an approved plan for the existing quarry which calls for stabilized high walls or 3 to 1 slopes. Marino has had conversations with Lien and they are operating under the parameters of NR -135. Brandt commented the language in NR-135 doesn’t require high walls, it requires the operator to go with what the regulator determines is necessary for the site. Brandt added high walls are only considered an option and this Committee has backed Lien in his appreciation that 3 to 1 is what it is going to be. Marino stated they would do whatever they can to minimize the concerns that this Committee has. In their normal reclamation plan where they do have 3 to 1 slopes, they don’t slope the whole wall they do toe slopes to stabilize the bottom and keep it away. They have worked with 27 counties with maintaining their reclamation plans so they are proud of the work they have done. Jewell commented NR-135 states 3 to 1 but if one can come to an agreement with the regulating authority (RA) then slope stability is an option. Bice took a voice vote on the motion and second to approve the application, Brandt appreciated that Kraemer’s have been in the County a longtime, this is an existing quarry, they have accommodated the neighbors with the health concerns and gone with the County’s road use agreement, but noted that there are serious issues with mining in this County and voted to support/yes, Low – yes, Vold – yes, Bice – no, Nelson – yes, Thompson – yes, motion carried 5-1. Lien stated Kraemer’s are given preliminary approval at this point and once the conditions are met, the CUP will be issued. Bice noted he would have been willing to support this but there was some additional information that he would need before he could do that.

Public Hearing - Conditional Use Permit and Reclamation Permit – Nonmetallic Mining - Wash Plant Facility – James L. & Patricia M. Bork and Johann A. & Shannon R. Bragger, Property Owners, Independence, WI and 10K International, LLC – Applicant/ Operator, River Falls, WI - Town of Burnside. Chairman Bice opened the public hearing at 10:35 AM Nelson read the public hearing notice aloud. Lien reminded the Committee that 10K was here a couple of months back to get a permit for this site for extraction of sand without a processing facility. Today, they are here for a wash/processing facility plant to be located on the same site which is approximately 15 acres. Lien stated they worked with the Town of Burnside and had a least two public hearings that he was aware of. They had initially proposed a site at the corner of State Highway 93 and County Road X, a location that the public and town did not agree with. The applicant relocated the wash plant facility back to this site which seemed to be more appealing to the town and the public. Lien felt that was the case, because he did not receive any public comments for or against the wash plant currently proposed. Lien does have a letter from the town which has attached conditions. Lien turned the meeting over to Brian Hunter, President and CEO of 10K International. Hunter introduced Matt Heib, ACA engineer and the landowners, James Bork and Johann Bragger. Hunter explained that back in August they were here on another application and the wash plant did “creep” into the discussion at that time so there has been a fair amount of conversation about the wash plant and the location of it. To recap Hunter stated they did hold two public meetings, the first one for a plant location off State Highway 93 and County Road X (which the Town of Burnside and the residents of the area indicated that would not be a suitable site), 10K then relocated the site onto the property that will be spoke of today. There was another meeting held the

first part of August, which was an open forum. They met with many people, mostly from the Town of Burnside, at which time they fielded questions and the following day they went to the Town of Burnside meeting to field any questions that they may have had. Hunter wasn't sure what more he could provide to the Committee from a comment standpoint, so he suggested answering any questions the Committee may have. Lien stated that because it is a processing facility, a third party review was required, so Lien has that information. Lien has received the TIA (traffic impact analysis) back from the DOT (Dept. of Transportation), not only for the wash plant but it encompasses the general mining site as well. Lien also has the letter from the town. Bice called for any public testimony.

Paul Boland – Registered to testify in opposition – Boland questioned now that this is going to become a processing plant, is there going to be crushing with the sandstone that is going to be dug out or is it strictly going to be washed? Upon Hunter's inquiry, Lien suggested that as Boland voices his concerns, Hunter should take notes and when testimony is finished, Hunter could address all the concerns, etc. Boland stated he is going to be taking the full brunt of this operation. Boland's house is approximately 150 yards from this wash plant. Being a taxpayer that has paid taxes in this County for 15-20 years, Boland just didn't see that much would be accomplished by allowing these sand mines everywhere. Boland feels like he is being forced out. They are going to have to sell and move because there will be 200 trucks running 100 feet from his front door. This Committee has not set up any buyout arrangement so Boland feels like he is getting lowballed as appraised prices are way down. The amount of money that Boland has stuck into this property in the last three years, they will be lucky to recoup that. Boland pointed out on the overhead aerial photo where his home is located. Boland feels the noise and the truck traffic is forcing them to move, they don't know where they are going to go but they have to start looking for a place to buy and they don't get reimbursed for anything.

Kathy Zeglin – Registered in opposition, but not testify. Zeglin asked to briefly comment. Zeglin stated her comments apply to all the sand mines that have been permitted and those that are up for permitting in the future and specifically to this particular mine and wash plant. Zeglin commented that since the 1930's Dust Bowl era, conservation has been key in the State and especially in this County and township. Numerous programs have been put into place to preserve the soil, water and agriculture in general; CRP and Watershed programs, riprap for streams, contour strips, planting trees on slopes that are too steep to farm. Countless men and women "man hours" have been put into conservation efforts over those 80 years, and probably millions of dollars and we are throwing it down the toilet with all of these sand mines. This particular mine and wash plant is located in a valley with Traverse Valley Creek, which is a beautiful Class II trout stream. Zeglin hasn't heard anyone say anything about the stream itself and what is going to happen to it. Zeglin is deeply concerned for the County and all of its residents. These mines only benefit a few to the detriment of everyone else in the County and Zeglin urged the Committee to deny this permit and preserve especially this beautiful creek.

Tim Johnson – Registered in opposition – but not testify.

Julie Hanvold – Registered in opposition – but not testify.

Peter Gierok - Registered in opposition – but not testify. Upon Gierok's request Bice read the following comment written on Gierok's registration form which stated, "If you approve this please follow the Town of Burnside's conditions, don't add more loads than they have already approved".

Mary Dubiel – Registered to testify in opposition. Dubiel asked if the Committee would be taking testimony on the Segerstrom mine. Upon Chairman Bice stating they would not, Dubiel asked to testify here. Dubiel stated at the last Committee meeting, Bice had asked for facts on frac sand mining. Fact #1 – Silica dust emitted from frac sand mining is a carcinogen. The unknown is how far does this dust travel, what density constitutes a health risk and how do we control this density. Fact #2 – How safe are the water levels when using high capacity wells and the chemicals that are leaching into our soil – again unknown. Do we need to lose our water supply before we become aware that the well levels have gone down? How long will it be

before we need to have water brought in? Is there a sufficient number of gallons to allow us to bathe and wash our clothes? At the Town of Hale meeting on September 4th, the geologist representing the Segerstrom mine did not favor the proposed ordinance for a cement retention pond because if it broke (which he said was inevitable) it would be a greater risk to the water supply. Dubiel questioned if a small amount at a time in the groundwater is ok but a larger amount is not, does that mean a small amount will neutralize and not accumulate and become a problem or is it just somebody else's problem. The question Dubiel raises is not a question that she can answer but she believes they are not questions that can be answered at all. There are experts on both sides and they say they have the answers but there is no consensus. Until we know, Dubiel proposes that we adopt the position that the medical profession adopts, do no harm until we're sure. Fact #3 – A mine asking to transport 75 loads per day is 5.6 minutes a load going past a house. A hundred loads per day is every 4.2 minutes. 150 loads per day every 3.8 minutes per day for 14 hours of a day. Dubiel believes this would constitute a health hazard equivalent to that of a trucker or a miner working in the industry. Dubiel is neither; she is a 70 year old woman hoping to have no health problems related to diesel exhaust. Dubiel has spoken against sand mining in the past in the Town of Hale. Most important to Dubiel is that her town is residential and unless the majority of people vote to change this, the town should honor that oath. Dubiel realizes we are overwhelmed having to deal with the issue on air, water, noise and the right of the residentially zoned towns, but Dubiel believes one ought to look at all the concerns. Bice commented that Dubiel talked about facts. Bice has received lots of information which he has requested and he will take that factual information at any time. Bice read the information that Dubiel has sent him as well as the information that several others have sent him. Bice has printed out a statement that someone sent him that says, "they very clearly do not know and cannot prove and have not verified that sand mining emits dust particles small enough to cause silicosis". Everything that Bice has been able to find (Bice's public statement and he is looking for evidence other than this) suggests that we do not find small enough particles in mining silica sand. What Bice has found is that silicosis is very real, a very dreadful way to become ill and die but it comes from industrially manipulated sand and not sand that we find in the earth that comes directly from sand mining. Bice added we have a mine very close to here which is Badger Mining. We are looking and still waiting for someone to say, after close to 40 years of mining at that site, that we have anybody yet to come down with silicosis. Going back twenty years, these people did not even wear respiratory equipment. There have been many people who have testified about the dangers of this sand, but Bice has been working on this diligently and is still looking for facts.

Lien read the letter from the third party engineering firm in review of the wash plant. Lien read aloud, "I have enclosed my review of the Conditional Use Permit application for 10K International, LLC Bork Property wash plant facility. I understand this site was part of a larger previously permitted non-metallic mine site and therefore may be previous conditions not mentioned in this review and therefore may need to be considered by the County before making the final decision. This permit application requests approval for the construction of a wash plant facility on a previously approve non-metallic mine site. I am not familiar with the provisions of the previously permitted site and can only provide analysis and comment on the information provided within this application. The wash facility itself appears to have been designed in a manner consistent with the erosion control best practices to limit the amount of runoff that leaves the site. Wash water will be recycled through a series of storm water and wash ponds. The facility will require a high capacity well to compensate for loss of water through hauling and evaporation. There is no analysis provided in this permit identifying the affects this well will have on the adjacent wells within the area. There are neighboring properties with out buildings and wells within close proximity of the proposed well location so it is imperative that this analysis is completed prior to issuance of this permit. The wash product will be hauled off site by truck. The site plans provided with the application show the haul road in very close proximity to the western property line, adjacent to the Olson property, exiting the site to the north on County Road X. The indicated haul route is County X in an easterly direction to State Highway 93. No further information is provided on the destination of the product. There is no dimension indicated on how close the onsite haul road is to the Olson property. This may be an existing easement but it is not identified as such in the plans. This permit does not identify the estimated number of trucks that this road on a daily basis will use. However, utilizing the information provided with the application it can be calculated to be as high as 175 trucks in a 14 hour day. This fairly significant number of

trucks and the possibility of dust and noise impacts on the surrounding properties should not be overlooked. Strong consideration should be placed on making this egress route a paved road to avoid the impacts of dust erosion. Mining Reclamation – After the reclamation is complete, the slopes should be graded to a 3 to 1 or less slope. It appears the post reclamation drainage patterns will follow the current predevelopment runoff pattern. This should cause no problems with the environment around the site as long as the vegetation is established. The post mining slopes will meet the three to one maximum slope and the area will be used for agriculture once the mine work and reclamation are completed. The application states that the reclamation of the site will occur once all sand washing operations have ceased at the site. The estimated reclamation cost is stated to be \$45,134.00. There is no timeline provided for the anticipated year of reclamation. This number appears to be low in consideration of other reclamation plans reviewed. There is also no established escalator for future increases in labor and materials. In summary, I have reviewed the Conditional Use application and it shows that the nonmetallic wash plant facility proposed for 10K International, LLC Bork property will not meet the requirements of the Wisconsin DNR Chapter NR-135 and Trempealeau County Comprehensive Zoning Ordinance, Chapters 13 and 20. This application should be considered incomplete until such time the high capacity well permit is issued by the Wisconsin DNR and a detailed analysis of the drawdown from surrounding wells is performed and provided to the County for review. I also highly recommend the County request the mine operator to specifically identify the exact haul route for all trucks leaving the site with processed material. The current application provides a route to State Hwy 93 but just ends there. Unless the route is specifically identified these trucks could continue on to additional town and county roads that needs have not been assessed. The County should also engage the wash plant facility operator in discussion regarding the cost of reclamation. I believe this assessment should be increased and the annual escalator added to account for factors such as inflation and increases in labor and materials. Lien commented that his staff sets the reclamation amount and that is yet to be determined as staff is still reviewing that and that is part of the conditions that a reclamation bond be provided by this site, so depending upon what conditions are approved (if the permit is approved) Lien and staff will set the reclamation bond amount while working with 10K International on the dollar amount. As far as the high cap well, Lien stated (if the permit is approved) we do require a drawdown analysis which is provided prior to DLM issuing the permit, but it is somewhat unreasonable to ask the applicant to spend the money and do that now without having prior approval. Lien added DLM has received a TIA (traffic impact analysis) which Lien will read next. The TIA read as follows, “Thank you for the opportunity to comment on the proposed 10K International nonmetallic mine site. Wisconsin DOT’s recommendations are based on the following information. The mine is located at W28812 County Road X in the Town of Burnside. The mine proposes hauling up to 175 loads per day. The mine will use quad axle semis with dump boxes. There are two proposed haul routes; Route A – County Road X to State Highway 93 to State Highway 35/54 to Minnesota (43 to Winona), Route B – County Road X to Cooke Valley Road to State Highway 121 to State Highway 88 to Buffalo County –State Highway B to State Highway 37 to State Highway 35 to 25 into Wabasha, MN. Along Route A, 2009 traffic counts have 600 ADT on County Road X the mine will add 350 truck trips. Along haul Route A trucks will make left turns on State Highway 93 to County Road X along haul Route B Cooke Valley /State Highway 121 intersection currently is built to Wisconsin DOT Type C standards. Along Route B, the Buffalo County B intersection with State Highway 88 has a wide paved shoulder for northbound. State Highway 88 which will allow traffic to bypass the trucks. Along Route B- Buffalo County B intersection with State Highway 37 currently exists as a Type D intersection. In light of this information, Wisconsin DOT recommends the following; Along proposed haul Route A, Wisconsin DOT recommends adding a north bound left turn bypass lane to State Highway 93 at the County Road X intersection. Along haul Route B, Wisconsin DOT recommends upgrading the Cooke Valley Road/State Highway 121 intersection to a Wisconsin Type V1. Additionally Wisconsin DOT recommends upgrading the Buffalo County B intersection with State Highway 37 to a Wisconsin DOT Type B1. It should be noted that the proposed haul routes include roadways outside of the jurisdiction of Trempealeau County or Wisconsin DOT. It may behoove Trempealeau County to have conversations with those jurisdictional authorities regard the appropriateness of these roads as a haul route. The letter from the WISDOT was signed by Brent Pickard, Urban Regional Planner.

Kenneth Schreiber – Registered in opposition but not testify. Schreiber lives in the Town of Hale. Schreiber is not familiar with this particular site. Bice reminded Schreiber that it was important to stick to the Conditional Use Permit that is being talked about right now. Schreiber is very familiar with the Badger Mining Site and this is related in the sense that Schreiber has witnessed several catastrophic failures of their dike systems which were holding their wash water. Since this site is located as close as it is to Traverse Valley Creek with a Class II trout stream, Schreiber wanted everyone to be aware that dike failures are a definite possibility. Schreiber stated the result of the Badger Mine failure was typically that it turned the Trempealeau River white from the suspended sediments that were in the wash water, as Schreiber didn't think this stuff settled out for a long time. It carries a long way down stream and it affects fisheries (because of lack of clarity they are unable to feed) at least for the time being. It does drop out eventually. Schreiber reiterated he isn't real familiar with this site. There might be a millpond down stream of there. Schreiber has some personal experience with failures, he knows it happens. Schreiber stated when one considers the fact that we are looking at potential climate change and more frequency of large storm events that this is also a possibility. Schreiber would like the Committee to at least consider the fact that there could be failures of these dikes. Schreiber understands they are engineered to the highest specs, but consideration should be given to the fact that it is on a trout stream.

Danie Johnson – Registered to testify in opposition (if allowed) and also registered in opposition but not testify. Johnson appreciated that the Committee wants to base decisions on facts. When we talk about facts, there is a truism that we get and that is that we don't know the truth yet and that is the problem and the real fact behind this. We know that silica dust is a Class I carcinogen. This hasn't been around long enough to know what amounts and at what point it becomes toxic for people and not good. We do know that if you're going to allow 175 loads past Mr. Boland's house, he will have increased emissions from all the trucks that are going by and we do know that is not good for people. We do know that his property will be substantially worth less. No one would purposely buy a place and have to live next to that, so we know that he is going to lose property value. We have facts on how much people lose by how close their proximity is to these proposed sites, so we know people are losing value. We know that he is going to have more pollutants in the air because of the truck traffic. We also know that his quality of life and anyone else who lives next to this is compromised. Johnson asked, if she were to say to Mr. Bice, "Do you really want to live next to this – and in your honest opinion do you want to look at that every day?" Johnson didn't want an answer but stated that is the question that needs to be asked. We are excepting those that gain from this financially (not holding it against them), but what about the rights of the people to whom this is being done? We have rights as well and at some point it just seems that the right of the landowner supercedes everybody else's loss and that is the part that she is trying to get a grip on. The other thing is that we don't know how much silica dust is permissible, yet we continue to add mine after mine. At what point do we find out that it is too much. Johnson questions that and hopes that the Committee will too. These decisions that you are making in these meetings, the rest of us have to live with it for the next thirty years of our life. This is the legacy that we pass to our children and the people who come after us. Bice called for any other testimony.

Bice closed the public hearing at 11:08 AM. Lien read a letter which stated the Town of Burnside voted to approve this application for a CUP for a nonmetallic mining wash plant facility by 10K International on the Bork property with the conditions as outlined below:

1. The facility will be limited to 250 tons per hour per the application proposal.
2. The period of the permit will be five years with extensions available.
3. The truck traffic from the wash facility will not exceed the 200 permitted total trucks per day defined in the previous mining permits.
4. We require a third party inspection for wells and logs to be kept for adjacent property owners within one half mile to be kept and maintained in response for high capacity well unless the property owner objects. 10K will have responsibilities to replace wells if failures and contamination occurs. Adequate bonding must be in place to insure this issue.
5. Concrete bottoms must be in all wash ponds that may contain flocculants.

6. Flocculants Use - A disposal log must be maintained by 10K including test results of wash pond sediment and disposal procedures.
7. Electrical power will be generated on site per the presentation of the site plan.
8. We require restricted truck traffic during school bus AM and PM hours on County Highway X to be worked out with the Independence School Board.
9. We also acknowledge the concerns expressed by the neighbors on the quality of life for adjacent owners, particularly the Paul Boland property and desire an acceptable agreement to be reached between the property owner and 10K International regarding the concerns. It is our view that the town board has no authority to address this concern.

Lien noted these are also recommended conditions from the town but Lien thought they were looking at past conditions that the E & LU Committee has put in place.

1. Duration of the Conditional Use Permit is five years from the time of issuance. After the fifth 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 borders unless the adjacent parcel is under common ownership with the applicant and the land is within the permitted mine boundary.
4. All structures and case wells located on the property within 2,500 linear feet of the proposed mining area/site shall be inspected and the condition of each shall be recorded prior to the commencement of work at the site. These wells and structures should therefore 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 costs associated shall be borne by the operator and owner of the mining site. Adequate bonding must be in place to ensure this requirement is met. Landowners must sign a waiver declining the inspections of structures and cased wells located on the property.
5. A & B soil horizons must be kept separate for use in later reclamation.
6. A 24 hour blasting notice shall be submitted to the DNR and all neighboring properties within 2,500 feet.
7. All truck and trailer dump boxes leaving the mine site shall be covered or enclosed. Maximum allowed number of loaded trucks leaving the site is 10 trucks per hour during approved operating hours.
8. All required permits or permit exemptions from 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 DLM prior to any mining activities.
10. The DLM will notify the owner/operator of the mine site when all conditions are met and mining activity may start. Until notification from the DLM not unauthorized land disturbances may take place at the mine site.
11. Any nonproducing mine, if inactive for a period of one year, must be reclaimed.

Lien stated he had additional staff recommended conditions.

Lien continued there is the Traverse Valley stream located adjacent to this property. Standard policy is that no mining activity shall take place within 300 feet of any navigable body of water. Lien wanted the applicants to be aware of that. If there would be any intention to mine within that 300 feet the owner/operator would have to apply for a variance. Lien wanted to note and make sure that the DOT requirements are included as conditions for the specific haul routes. If the applicant is going to use both haul routes, they would need to do recommended improvements on both routes. If one haul route is picked then the improvements on that route would need to be done prior to any mining activity. In addressing the high cap well, Lien stated they need to submit either the cone of depression or the drawdown analysis which is pretty standard for that, prior to issuance of the permit. Lien addressed Condition #4; by stating he likes consistency so he would like to see

the half mile that is mentioned changed to 2,500 linear feet. There was some gray area, in the presentation and conditions, as far as how power is going to be provided to the site. The town stated in Condition #7 that electrical power will be generated on site per the presentation of the site plan. Lien had talked to the Town Chairman this morning about this issue and it was Lien understanding that what the entire town wanted was for the applicant/owner to go back and meet with the town on that issue. Lien understood that the plan was to pull three phase power, possibly off Dairyland Power and the town thought, because of stray voltage issues, that the site was going to have some large generator rather than pulling off of Dairyland. Lien thought this was just a clarification issue. Hunter stated if he were to accept the conditions of the town, that condition would have to be amended prior to acceptance of these conditions. Lien responded the town was more concerned that 10K go back and meet with the town. Lien asked that the condition actually be waived and Condition #7 be modified to read that they will meet with the town. Hunter responded they don't want to be held to that being the only way they can generate power. Hunter stated Condition #7 is going to be an issue. He was ok with #7 if the wording is amended, in other words gives them the option so that they can go either way and if the Town of Burnside is looking for more knowledge (as far as the electrical generation of having a high wire) than that is something that 10K can present to them. Hunter added that at the Town of Burnside meeting Condition #7 was never brought up and neither was Condition #1 where it talks about the facility is limited to the production of 250 tons per hour. Hunter believed that could be something from a calculation they were looking at to calculate the facility based on the number of trucks that they are hauling from the facility. One of the things that may not have been calculated here is the fact that they only wash three quarters of the year (260 days) so because of that they need to build stock piles, therefore the facility will have to produce more than 250 tons an hour. Once again, Hunter mentioned it was a condition that was never discussed at the meetings that they have had or the meeting that was held with the Town of Burnside. Hunter questioned Condition #7 regarding the amount of trucks leaving the site is to be ten. Hunter asked if that was a Trempealeau County condition. Lien responded, when 10K came through with the other permit, the Town of Burnside limited 10K to 200 trucks per day, and in that prior condition it stated it was at 10K's discretion where the 200 trucks come from. Hunter stated Conditions #10 and #11 are alright. Lien suggested adding, under staff conditions that the applicant has the ability to go back to the Town to discuss this issue, because Lien is under the mindset that the previous permit limited 10K to 200 trucks and that would be at 10K's discretion. Lien requested to add as a condition that 10K go back and meet with the town on recommended Condition #1, #7 and then in the Standard conditions #7 to resolve/clarify any issues. Hunter agreed to that. Bice asked; if it was feasible, if 10K would possibly bring in a generator to generate their own electricity. Hunter responded that was correct. Bice pointed out that it may not be able to be done with the sound ordinance so that would have to be shut down at mining hours. Lien commented that was non-negotiable because there are mining hours of operation and the Ordinance states very clearly that anything (specifically generators to keep diesel engines warm) that is used outside non-metallic mining hours cannot exceed 45 dba measured at the property line. In regard to the third party review and some reservations they mention, Bice inquired what Lien's opinion was? Lien stated the things he had mentioned previously were his concerns. Bice requested the aerial map be put up in order to show where this washing facility will be in relation to Paul Boland's home. Bice asked Hunter exactly where Boland's home was in relation to the facility. Hunter responded probably the 150 yards that Boland talked about is 450 feet and that is probably from the approach/right-of-way to his house. Hunter stated they are actually located 1800 feet from where the wash plant facility will be going to County Road X so wherever Mr. Boland lives from County Road X would need to be added to that. If one looks on the map that is provided one can scale it if they wish. Matt Hieb from ACA pointed out the approximately 120 acre site, the buffers, wash plant and access road on the aerial photo. Upon Bice inquiring about the terrain between the wash site and Boland's home, Hieb responded it is pretty open. Hunter commented there is a tree line and there will be berming at the roadway, etc. Bice questioned how far Boland's house was from where the trucks will be going past? Boland pointed out on the aerial photo his house and the road. Hunter noted nothing has changed on the mining operation since they came for the CUP back in May except for the adding of the wash plant. Upon Lien's inquiry as to whether 10K is in negotiations with Boland, Hunter replied they have discussed with the Boland's about what this could look like to them. Boland's have had an appraisal done on their property as well as an independent appraisal which has been done. At this time Hunter is saying they are prepared and willing to work with

Boland's to see where they can go, but at this point it is premature. Lien reiterated that in two other applications this Committee has conditioned where an agreement be made between the applicant and the adjacent property owner which is adversely affected. The Committee doesn't care what kind of agreement is made but the town listed as Condition #9 that some type of agreement be made. Hunter stated they would not agree to Condition #9. Bice made a motion to table this issue based on too much information not available at this time, Vold seconded. Hunter asked what information is needed and if Bice wants to bring Condition #9 into the County conditions then that is fine. Hunter questioned how he could agree to something of which he is not even sure will be there. Lien clarified if the motion was rescinded and they made it a condition would mean they have to come to some type of agreement and bring forward that information to the Committee, if no agreement is made then no permit is issued. Hunter responded they were ok with that, but he is not sure what this agreement will look like. Brandt commented in the past the Committee has given a number of days in which the agreement had to be accomplished. At this point Bice rescinded his motion to table, Vold rescinded his second. Brandt called for point of order as typically this type of discussion happens after there is a motion on the floor. Low made a motion to approve the CUP with staff and township and recommendations, Thompson seconded. For clarification Lien stated there are recommended conditions from the Town of Burnside. Lien then repeated his recommended conditions; staying 300 feet away from any navigable waters including Traverse Valley Creek, follow DOT traffic impact analysis requirements, high cap well be followed up with a cone of depression and drawdown analysis prior to approval, amending the town condition #4 to be more consistent, rather than the half mile to read "2500 linear feet" and to meet back with the town on issues #7, 9 and #1 for clarification. Lien noted that #9, if adopted states that an agreement will be made and if the agreement is not made, then no permit will be issued. Hunter commented that 10K certainly understands that there will be some affected landowners that find it is just not suitable and have a willingness to move and 10K will consider that. 10K will have an appraisal done and they will ask the landowner to have an appraisal done. They will take the average of the appraisals, provided they are within 3% (as long as they are relatively close) and add 10% to it and that will be 10K's offer. In this particular case, that had been done verbally to the landowners. 10K will honor that and go forward. 10K has been on public record to say that is what they will do and so they will form some type of agreement. The issue could be, because of the appraisal, it may not reflect additions/improvements which the landowner has done. Hence, 10K tries to add the 10% to try to reflect some of that but it may not be totally effective against the appraised value. Hunter stated they are willing and they have said publicly that they would do that. Lien noted there are other ways to resolve issues and the Committee doesn't care what that resolution is just as long as the issue is taken care of and it is agreeable and signed to by both parties. Brandt acknowledged that the parties have worked hard on the issues. Brandt noted that another mine has been approved that will use that road so the limit of 200 trucks per day is between the two mine sites. Brandt mentioned there is also the "snowball effect" which is a property owner has the potential of either being bought out or compensated for the change to the quality of his lifestyle and that has begun to change the nature of the valley. When a mine comes into the valley it does more than just become the new neighbor it has the potential of being the "gorilla in the room" and the quality of life and nature of the entire valley is then changed. Brandt stated there is a significant amount of wetland here and Traverse Valley Creek. The number of failures from storm water retention and water management systems is just too much and it becomes difficult to imagine that there isn't a type of storm water management system, considering the type of weather we are having as well as the nearness to the creek. Brandt added that they have the potential of moving west with the mining which would go into Buffalo County and they have a moratorium. A mine over there which had suggested using State Highway 88 as a haul route had been denied because that highway was not appropriate for the kind of traffic they were anticipating. Brandt mentioned this Committee has had no conversation with Buffalo County or the townships to the west of this mine. Brandt's point was that there is a wider issue here in terms of a regional approach to this and in terms of the layout of the land and where the sand is, if 10K was closer to a load out this would be a great site, but it's down a road that is very difficult to maneuver. Brandt wanted the Committee members to consider these issues and to consider denying it because of those concerns. Hunter responded they are just adding the wash plant not changing the dynamics of the mine which was approved back in May. Hunter added they have had to change how they are marketing the material but the effects of the original Conditional Use Permit that was granted back in May still stand. Lien acknowledged Fred Boe, Town of Burnside

Chairman and asked if he was comfortable with the recommended conditions and 10K meeting with the town again for clarification on the three items. Boe stated he did not want to speak for the entire board. The 250 tons per hour came directly from 10K's application and the 2500 feet versus the half mile, Boe didn't see it as an issue. Bice commented we do our best and are learning a great deal as we go through this, but one thing that is very important is that we make sure that we do the best we can on environmental effects and it is very important to follow the rules. Bice added we are going to be very careful on making sure that all the rules are followed. Upon Brandt's inquiry for clarification, Lien stated this is a site that has a pre-existing Conditional Use Permit and adding to it with the wash plant. Brandt pointed out that the CUP for the wash plan is 5 years and in May the mine CUP was for 20 years. Bice called for an individual voice vote on the motion to approve the CUP with conditions; Thompson – yes, Nelson – yes, Bice – yes, Vold – yes, Low- yes, Brandt –no, motion carried 5 – 1. Lien stated it was now up to them to meet all the conditions and provide that information to DLM staff.

Revisit - 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 Bice stated the public hearing for this application was held previously and it is closed therefore there will be no public testimony today on this. Several other issues will be addressed including conditions. Bice added there was a great deal of information presented and a great deal of testimony was presented for and against. Low made a motion to put the Segerstrom Conditional Use Permit back on the table, Thompson seconded, motion carried unopposed. Bice observed that during that public hearing the information submitted seemed to be almost 50/50 for and against. Bice stated the reason this was tabled is because there were several sources that approached Bice and Committee members to give some time for the Town to add conditions. The Committee decided they would give the Town that time. DLM staff received those conditions this morning and the Committee members now have them in their possession. Thompson asked if they have all of the townships agreement in place as he read there is another meeting scheduled next week. Bice responded there is some confusion there and as chair of this Committee he believes he has the legal right to evaluate the fact that it did come to us before, we did have a letter from the Town which is all that is required in the Ordinance. There is a fair amount of discussion within the township as far as where they really stand on it, but it did come through the hearing process and Bice felt the Committee needed to move forward based on the information that they have. Lien stated he has never been in such a confusing position with the Town as we are in right now, not at any fault of the town as this is their first major issue in regard to mining. For clarification, Lien explained the Ordinance does clearly state that we ask for a letter from the township whether it is an approval or a denial. The rapport Lien and the Committee has with the towns is very deep and strong. Even though the ultimate authority lies with this Committee, the recommendations that come out of the town are held in very high regard. The relationship and bond that exists with the towns has been very strong over the years and the towns' opinion is taken very highly by this Committee and the DLM. In this case which is complex and confusing, DLM received a letter from the town approving a the issuance of a CUP and a rezone for this site, then DLM received a second letter asking the E & LU Committee not to take action for 60 days to allow the town to possibly come up with some conditions. During that time period, there are alleged open meeting law violations at the town level which may negate both of those letters. Also, there was a town meeting that took place (Lien doesn't have it in writing, but there are town board members here today) where a motion was made and seconded to deny the application. Today, DLM received a letter from the towns' lawyer which stated the town is going to take official action (approval or denial)on this topic on September 18th, 2012. In addition, DLM received a letter from the town with suggested conditions. Lien reiterated this issue is very complex and unique. Even though the decision lies within this Committee, they do take into account and with very high regard as to what the towns' opinion is as they are the ones most affected. Lien read a letter from Schaumberg Law Firm which read, " The Town of Hale at a meeting held on September 4th, 2012 solicited public input as it pertains to proposed conditions for the Land Use Committee to consider on the above proposed mine operation and those conditions are attached. Subsequent to the September 4th meeting, the town was advised by Trempealeau County District Attorney's office that complaints for open meeting law violations at its' March 2012 meeting had been filed. The complaint alleged that at the March 2012 meeting the Town of Hale acted on items that were not part of the agenda and therefore

open meeting violations occurred. The alleged violations were the issuing of an approval letter for the Segerstrom mine permit and the rezoning of Alan Erickson property from residential to agriculture. Under Wisconsin Statutes 19.973, any action taken at a meeting of a governmental body held in violation of open meeting law is voidable when an action is brought by an Attorney General or the District Attorney. The town has informed the District Attorney that it would voluntarily void out those actions taken at the March 2012 meeting relating to the approval letter to the Committee in approving the rezone. The town would reconvene the March meeting to address those issues that would be properly presented on an agenda. The District Attorney has tentatively agreed it would not seek further prosecution of these alleged violations if indeed the town would void out the actions and rehear these matters. The town has scheduled a meeting to readdress the issues raised by the District Attorney for September 18th, 2012 at 7:00 PM. The town will inform the E & Land Use Committee of any action taken on the Segerstrom mine and the rezoning". Brandt clarified that the town asked for 60 days to come up with conditions, the Committee gave them 50 days and that is what the Committee will be going through now. Thompson stated if their letter is allegedly void because of a violation of open meeting law, the Committee can't really do anything. Bice responded, when it was tabled at the last meeting, the Committee was given information that suggested that there was no opposition they just wanted time to make decisions as far as conditions were concerned. Bice reiterated we did have a letter from the Town. Bice understands there is some disagreement within the township, but he thought the Committee needed to move forward as there are people who have a lot of time and money invested and the Committee is within the right of the Ordinance because we did receive a letter. Not only did the Committee receive a letter but follow up information that said, "please just give us more time for conditions" and the Committee did that. Bice felt the Committee needed to move forward. Nelson inquired what happens if the Committee goes ahead and approves this CUP and then at the Town of Hale September 18th meeting, the Town of Hale rescinds it? Radtke stated the Ordinance requires that a letter from the town be provided. Radtke felt everyone would agree that the purpose for that is to get some input from the town as to what their position is with regards to the mining operation. In this case we have a letter that was prepared and sent saying the town approved/agreed with it but contained no other information or any conditions attached. There was an allegation of an open meeting violation. We received a letter from the town's counsel saying that the District Attorney has tentatively agreed that he will not seek further prosecution if indeed the town would void out the actions and rehear these matters. It also states that this issue will be taken up at a later time. Looking on paper, there is nothing that says, other than this letter from Attorney Schaumberg, that the previous letter was rescinded. Radtke knows there are verbal statements that this letter was rescinded or voided or there is a motion to deny the permit, but it is not really clear because there is nothing in writing that has been received by this Committee. What has been received is a list of proposed conditions for Segerstrom/Paramount Sand CUP with the heading of Town of Hale. Radtke continued that however the Town of Hale has come to the conclusion of presenting these draft conditions for the Committee to consider, he believed this Committee would be justified in considering this list of proposed conditions from the Town of Hale as its position with regards to this mining operation. The town does not have authority to deny a permit that this Committee would be bound by. The town can say to this Committee, "We do not want this", and that is just a recommendation from the town and the Committee has the ultimate discretion and authority to decide whether or not that is to be given weight or to be agreed with. Radtke also thought that the Committee would be justified in postponing this if the Committee felt so on the grounds that there is a letter here from Attorney Schaumberg stating that the Town of Hale will be taking this up on September 18th (a later time). That seems sort of contradictory to submitting conditions for the Committee to consider here today. In summary, Radtke thinks that this Committee would be justified going in either direction based on the information that the Committee has with regard to a previous letter on hand with regards to proposed conditions to consider in hand here today that were received this morning. Based on all that information, Radtke believed the Committee could go either way and be justified and legal. Thompson stated if the Committee approved the conditions and then approves the permit, the townships might as well throw their zoning "out the window". Radtke responded the township does have zoning. Thompson responded this Committee is supposed to go along with their wishes. Radtke responded that is not necessarily accurate, this Committee is not to exactly go along with whatever the town wishes. What the town does is present its' position which, as Lien has stated historically has been given weight, but there is nothing that binds this Committee to what the town desires

whether is be a grant, denial or any specific conditions that are being proposed. Brandt stated Thompson had been part of the land use planning process and the Town Chairman since the beginning 14 years ago and part of what Brandt understands he is saying is that it isn't necessarily related to the nonmetallic mining issue in terms of the Committee's ability to make decisions but rather the County has worked with the towns' to help them to develop the zoning that they think is right for their township. There is a wider issue here having to do with land use beyond nonmetallic mining and the towns' ability to weigh in on this. If the town comes to a legal decision that it wants to maintain a certain type of zoning within the township and this Committee decides against it, then what was the point of all the work that was put into the land use plan. Radtke understood what Brandt was saying, but the power lies with the County Committee to establish grant or denial and the conditions that are on those permits, it is not a shared power and there isn't a power that both need to be in agreement of. That is the structure (Ordinance) and system that is in place. It is not to say that the town has no input it is to say that the Committee is not bound by the town. Vold stated if the Committee doesn't agree with the townships, the townships can pull out of County zoning and this Committee is defunct. Radtke responded that is a whole different issue and he didn't feel this Committee should make decisions based on a fear that the town may or may not withdraw from zoning. Vold and Thompson agreed that if one township pulls out they will probably all pull out. Discussion followed on the strong rapport that has been maintained over the years between the County and townships. Lien called for comments from Eric Franson, Supervisor for the Town of Hale. Franson stated it was on the agenda on the door but that copy got thrown away and the issue was not on the actual agenda and that is what happened in March. Last night they did the conditions and set up the meeting for September 18th to redo the March meeting. Lien clarified that on September 18th the Town of Hale board would take official action because the other meeting was alleged illegal. Franson responded that was the towns' intention. Nelson commented (he was not present) but there was a meeting a week ago, and supposedly one of the town board members rescinded the motion to approve the mine. Nelson asked if that was correct. Nelson stated that was not on the agenda so that was illegal also, so basically the Town of Hale isn't sure what direction they are going right now. Franson wasn't sure how the other board members felt. Bice commented on the Smart Growth planning process. Bice's point is that these people have applied for this, and they tried to go through all the steps that were required, have invested a fair amount of money, they are doing something that is legal and for the most part acceptable. It might not be acceptable if you happen to live real close to it and not something that one finds appealing. Bice is a strong believer in property rights and he believes that property rights for everyone are very important. Bice gave an explanation on property rights. Radtke clarified that the reason he is giving the opinions that he is, is because it is his job to make sure that the decisions that come out of this Committee are legal and sound and are going to be subjected to appeals, etc. Radtke is dealing with the documents are in front of him and the Ordinance. Thompson made a motion to put the CUP back on the table (postpone) until after the September 18th meeting, Brandt seconded. Some discussion followed which included comments from Matt Segerstrom, Travis Adams and their opinions on the towns' role and the Committee's position. Attorney Brian Nodolf stated he does have issues with a Committee member that states he is going to vote "no" until he hears from the town as that is not the legal standard that is required of him. If someone doesn't believe they can apply the legal standard here they need to recuse themselves. Attorney Nodolf asked that the proper standards be applied to the CUP and have it granted at this time. In a discussion to table, Nodolf requested an expedited hearing. Segerstrom stated, with all due respect, they have diligently and reasonably tried to work with the township. It takes two parties to work together and when one side, literally, will not respond, give them a chance to talk, review the plan or work with them it puts the applicant in a very difficult situation, it delays them and costs them time. They went to the town board in March; got the letter of support and now six months later, until last night the town did not look into it any further nor made no further decisions. Segerstrom requested to at least be heard as soon as possible. Adams went on record to state, regarding the September 18th meeting, that is regarding an alleged open meeting violation. The town clerk had stated that they had written verification that Tom Segerstrom and Alan Erickson were on the agenda. Somehow that agenda was disposed of by the town chairman. Adams stated we are talking about an alleged violation that has not been proven yet. Lien stated that issue will be taken up by the town on the 18th. Segerstrom stated there has been no "voided" letter and there was no motion that the applicants are aware of. Nelson stated that the fact that the agenda was proper, but somehow disposed of, should be brought forward at the meeting on Tuesday. Bice called the motion on which all voted

in favor of postponing until after September 18th, except for Low who voted in opposition. Motion to postpone carried 5-1.

Thomas A. and Rhonda J. Segerstrom Farmland Preservation Special Use Application - This item was not addressed since the CUP was tabled.

Guza Mine Site Haul Route – Lien stated there have been some validated complaints, on that site, of variance from the haul route in the past. The Committee asked Lien to put this item on the agenda since the haul route is a condition Emery Palmer was present, representing the Guza Mine and stated that in regard to this mine site they want to change the haul route. They fully intend to bring all traffic out on River Valley Road to Cross Road and onto Highway 93. They would like to be able to transport product North and East through the County as long as they stay on State Highway's. As market conditions continue to change, different clients are seeking the sand and as the potential for shipping routes change they have no intention of deviating from state roads in the County other than being on the approved route on River Valley Rd and Cross Road. Palmer was looking for approval to alternately travel to a final destination besides Winona outside of the County on State roads. They would like to leave all State roads open for them to do that. Lien explained that this issue had come about because Lien had received complaints about trucks that were returning to the site were taking an alternate route on north River Road beyond the Cross Road and coming into the site. It wasn't necessarily the people who were hauling out of the site but whoever the company had contracted with to bring material into the site. Lien felt it is the owner/operator's responsibility to inform their truck drivers of the route. Lien stated a TIA has been done and a report was received back from DOT how this traffic will impact the area and typically where a town/county road impacts a state road is where the state has suggested road improvements. Lien added the TIA was done based upon everything traveling south, if it goes north is there a different traffic pattern? Lien didn't have a problem with the route being changed but Lien felt the TIA should be updated just to make sure there isn't an issue. Palmer added if a new TIA is needed, it would be their intent to comply with that. Lien and Palmer agreed that until that TIA is completed they would continue with the current haul route. Once that TIA is completed the owner/operator would determine if, in fact, they would want to change the haul route. Lien asked Palmer to provide DLM with the potential haul route information and then DLM would send the information in to DOT on the TIA. Palmer provided an explanation as to the fact that Brannt Valley Excavating did determine there was a violation of the haul route and the trucks returning from Taylor Frac. After that was discovered by Brannt Valley all their drivers were once again given a written plan showing where the approved haul route is. Palmer added Brannt Valley takes this site very seriously and intends to comply with the County's regulations. Lien noted there is a town road use agreement in place right now, however that would not be altered as the change would take place at the State Highway. After some Committee discussion it was determined that if Brannt Valley wants to alternate the haul routes, since this is an amendment/change in conditions, a new public hearing would need to be scheduled.

Mining Fee Schedule – Lien stated at the last meeting he handed out what Eau Claire County has recently adopted. Lien explained the plan review fee from Eau Claire County is the same as our public hearing conditional use fee. Our fees are probably, grossly under, what it takes staff time (review, research, contacts, DOT, etc.) to put into these plans. Lien read the existing permit policy, Conditional Use Permit application for a mine; 1-10 acres = \$400.00(includes public hearing and CUP), 11-50 acres = \$800.00, 51-100 acres = \$1,200, 101-150 acres = \$1,600, 151-up= \$2,000 maximum. Lien stated what Eau Claire County has recently adopted for a plan review fee; 1-5 acres = \$200, 6-10 acres = \$500, 11-15 acres = \$1,000, 16-25 acres - \$1,500, 26-50 acres = \$2,000, 51-100 acres - \$4,000, 101-200 acres = \$7000, 201 – beyond - \$12,000. Lien stated that is more in harmony to what Buffalo County has done. Lien added there is a definite relation between the amount of acres in a plan to the amount of time it takes staff to review and research. Lien like the escalating scale because there are a lot of small sites in the County. This goes for nonmetallic mining in general across the board, not industrial sand. Lien added smaller sites that don't require as much review or as much effort should be significantly less than a large scale mine. Lien was asked to put this on the agenda. Lien likes uniformity and he would like to see consistency between the county's around here, however

everyone has different ordinances and different political environments. Lien recommended that this County follow what Eau Claire County submitted. Bice asked if this would be enough money to fund whatever needs to be done with these permits? Lien responded it depends on the mine application itself, but across the board he thought it would average out. Nelson made a motion to adopt the Eau Claire fee schedule, Brandt seconded the motion. Lien suggested the fee schedule go into effect January 1st, 2013 as that will give DLM time to post and make applicants aware of the new fee schedule. Nelson added the effective time frame into his motion, Brandt seconded the amendment. Motion carried with no opposition.

Conservation Aids – 2013 Application – Lien stated the DLM received two Conservation Aids applications. Last year the Village of Ettrick, thru the Ettrick Rod & Gun Club, received the conservation aids money. This year the allotment is \$1,971.00 and it is a co-funded project (nonlevy dollars as this is grant money). There are two applications, both through the Elk Rod & Gun Club

1.) On the Gerald Blaha property on County Road D (recorded easement between Blaha's and the Elk Rod & Gun Club) which will stabilize 1000 feet of Bruce Valley Creek including removing trees, sloping the streambank, aligning with riprap and the installation of six fish structures along with other fish habitat devices and is a continuation of a project that was funded through this program in 2008. The applicant stated this would be their second choice. Cost estimate for the project is \$12,725.00.

2.) Mark Engevold Property on County Road O in Osseo. This property was in the application's last year. This project will restore 600 feet of the North Branch of the Elk Creek by removing trees, sloping stream bank, aligning with riprap, adding six fish structures and other fish habitat devices. Cost estimate for this project is \$3,225.00.

Both projects are on Class III streams. If the applicants were allowed to choose they would prefer to see the Engevold site be awarded the funds. Lien reiterated this money (\$1,971.00) is state grant money and it doesn't affect tax levy dollars at all. Vold made a motion to approve the Conservation Aids money be applied to the Mark Engevold project, Thompson seconded. Upon Brandt's inquiry, Lien commended the Elk Rod & Gun Club as they have done a lot of work on the Elk Creek and made a lot of progress. Motion carried with no opposition.

Surveyor's Report – Lien presented a survey report and a bill for T20N, R9W in the Town of Arcadia. Lien noted Nelsen has every position controlled and the southern boundary is completed. Nelson made a motion to approve the Surveyor's reports and bills as presented, Low seconded, motion carried unopposed.

Set Next Regular Meeting Date – The next regular meeting of the E & LU Committee was scheduled for Wednesday, October 10th, 2012 at 9:00 AM. Lien shared some permit revenue reports including yearly comparisons. Lien complimented Vickie Stalhiem on the tracking that she does of permit revenues. At this point, Lien introduced Jake Budish and Keith VerKuilen, the new Zoning and Environmental Specialists who will be working with the mining specifically. At the request of Paramount Sand representatives, a special meeting was set for September 20th, 2012 at 9:00 AM to address their Conditional Use Permit. This meeting was set to follow the Town of Hale meeting which was already scheduled for September 18th, 2012. Committee consensus was that a tour of county sand mining sites should be scheduled on this date to follow the CUP hearing.

At 1:12 PM, Bice made a motion to adjourn the meeting, Nelson seconded, meeting adjourned.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary