

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

**SPECIAL MEETING MINUTES
March 28, 2013 9:00 AM
GYMNASIUM – WHITEHALL CITY CENTER**

Chairman Bice called the meeting to order at 9:08 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, Michael Nelson, Roland Thompson, Dave Quarne, Ed Patzner and Jay Low. Hensel Vold was absent.

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Vickie Stalheim, Jake Budish and Corporation Counsel Rian Radtke.

Others present: Norval Pittman, Jane Pittman, Roger Thompson, David Kindschy, Essie Kindschy, Jessica McNamara, Tammy Kindschy, Gene Kindschy, Don Thompson, Steve Flatten, Jodeen Flatten, Matt Aebly, Katie Aebly, Elsa Kulig, Dave Tschanz, Gwen Tschanz, Lorna Tenneson, Robert Tenneson, Steve Sletner, George Arimond, Paul Walske, Tom Wik, Gary Tidquist, Bobby Gronemus, Nancy Horton, Peter Gierok, Donna Brogan, Doug Gerrits, Judt Haase-Hardie, Chad Narva, Mike Jan Gilder, Scot Balsavich, Rod Saxe, Mark Pederson, Dawn Pederson, James Frei, Tom Forrer, Eugene Simmons, Gary Eckman, Deanne Sczepanski, Carol Sather, Dennis Sather, Kerry Suchla, Marcia Riquelne, Francis Sonsalla, Holly Haug, Monica Rose, Kristy Haug, John E. Manka, Bruce Wilmeth-DMV, Luke Kramer, Russ Anderson, Margaret Olson, Deanna Matchey, Bill Sylla, Connie Champnoise, Donald A. Woychik, Mark Stenberg, Richard Jones, Niccole Kulig, Keith Kulig, Fred Kulig, Mary Lee Hegnauer, Kevin & Tanya Kulig, Dana Kelnhofa, Dell Parr, Lisa Otterbacker, Calvin Otterbacker, Tim Otterbacker, Helen Jones, Linda Kaurich, Arvis Crump, Scott ?, Greg Canestraight, Kimarie Estenson, Ken Schreiber, Jim Schwartz, Roland Kube, Brian Osgood, Nancy Bergman, Diane Nehring, Andy and Julie Nehring, Bruce Osgood, Todd Tiffany, Susan Faber, Aaron Kidd, Travis Armitage, Stacy Armitage, Tom ?, Marv Kamp, Steve Tschanz, J. Bautch, Bradley Hegge, Jeff Bawek, Beth Killian, Jessica Huseboe-Narva, Jeanne Nutter, Matt Huseboe, Wade Britzius, Nathan Holeum, Chris Lejcher, Lou Ann Roby, Bruce & Lisa Eng, Marci Anderson, Andrew Ehrat, James Bork, Jacob Bork,

Adoption of Agenda – Nelson made a motion to adopt the amended agenda, Nelson seconded. Motion to approve the amended agenda carried unopposed.

Public Hearing - Conditional Use Permit and Reclamation Permit –NonMetallic Mine - Hwy 53 Group, LLC, ThompSand, LLC, Kermit E. Pederson, Eugene W. & Tammy Kindschy, Osgood Family, LLP, John P. Plachecki, Thompson Bros. Farm Partnership, Roger V. & Donald Thompson , Kimarie Lynn Kulig Estenson, Kendall J. Kulig, Keith F. Kulig, Fred & Linda Kulig, Kevin J. & Tanya M. Kulig, Richard Y. and Helen A. Jones Revocable Trust, Green Acre Investments, LLC, Blair WI, Property Owner/Applicants and Sand Products of Wisconsin, LLC, Muskegon, MI, Operator – Town of Preston
Chairman Bice opened the public hearing at 9:09AM. Nelson read the public hearing notice aloud. Bice turned the meeting over to Jake Budish from the Department of Land Management to give an overview of the project. Budish stated the mine site is currently located approximately two miles south of Whitehall and approximately 6 miles north of Blair. The site is currently located off of State Highway 53 and the site is going to be permitted in two phases; Phase 1 is dealing with the west side of State Highway 53. Budish referred to a map to show the overall site of the mine referring to Bunyan Road where the access road is to be located. Budish pointed out where the storm water plans, stockpiles etc. will be located and explained the order of the mining phases. Budish stated Sand Products of Wisconsin submitted a TIA (transportation impact analysis)

request to WISDOT. The TIA's request was to put in a right turn lane off of State Highway 53. Budish listed the following submitted haul routes; West – south on State Highway 53, west on State Highway 95 to Winona, MN, South – State Highway 53 south to LaCrosse, East – take State Highway 53 to east State Road 95 to Hixton. At this time Chairman Bice called on the applicants to give their presentation. Greg “Chuck” Canestraight introduced himself. Canestraight is with Sand Products Corporation and he is a sand miner from Michigan. Canestraight introduced Steve Sletner who represents Highway 53 LLC which is the property owners of interest that are part of this application. Sletner stated he has been working as the outside manager for the Highway 53 Group LLC and for Top Sand. Sletner talked about the process that these folks went through. Sletner is an engineer by training and he also used to work for a sand company so he has been on both sides of this. Sletner has worked with the landowners trying to lease land so he came into these groups to try and help them understand and sift through all of the different options that were being given to them as far as different leases and opportunities. Sletner has been advising them during the permit process and working with the sand company, as well as looking at the different offers that came through. Sletner stated they started working together about a year ago on this process. At that time they were basically inundated with a bunch of different offers from people that thought they were sand companies and then real sand companies to develop their properties. Some wanted to lease land, some wanted to buy land. We worked through a lot of complex and confusing offers. They came from investment groups, land speculators which were here early trying to find the quick easy money and then from multiple mining companies. These offers came from all over the place. One actually had a return address of Beverly Hills, CA which showed how much those people probably really cared about Wisconsin and Trempealeau County. The LLC's were very doubtful that some of these offers came from people that cared much about the local community and that was one of the things that these groups really cared about. They wanted a company that knows what they're doing. They wanted a company with a solid history so ultimately through a long process of interviewing different people, they decided to partner with Sand Products Corporation, based on their decades of experience in the sand industry and how they approach the sand business. Sand Products has worked with the landowners, listened to the landowners issues and submitted a balanced application that the landowners feel works for them, works for the community and the sand company's needs. The owners, Sletner felt over time, got a great respect for Sand Products and also their approach to community. Sletner turned the meeting over to Canestraight. Canestraight reiterated he is a sand miner from Michigan which is kind of an understatement. Sand Products Corporation was founded in 1924 and has traded in the Great Lakes in industrial sands through the industrial revolutions and post war era. Their founders had a special trade in using military vessels and converting those vessels to Great Lakes trading vessels. In general, the places that they have mined over in Michigan have been special and sensitive resources. They have always tried to balance the use of those resources with the demands of industry and as technology has evolved, etc. certainly there has been many changes in the industrial sand industry. They primarily supply foundry, metal smelting and of course, with the evolution of oil and gas they have an expanded supply of proppants for frac sand. Canestraight wanted to let it be known that industrial sand has been produced in the United States for hundreds of years and fracking has gone on for decades prior to this. It is just that new technology has offered means for expanding the drilling processing using more proppants to create surface area well beneath the earth to extract fossil fuels and carbon based fields. Canestraight explained they have a reserve up on the north shore of Michigan after having mined four or five major sites in the lower peninsula of Michigan. Canestraight showed one of the initial pictures of their site in Michigan taken when it first opened on the shoreline of Lake Michigan which Wisconsin shares. It is a very tough environmental place to run a business. They withdraw and discharge water to the Great Lakes under a very strict permit. They withdraw sand from the former lake bed under a very strict permit. They are a good steward and citizen of the Michigan Department of Environmental Quality. They have a very good safety and environmental record and are considerate to the environment and show that in the ability to operate in a habitat that is held in such high regard. Canestraight continued that the wash plant they have there is a high tonnage wash plant. He wanted to show that something built in the 60's looks a lot like what is being put up in the 2000's – 2010 and 2012. The technology really hasn't changed. It is an industrial sand process where there is a washing and a separation to clean the sand for its' particular use. As Canestraight mentioned they are a water borned facility. They have ownership and interest in marine assets so they not only move some of our own materials they move other bulk materials on the lakes so they are sensitive to many other harbors and habitats and listen to the concerns of waterfront

communities that have watched industry kind of go away and seek to restore their shorelines and use a more natural habitat in their community. Canestraight showed a photo of how they ship their material to justify their reason for standing here today and accrediting themselves as substantial sand miners. Their interest in developing in this County has evolved over 12-16 months. They've committed themselves through prior applications to bringing substantial investment to the County. The way that the Nonmetallic Mining Ordinance is run is somewhat restrictive in its' hours of production and duration of the week, etc. Canestraight touched briefly on the fact that they do have some operations in port and they haul a cement powder out on the Great Lakes. He brought that up because it is another environmentally sensitive issue. They haul from shoreline production facilities into harbors on the shores of Chicago and throughout Wisconsin, so they do trade in this state and do business here. Canestraight wanted to make sure to take the time to point out that they have certain site development goals. First and foremost is to make sure that when they are approaching a community that there is a set of committed property owners. Obviously they are committed to the notion of making an investment and wanting to be an industrial sand producer but what is most important is that they have a committed group of owners that have thought through whether participating in that industry makes sense for them and their very historical properties in farms and heritage that is involved in the process. Well informed neighbors are very important. They held, by invite, a forum of sorts to make neighbors aware of this application prior to submitting it. They did that to hear the initial concerns and many of those were predictable concerns. They wanted to make sure that they were able to engage and show that they tended to consider those concerns. Most importantly after that informational open house they looked at those potentially/significantly impacted neighbors and they reached out to them. They made an offer (this is a voluntary participation offer) and said that "if" and not that it is a certainty, "if" the building of a sand plant and operation of a sandstone extraction process affects your property value in a way that confines you to being unable to sell or move, etc. that they would place a guarantee on that value, through an appraisal process that considers your property without a sand mine in existence, they would cover a differential of any shortfall in the sale of a property. If the property doesn't sell after being on the market for 180 days, then they would buy that property for that appraised value as if the sand mine didn't exist. They have circulated those, they are open ended agreements. They are willing to offer those with their backing and their signature, from conception to reclamation, so that if there is a devaluation of that property, those impacted are taken care of. Canestraight continued that the most significant of issues, as they approach these applications, are the access to the transportation corridors. Canestraight thought that has been the biggest struggle in many of these developments and in other counties as to how to bring the material to market because it has the most significant impact on the community. They were looking for a site that certainly has the potential for expanding transportation modes and reducing impact on the county. They understand that traffic lanes create significant concern and they look forward to developing enough extraction/mining capacity to bring forward an investment application in the rail load transportation and most specifically seeking to evolve towards a reduced impact on a community to reduce the amount of miles whether they are state or federal or county roads, all roads go through the county. After one gets past the traffic analysis, and one is looking for the appropriate site, you have to consider the very substantial environmental issues. On this property, we assessed it for its proximity to watershed, etc. and the presence of wetland. Almost all of the ridge systems throughout this County have collection systems at the bottom of the ridges, so naturally there will be some water dependent or water bearing type species that are going to grow or accumulate there. Canestraight thinks they have identified a site here that is setback enough from the water system that a careful delineation between impacted and storm water collection and maintenance of the existing wetland system and stream system that runs through the watershed can be very carefully and appropriately maintained. Canestraight pointed out that the application has more than 700 acres included in it but the actual mining area is less than 250 acres so the contiguous properties that are outlined in the maps that Budish showed are more substantial in the acreage but would include the potential for dual mode transportation. Canestraight stated they will commit to the obvious business aspects of bringing in capital investment and bringing in increased tax base and becoming a business community member. They will also commit to offering themselves to our standard, not only the Nonmetallic Mining Ordinance but the County's review of their reclamation plan that has a set of conditions that come with it. Canestraight felt the difference is, not just accepting those conditions for the sake of getting a permit, but expecting to exceed what is in there. They have offered the property owners, in their negotiations, the rights to also enforce that reclamation standard. Canestraight noted that they take the risk and the

investment with the knowledge that they are going to be regulated. They understand that they are mining in areas that are very sensitive and there are air emissions and water emissions and there are the segregation between groundwater's and storm waters. Canestraight said mostly in the end here, they wanted to look for a resource that adds back some value, not just a reclaimed pile that has seed put on it that looks like an old ridge. One will see in the pictures that Canestraight it going to offer, before and after mining, etc. This entire site can be put back to agricultural use and will expand the horizontal field system that exists there now, substantially. There will be a larger field on top of this ridge. With that in mind, Canestraight called on Emery Palmer, PST Consulting, to have him talk through some of the specifics of the design. Palmer introduced himself. Palmer has been asked to work with Sand Products Corporation to help review their plan to see that things are being done in an environmentally responsible manner and to help facilitate proper communication between their intent to minimize their impact on the community and work well with community members and the County. Palmer noted that a lot of the site information has already been touched upon by Budish. Palmer stated the site is both east and west of State Highway 53, however the extraction area is to the west of the highway, thus avoiding the sensitive environmental area around the river. There will be no extraction in that area and plenty of buffers are being maintained so that even in the event that there was some failure of the best management practices put into place, the environment will be protected there. Both cultural resource and historical resource analysis has been done on this site. No hits were found in any of the data bases. In the event that any archaeological significance is determined during excavation, Palmer stated obviously work would stop on the site and proper authorities would be contacted. At that point in time, additional assessment would be done to determine their significance. The use of the site is predominantly ag. The reclamation is going to expand that ag usage and the wash plant centered on this site is going to be a closed loop system which is intended to minimize the environmental impact. Any water that is running through the processing facilities is going to go into a clarifier system where that water is cleaned up for re-use. That minimizes any impact on the surrounding groundwater and minimizes the chance of any sort of contamination making its way to the states waters. As touched on, there have been some wetlands mapped on the site. There are other areas which they are considering to be potential wetlands and are intending to avoid. Palmer pointed out the wetlands and stated they are basically outside of the mining areas. They are showing up on soils maps as hydric soils. There are three different types of wetland indicators out there and one of those three types is hydric soils. The other types of indicators out there are the hydrology of the land and the vegetation. Based upon initial analysis they are assuming there is going to be some wetlands on the site and their intent it to fully avoid those. A full delineation cannot be completed until soil temperatures are above 41 degrees and appropriate vegetation has been established so all indicators would be present. Palmer stated there will be a high capacity well associated with this project. That well is expected to produce between 4-500 gallons per minutes which is significantly less than your standard high capacity wells that are used for irrigation within the county. On top of that, using the closed loop system for processing will minimize the need for make-up water within the system reducing the burden on the well. Along with that, the design for the storm water retention plans is such that the water that flows into those ponds can be drawn in as make-up water for the processing. What this accomplishes is, it reduces the chance for any such overflow of those ponds. Even though the ponds are designed to accommodate much more water than they should ever encounter it is the drawdown method that they have. In the event that they were seeming to get full they have the ability to lower their level by additional capacity. Palmer stated the mining is going to occur in nine phases. Each phase is going to be approximately 30 acres and will essentially move from north to south on the site. During each phase best management practices will be installed and will consist of mulching, silt fence, watering to control dust, ditch checks, temporary seeding and all sort of different types that are basically specific to each individual area of the slope. This will be done during each phase and will be followed by an ongoing reclamation process which will implement those strategies as well as additional strategies to stabilize the site as soon as possible reducing any chance of erosion leaving the property. There will be a fugitive dust plan developed on this site to air any concerns about dust coming off the site. Regular watering is intended. A watering truck and irrigation will be used. As long we are dealing with sand extraction in a wet product that also continues to minimize any chance of dust pollution. Regular inspections are part of the fugitive dust plan and part of their regular operation plan for this site. Those inspections require logs to be kept, practices put into place and success or failure of those practices to be recorded as well and new strategies developed if the proper erosion and dust control is not being accomplished. Palmer went back to explaining the phases starting with Phase 1 which is

north of Bunyan Road. The stripping from the topsoil of this site can be done in a manner where the A and B horizons are separated to be used later for reclamation. Stockpiles will be placed to the north side of the site. They will be seeded, trees planted on them and they will also be constructed in such a manner as to provide visual screening for the site. Overburden from Phase 1 is something that they don't show a stop pipe for so the way that is being addressed is that the initial overburden that needs to be removed to get to the marketable material is going to be used to construct additional visual screens and to construct the storm water pond. Palmer addressed reclamation saying it is probably the single most important part of these mines. It is what is going to determine what the potential erosion is, what the potential environmental impact is, etc. Reclamation is an ongoing process. Through the phases they are intending to reclaim as they go along. They have a very low amount of overburden on the site compared to most sites. Because of that they essentially have a lower environmental impact. They aren't moving millions and millions of tons of material that are essentially nonmarketable. What they are doing is, they have a very small cap of overburden on this property followed by a usable material. Within that overburden is a small amount to move, it will be moved to the previous phase at which point in time that is part of the ongoing reclamation. Also, the marketable material that comes out of there, as it goes to their processing plant, there is going to be an approximate 30% of that sand that is not marketable. That is immediately going to go into the previous phase for reclamation. Palmer explained that storm water is a very big concern with this type of operation. At the point that storm water is not properly controlled, one gets into all kind of erosion issues and potential for adversely affecting streams and waters of the state. Palmer stated that is something that the site location really lends itself to preventing. There is a large relatively flat plain that separates the Trempealeau River on the other side of the highway and the extraction phases. Multiple storm water ponds are going to be constructed to serve the various phases of this project. Those ponds are going to be placed as near as possible to the phases so that overland flow does not need to be directed over a larger distance than possible. They are going to be sized in a manner where not only can they accept the minimum design standard, they are going to be designed so they will contain a hundred year event. That means there is a 1% chance of those ponds getting full. There is adequate capacity there that should address any of those concerns. Palmer added if they do seem to be getting full, they have the ability to draw from them for make-up water for a wash plant to dewater. Palmer presented a visual of the site to help the Committee get an idea of how the ponds work. Palmer explained there is basically a 50% chance of a two year event happening any year and how the ponds will work. Palmer stated that a TIA (traffic impact analysis) was conducted on this site. A third party analysis was conducted as well as an analysis by the WISDOT. With those there was the assumption that there would be 115 new round trips per day coming from the site. If one looks at it as number of vehicles coming and going – 230 is the number that was used for analysis. The route of this trucking would be heading south either onward towards Winona, onwards towards LaCrosse or towards Hixton – those are three potential haul routes. With those hauls routes, in the analysis that was done, there was a recommendation for intersection improvements to be constructed at the intersection of Bunyan Road and State Highway 53. On the east side there would be a bypass lane to be constructed to accommodate the additional traffic. Palmer presented and explained a “before” and “after” photo which will help one visualize the product and the impact it will actually have as one is driving down the highway and seeing it. Palmer stated there is going to be a plateau created up on the hill which is approximately 80 feet higher than the highway. This plateau is going to eventually be reclaimed as additional farm fields, but during the entire mining process this plateau is largely removed from the highway. It is set back significantly and it can be done in such a manner that as it is excavated, the vegetation along the front of it can remain helping to screen it. Palmer displayed visuals showing the overburden, the layer of mineable material and the water table. Palmer stated the water table is significantly lower on this site and in no case would they get within 10 feet of the water table, but in reality a majority of the time they will be approximately 50 feet above the water table. In reclamation there is approximately 20 feet between the overburden and the A and B horizons that are going to be reapplied to this site creating a viable farm field. Palmer showed a number of different slides of the site. At this time Palmer turned the meeting over to Canestraight. Canestraight stated they hired Cooper Engineering out of Rice Lake to help them verify the viability of this site as related to segregation of the existing surface water (collection and flow) versus disturbed area collection. To be specific, in the Ordinance and in State regulation, they are caused to have a storm water prevention plan that collects the waters that form up on the disturbed areas that might contain sediment or sand fines, etc. and those are what they will collect. When they go to draw those down, not

only will they draw from the ponds, they will focus on using that water prior to the well, so the pond should be designed in a way that they can collect significant water but they will utilize that first. Canestraight stated the system that Palmer described that is eastward of the ridge system, is a natural collection of water. Canestraight wanted to point out that the water that is coming down that bank right now that is providing that habitat, etc. obviously decides to go one way or another, whatever way the natural flow or hydrology of the site is. If one looks at the site in 3-D, you get these ridges that form up from the base of this area. In the beginning, during mining and in the end, they're taking a small surface off the top of that ridge so that a substantial amount of the surface area of the ridge will be left in tact, forested and will still collect those waters that will run to that water system. Canestraight is confident that the maintenance of that system, separate from the proper management of the storm waters, is very viable on this site. Canestraight asked the Committee to consider, that when they make these applications, that they understand that they are not trying to rush into the community, they have been in existence for a long time. Canestraight is honored to be a part of a company that has treated the environment in the way they have treated it. There are business elements to the industry and Canestraight believes that the investment that can be brought to the community will enhance the generations of workers that are available in the area and his is committed to making sure that they live up to the letter of the standards, being both for property owners that have committed themselves to this company through an agreement and the County of Trempealeau, the State of Wisconsin which has a significant role in the rules that get applied to managing these waters.

At this time, Chairman Bice called for public testimony and instructed the audience they would be limited to three minutes.

Andy Nehring – Registered to testify in opposition. Nehring thanked the Board for the opportunity to speak this morning. Nehring is currently a teacher at Blair-Taylor Elementary and has been so for the past 12 years. He is here this morning because his neighbors have decided to lease land to Sand Products, WI and create the Highway 53 sand mine. I am glad these people have been my neighbors, they are good people. They watched me grow up, graduate, leave and then return to the place that I call home. Knowing me for this long makes some of you kind of old! I now have sons of my own, my wife, this is Micha, 9 (showing photos), and Evan, 8, and Matthew, 6. They along with Nehring and his wife will be living within 2,500 feet of the proposed sand mine. This site when fully operational has the potential to fill over 160 trucks of sand per day. The sand will haul sand past Nehring's home from 6:00 AM until 8:00 PM. The noise, the air quality, the water quality that we need to raise our sons is of great concern to them. In his chosen profession as an elementary teacher he has seen great care taken to protect children from potential harm. They now lock all exterior doors, provide video surveillance at entry points, practice lock downs and participate in drills in case a bomb has been brought to the school. All this was unthinkable when Nehring started teaching and these measures might seem absurd at such a small school but as more and more school violence takes place, Nehring sees these precautions as necessary to insure his children's safety. When they bought their current home, Nehring and his wife would have thought it unthinkable and absurd that he would be here today to make his requests. It is Nehring's expectation that you, the Board, see it necessary to protect Nehring's family when they breathe the air, drink their water and sleep peacefully at night. Nehring is asking that the Board require sand products of Wisconsin to install air quality monitors with removable filters to measure ambient air on their property, that these monitors be checked weekly or bi-weekly by Sand Products, WI with no cost to Nehrings, weekly or bi-weekly, not annual water tests on all wells on Nehrings property be performed by Sand Products, WI with no cost to Nehrings. If it is not already the case, that these results are immediately shared with Nehring, all adjacent landowners and the proper agencies at the County and state level. Nehring would also like to see staff increased at the County level so that these tests can be monitored and double checked for accuracy. If the Board has not done so already, Nehring is asking that the Board pass the revisions for the Chapter 13 Non-metallic Mining Ordinance and that Sand Products, WI provide Nehring and his wife with the appropriate technology to monitor sound produced by the sand mine so that it is in compliance with this Ordinance. As technology improves to monitor the quality of air, sound, water and Nehring's home that these improvements be made by Sand Products, WI without hesitation or cost to themselves. Finally, that these requirements would also be placed on any future operators of the Highway 53 mine if Sand Products, WI were to sell their facility.

Tom Forrer – Registered to testify in opposition – Forrer wanted to make a comment to the presentation and that is, that everything sounds good, sounds very much like the presentation that was given to them and then they sold out. Anybody near knows darn well what life is like down there. For almost two thousand years since the early days of Christianity there has existed a belief that there are seven deadly sins of which we mortals must beware – gluttony, laziness, pride, envy, lust, wrath and greed. These seven human tendencies are called “deadly” because left unchecked they take us down a very slippery path (in a car without breaks) always resulting in death in some shape or form. The death of a relationship, the death of a community, the death of a soul, the death of the land or the death that in the end takes all of us. Forrer wishes to address the greed that has gathered us here this morning. Today is Holy Thursday and we are here because this hearing, scheduled for today, is to extradite yet another request for a mine – Holy Thursday, excuse me, Holy (expletive), what have we become? What motivates people to seek out this day for this hearing? It cost \$12,500 extra to get it landed on Holy Thursday which raises the question of what would it cost to have this hearing at sunrise on Easter? I think we are for sale. Greed is a powerful thing. With the addition of these seven hundred plus acres today, Trempealeau County will have permitted 4,000 acres of mining. A remarkable achievement given that two primary goals of the Trempealeau County Department of Land Management are to preserve, protect and enhance the land and water resources of Trempealeau County and to protect the health, safety, welfare and quality of life of Trempealeau County residents. What motivates people to distort and disregard these directives – greed is a powerful thing. When the Preferred Sands mine loading facility was permitted, within feet of an Amish cemetery, when Fagernes church – located in perhaps the most beautiful part of this County, stares at a mine, when residents of this County are bullied out of their homes and public officials use their positions of public trust to line their pockets, when women in this County are threatened if they dare speak out against this greed, when the Trempealeau River is seen as a mere obstacle to be overcome, when we hold a hearing on Holy Thursday because the day after Easter may be too late, when this all happens with our permission, then greed has indeed earned its right to be called “deadly”. Gentlemen of this Committee come to your senses before you do even more damage. Jobs are not the issue, the jobs are here. It is way past time for Trempealeau County to issue a moratorium on mining until we are able to control it. Roland Thompson thank you very much for your years of service to this Committee and David Quarne good luck with your venture in mining, may it bring you all that you deserve.

Michael Berg – Registered in favor but not testify.

Paul Walske – Registered in favor but not testify.

Tom Wik – Registered to testify in opposition. My name is Tom Wik and I have land in Trempealeau County and there have been some mines that have been proposed, but nothing has gone through yet. Wik feels there are a lot of things going on with these mines and one is just being “peppered” with these mines. There is a lot of dust, etc. going on, truck traffic, train traffic, etc. Something was said about trucks leaving the mine well there are empty trucks coming in too. It is not just saying 100 trucks per day, it is double that. There is another thing that has been going on and Wik thought it was probably happening to a lot of people here – they have been getting letters in the mail from people wanting to buy land. This past year Wik has gotten about 500 letters from people in California, Texas, Michigan, etc. They don’t even say that they are a company, they have a name and telephone and say please call me and I can give you cash in short order. Wik thinks these are speculators or they could be somebody looking for land for mining. There was an article in the Country Today, yesterday that our land is to be considered a trophy and asset. Wik thinks that is part of it. It is gotten out of hand. Wik thinks we do really need to look at what is happening to our County. Wik said to the Board that he appreciates all they do, but they are elected to protect the health, safety and welfare of everybody.

Bobby Gronemus – Registered to appear and testify for information only. Thank you for having a hearing again. Gronemus feels it is important that the public have an opportunity to hear what is going on and to make comments about how they feel about the issue. Gronemus’ concern and the use of the land here in Trempealeau County is that you can’t feed the nation with the sand that comes out of our land but you can feed the nation with the food that is grown on this land. Land Conservation has been extremely important in Trempealeau County and Buffalo County. Gronemus hopes that they take into consideration that the land to grow food is

much more important than it is to provide these other types of programs for the people. You may make more money but he who controls the land controls the food. He who controls the food controls. Thank you for the information that you gave about this particular institutional LLC that is coming forward. It sounds good, you sound as if you have the heart of the people as a concern, but Gronemus is really concerned and would like to see a moratorium in place for some time until we find out which of these mines that are coming in produce the best guidelines for protecting the land of Trempealeau County and the lives of the people who live here.

Donald Woychik – Registered in favor but not testify.

Lou Anne Roby – Registered to testify in opposition. I am from Mondovi but I am very concerned about how much acreage Trempealeau County and other counties are allowing for frac sand mining. Jackson County has 7,000 acres. We will need that ag land someday. As our climate continues to change, our ag land will become even more valuable. This is an industry that also depletes our water resources. Roby thinks it is high time that Trempealeau County looked at the bigger picture. How it affects land resources in this part of the world. Generations of my family have lived in western Wisconsin and it matters to me the decisions that we make and I think 1,000 acres in this County dedicated to sand mining is absolutely an insult to the future.

Nancy Horton – Registered to testify in opposition. Horton stated she is speaking in opposition to this proposal and some of her points have already been made. Horton wanted to remind the Committee of their goals for the Division of Land Management – to protect the health, safety and welfare of the residents and the efficient and orderly development of the County’s resources. Horton doesn’t see this happening. She doesn’t see a plan going as to where we are having a mining district or anything for planning ahead on this mining. It is just going willy-nilly and she can see this mine going all the way to Blair and that is probably part of the plan. There has been no mention of the Phase 2, or whatever it is called, with the rail load out down here by the Trempealeau River which she didn’t think ought to be allowed and she can’t believe the DNR would, and we’re not discussing that. It is a daunting task of this staff to oversee all the mining in this County. They have to go through all of the permitting process, they have to monitor these mines and they have to police them and that is a lot of work. This is not all that the Division does. There are ag issues, construction permits, enforcement, land conservation, zoning issues, this is a very busy Committee and Department and she thinks it is overloaded. We can’t add a mine of this size – 716 acres which undoubtedly is going to expand. As Horton was reading this notice that was put in the paper (and correct her if she is wrong), it says “operation is for excavating, blasting, extraction and transportation of sand products”, there is nothing mentioned about a wash plant. Can you talk about a wash plant, can you permit a wash plant if it wasn’t posted. Horton doesn’t understand as it is her understanding that you can not. In conclusion, Horton wanted to mention that she thinks this project is way too close to Square Bluff and its’ residents which is a highly sensitive and beautiful area in this County. To mine on both sides of Square Bluff, Horton feels is totally out of line.

Deanne Matchey – Registered in opposition but not testify

Andrew Ehrat – Registered in favor but not testify.

Jacob Bork – Registered in favor but not testify.

Mark Stenberg – Registered in favor but not testify.

James Bork - Registered in favor but not testify.

George Arimond - Registered in favor but not testify.

Dave Tschanz - Registered in favor but not testify.

Gwen Tschanz - Registered in favor but not testify.

Lorna Tenneson - Registered in favor but not testify.

Steve Sletner – Registered to testify in favor (has already spoken)

Jodeen Flaten - Registered in favor but not testify.

Roger Thompson - Registered in favor but not testify.

Donald Thompson - Registered to testify in favor. Thompson lives in the Whitehall area. His brother and he have lived here all their lives. Thompson loves farming. It is our desire to lease our land to Sand Products, WI and he is not a speaker but would ask that the Committee consider permitting this process.

Bice asked Thompson if his intention was, after this land is mined to go back to farming it. Thompson responded they will continue farming – it is not.

Tammy Kindschy – Registered in favor but not testify.

Gene Kindschy – Registered to testify in favor. My wife Tammy and I live on Highway 53. When I say we live on it, we do, it runs between the house and barn. My family moved to this farm in 1948. My Dad and I and three other brothers have farmed this farm at different times. A couple of years ago I sold a portion of this land to Green Acres Investments. Aaron and Travis are good stewards of the land and that was the major reason. Now comes an opportunity for our land to give us more, another product, sand. My wife and I have faith in Canestraight and Sand Products, WI to harvest this crop and reclaim the soil in accordance with the Trempealeau County guidelines which are very good. They will return this farm to the profitable farm that it has always been. With confidence, we think Sand Products is a good fit for this community and we hope that you will grant this permit.

Kendall Kulig – Registered to testify in favor. I live at W17024 Meadowbrook Lane, Whitehall. I am a member of the Highway 53 group that has decided to lease our land to Sand Products, WI. My family has significant roots in the area as my Dad and grandfather owned their own businesses in the community. I currently own and operate Kulig Contracting. My shop is the once vacant car dealership just north of Whitehall. My company does erosion control, storm water management and mine reclamation for all types of companies including sand mines. The sand mining industry growth has helped me to expand my business. I have hired more employees and I am currently hiring. I have experience in the reclamation of mines. The operator of the Highway 53 site, Sand Products, WI is responsible to fulfill the submitted reclamation plan. They are an established company with a great reputation. As a local citizen and business owner and as a party to the application, I plan to hold them accountable to operate in the way that they said they will. My wife and I have two small children and we are firmly established in the area. I want to raise my family here and continue to grow my erosion control business. For the benefit of creating jobs and the opportunity for my family and other people in Trempealeau County, I urge you to approve our application.

Susan Faber – Registered to testify in opposition. I have lived in Trempealeau County for 18 years. I consider this my home and I fully intended on staying here until this started. I understand people who are trying to benefit from the sand mining industry from the company's and the people who are leasing their land. I understand that, but you all need to understand that we were here first, we established our homes, we raised our families here, and we brought many good qualities along with our lives into this community. Mining is changing the character of Trempealeau County. You will be cutting the heart out of the County by selling. For a handful of you, I want to put a personal face on this situation. This is what it looks like. This is what you are going to do to me and many of us. This is the impact, that many good families are going to leave this County. Many good family's that have built this County, our children would come back here and bring there qualities to this County as well, but not with this health risk that nobody wants to talk about. Everybody wants to make money, but I want it on the record that you all have been fairly warned that this is not something you can live with comfortably in Wisconsin. In time, it is going to have impact. You are selling this County for a handful of beans and this is the way we have to go, all of us. Sand mining, you all should take a break and slow down. We need time as a county, a community, as friends, as neighbors, a place that we want to raise our children, we want our kids to come back here and build, we want our kids to bring their business's and their talents back to this area. My family is not, we are all leaving. We have compassion and interest in building community. We have good ideas and that is all going to leave here along with many other good people. I treat you all to consider this as the only option that we have right now is a moratorium so that together we can work out this problem. You mining people can just go somewhere else for a year and come back and see what we have to say about it. Anybody who needs to make money can be making money in a year. We need a year to talk about this because this is impacting people who have no voice on this Committee and no voice in this room. I don't hold it against anyone who wants to make some money and improve their lives but this is not the only option. We have beautiful farmland here, rich river valleys, beautiful streams and rivers to protect; we have a limited supply of water and healthy environment. We are all being impacted, even now. I intrigue you, Mr. Bice, as the

Chairman of this Committee to consider that the people in this room, whether they are involved in mining or not need a year to be considering the full impact of these decisions that are being made. Don't make a hasty decision; don't make a reckless decision of this scope.

Norval Pittman – Registered in favor but not testify.

Val Critzman – Registered in opposition but not testify.

Linda Kaurich – Registered to testify in opposition. I do agree with the last lady that you need to slow this down and take a year. I don't know if any of you read about it, but up by Augusta there is a sand mine. I expect a speaker came and gave a very good speech, just like the gentleman did here, to the town board and the County. We have the Hi-Crush sand mine not too far from where she lives. They were awarded for helping the community and they gave \$25,000 to the school. Now they are in the paper. They were permitted to draw two wells. They were somehow caught that they have dug four wells. Of course they are very apologetic, they're going to work with the city and they do not feel that the city water was affected. As Mr. Palmer spoke, he said they are going to be monitoring water and air. She wants to know who is doing this monitoring. Certainly the DNR does not have enough help. From the sand mining she has been following for a long time throughout the State of Wisconsin, most environmental issues are not being caught by somebody monitoring them. They are being found by people (hikers walking through where there has been contamination), so who is doing this monitoring. You cannot just rely on the DNR to be doing this. Our government has eased the environmental rules for the State of Wisconsin. They are encouraging mining in Wisconsin – iron ore and sand mining. I had about a half hour conversation with Kathy Birnier on the phone the other day who is a proponent for sand mining. She went on to explain how they are going to re-create the land and gave an example of Lake Wazee in Black River Falls, but what she failed to say was that this was done before the environmental issues were changed and our Governor eased up the environmental issues for the State of Wisconsin. She didn't know if the public was aware but Senator Vinehout has proposed some frac sand mining controls. She just printed it off the Internet last night. She is circulating a set of five bills that would give local governments and property owners more information and more power over the location and operation of these facilities. She does have it here and she could read it or if anyone wants a copy she can make one. Basically people need to slow down. The town board - they are not any more educated in this than any of the rest of us. These sand companies's come in with all their powerful attorney's. You're going to have some millionaires here in Whitehall or Trempealeau County but is it worth it to have a few millionaires at the expense of the neighbors, the environment, the water and the air. Most people that work with sand for reputable companies have to have an X-ray every year to check for silica sand and if anything is positive. Who is going to be checking this community when all these sand trucks are going back and forth. This needs to slow down. I agree with a moratorium. You need to wait a year. You need more information. There is just greed, like the first man said.

David Kindschy - Registered in favor but not testify.

Elsie Kindschy - Registered in favor but not testify.

Steven Flatten - Registered in favor but not testify.

Gary Tidquist - Registered in favor but not testify.

Richard Jones - Registered to testify in favor. My wife and I live at W18056 Duebbert Lane, Preston township. We bought our land in 2000 and built our retirement home in 2001. We didn't realize it at the time but it has been our very good fortune to have the best neighbors in the world. It has also been our very good fortune to have children and grandchildren who love our land and the area as much as we do. A few years ago, we established a family partnership to ensure that our property would stay in the family for generations to come. Because I believe in land stewardship we also planted 18,000 trees in an ongoing effort to promote a good environment. I'm 80 years old and my life experiences have taught me to make wise and thoughtful decisions. When the prospect of sand mining came around I wasn't sure what the best course of action should be. The impact on our land and the surrounding area and the environment were and are major concerns and our neighbors share those concerns. In the past two years, I have met personally with four different organizations all of whom are interested in land for sand mining purposes. Their presentations were very convincing and they concluded with the expectation that very soon we would receive a proposal. That last one was about four months ago and we are still waiting for proposals – they haven't happened. When Chuck Canestraight

approached me I was naturally skeptical. He spent an afternoon with my wife and I explaining in some detail what Sand Products, WI hoped to accomplish and how it would impact their land. Several months have passed since then and I am happy to report that my association with Canestraight has been a very positive and enlightening experience. My questions and concerns have all been addressed promptly and professionally. I believe that sand mining performed by professionals can make a significant contribution to the community and can enable families like ours to continue to improve our land for the benefit of future generations. Based on what I have learned through meeting with Canestraight and Sand Products, I think this is an excellent business partner and I respectfully request that the Committee grant us our permit.

Steve Tschanz – Registered to testify in favor. Tschanz stated he registered in favor he didn't necessarily intend to testify in favor. He is a relative of some of the people involved here and he did indicate to them that he would lend his support, but he has a challenge for all of us. Tschanz has wrote a paper up and asked Lien to read it if he faints or gets too emotional. My great grandfather's picture, Christian Nelson, a Civil War veteran hangs in our courthouse today. Perhaps it hangs by a picture of your relative and they may have been neighbors. For over 150 years my family has been part of the community of the Preston Township, Trempealeau County. Though there are stories about great injustices to each other, I don't feel there has been an issue that brings more division, mistrust and ill will among neighbors than this one. I am not necessarily speaking about this particular situation but the whole sand mining situation. Neighbors have lived securely for several generations in harmony with each other. The past generations have raised their family's, sent their sons off to wars to protect the freedoms of our national community and some of those have paid with the ultimate sacrifice for us all. These past generations have cared for their land, raised their crops, livestock and even chased the neighbors cows back down the road when they have come wandering. They have threshed their grain together, cut wood together and many other examples of being good neighbors to each other. God's word is still true though these words are ancient. The love and relentless pursuit of money is the root of all sorts of evil in the name of exercising our own rights and I understand landowner rights as I am one in the County and in this township that is in question. Do we not also consider the personal interests of others? How much money will need to be spent to win back the hearts of an offended brother or the trust of a neglected neighbor? What would our grandfathers have thought about our neighborliness? Fifty years from now, when most of us are in eternity, what will our grandchildren say about how we cared for our neighbors.

Greg (Chuck) Canestraight – Registered in favor (Already spoke)

Marv Kamp- Registered to testify in opposition. I am speaking in opposition to the application today. I have been a resident of Trempealeau County for 41 years. This has been mentioned earlier in other testimony, but I would like the preamble to Chapter 13 –Nonmetallic Ordinance. "The County shall specifically analyze nonmetallic mineral mining proposals in the light of the county's interest in providing for the wide use of natural resources of the County, aesthetic implications of the siting of such a mine in a given location and the impacts of such a mine operation on the general health, safety and welfare of the public. I guess my question is are these things really being considered for the application. One of the things that is often brought up is the economic impacts or how many jobs the economic development will create. I think all we have to do is look at Blair, Wisconsin. Winn Bay moved in there several years ago with the promise of lot of jobs. When Preferred Sand bought out Winn Bay they said they would like to run 24/7 and create even more jobs, more economic impact in the area. Blair can't even support a grocery store. You have all kinds of stores that are closed in Blair Wisconsin. Where is the economic impact? I think what we need is to take some time out, have a moratorium and try to analyze this to see just what the exact economic impact will be.

Travis Armitage – Registered to testify in favor. My address is 106 S. Birch St., Blair. I've lived in the Blair area all my life. I own Green Acre Investments, LLC with Aaron Kidd who is also a Blair resident. Aaron and I have been farming together for the past ten years. I have business operations using local, state, federal roads to transport agricultural products as well as other products. As you know the Blair area has an abundance of sand along the Trempealeau River. This sand is helping stabilize gas prices which I'm sure you have all complained about at one time or another in the past. Our business uses machinery, trucks that use considerable amount of fuel. I'm sure most of you drive vehicles as well. As a member of this rural community I am aware

of the potential for increased truck traffic on the roads if this proposal for Sand Products, WI is approved. In my eyes the truck transportation of goods is not a new thing in this area; it is a way of life. I would like everybody to keep in mind that professional/commercial truck drivers are specifically trained for their skills and their jobs are regulated by strict licensing codes. Furthermore, they are also residents of our community and want the same safety for their families and friends as the rest of us do. Finally, having increased job opportunities along with the increased tax base is always a large asset to the community. Thank you for your time and I ask you to consider granting Sand Products, WI their permit.

Nancy Bergman – Registered to testify in opposition. I downloaded this off the County website. It is the goals of the Department of Land Management to preserve, protect and enhance the land and the water resources of Trempealeau County, protect the health, safety and welfare and quality of life of Trempealeau County residents. That is a pretty big order, it is pretty important. I just want to address one aspect today and that is the health, safety and welfare. We are talking about silica sand. We're not talking about beach sand or sand that your kids play in, in a sand box. This is sand that has been underground for millenniums. If you look at it under a microscope you would see sharp little flakes, it is very sharp and when you get that into your lungs, it is like getting a burn in there, you can't get it out and it sticks in there. It is like swallowing glass. It can cause terrible things such as asthma, respiratory diseases and lung cancer. When I drive to my work in Jackson County I go right by the sand mine west of Taylor and when it is windy and dry when I go by there, the air is absolutely orange with that sand blowing around. I have been behind sand trucks where the sand is leaking out back. If you're thinking that sand isn't going anywhere that is ludicrous. This is a picture of my sister Kathy. She was young, a hard worker, intelligent and fun and a year and a half ago she died of lung cancer. She wasn't a smoker. I was with her when she died. Men could I have a show of hands of how many of you would like to hear the details of what it is like to watch somebody die of lung cancer – it is not pretty. So I think what it comes down to is, you have the right thing or the easy thing. If you're elected in this County you are supposed to be serving the people that put you there, you're supposed to be doing a lot of research. You're supposed to be speaking with them to find out how they feel on subjects and you're supposed to be representing them. I have been on lots of councils and boards and committees and I know what it is like. It can be really hard to reach a consensus. And it can be really easy to go along with one or two people on the board that are really more impressive and just go along and vote the way they want. That is the easy way. The right way is to be informed and to make a good decision – that is the right thing. The right thing or the easy way. I've got a son in Afghanistan and it is not safe over there and I worry about him and I'm going to have to tell him, this is really ironic, when you come back to Trempealeau County it might not even be safe to breathe the air here. I've got another son that is an engineer. He sends me all kinds of information on the internet, both pro and con about sand mining and he says Mom this is really important, you have to really study it. So that is what I am asking you guys to do. You can do the right thing or the easy thing.

Kimarie Estenson – Registered in favor but not testify.

Arvis Krump – Registered in opposition but not testify.

Mary Lee Hegenaur – Registered in opposition but not testify.

Eugene Simmons – Registered in favor but not testify.

Gary Eckman - Registered in favor but not testify.

Kevin Kulig - Registered in favor but not testify.

Fred Kulig - Registered in favor but not testify.

Tanya Kulig - Registered in favor but not testify.

Helen Jones - Registered in favor but not testify.

Nicole Kulig - Registered in favor but not testify.

Keith Kulig - Registered in favor but not testify.

Del Parr - Registered in favor but not testify.

Linda Kulig - Registered in favor but not testify.

Dana Kelnhofer - Registered in favor but not testify.

Kelvin Otterbacher - Registered in favor but not testify.

Lisa Otterbacher - Registered in favor but not testify.

Jane Pittman - Registered in favor but not testify.
Tim Otterbacher - Registered in favor but not testify.
Kevin Schreiber – Registered in opposition but not testify.
Roland Kube – Registered in favor but not testify.
James Schwartz – Registered in opposition but not testify.
Brian Osgood - Registered in favor but not testify.
Bruce Osgood - Registered in favor but not testify.
Aaron Kidd - Registered in favor but not testify.
Stacy Armitage - Registered in favor but not testify.
Tim Clark – Register in opposition but not testify.
Bradley Hegge - Registered in opposition but not testify.
Dennis Sather - Registered in favor but not testify.
Ken Critzman – Registered in opposition but not testify.
Susan Solli – Registered in opposition but not testify.
Jorgen Haug - Registered in favor but not testify.
Judt Haas –Hardie – Registered in opposition but not testify.

Donna Brogan – Registered to testify in opposition. Gentlemen on the Committee, We have seen over the course of the last several hearings we have been at that these sand mining permits are quite contentious. You get a lot of people here who are on both sides of the issue. We have neighbors that come to testify because they feel they stand to gain substantially from this industry and that makes sense to me. We have neighbors who come to testify because they feel they may lose their quality of life, the quite enjoyment of their property and that makes sense to me. We have those disinterested parties who come because they are eager to talk about the taxes, how we might lower our tax rate which makes some sense. There are others who come who don't live near these mines, don't plan to mine but think that we may as a whole, as a people lose something from this industry and that makes a lot of sense to me. I am one of those. What does not make sense to me is the terrible lopsided character of this Committee. The discussions around these permits are so poor, they're so narrowly focused. If you go back and look at two years plus of hearings there is very little to do with quality of life, quality of soil, quality of air and water. I would urge you members of the Committee to look deep into your hearts and if you honestly can't see a broader perspective on this issue, if you honestly see only the price of sand and not the quality and wise use of our land, then I would strongly urge you to step aside and let somebody take your place so we can get a fuller, robust airing of the issues involved.

Carol Sather - Registered in favor but not testify.
Lynn Sedelbauer - Registered in favor but not testify.
Gary Armitage - Registered in favor but not testify.
Tammy Long - Registered in favor but not testify.
Allan Grass - Registered in favor but not testify.
Brian Jahr - Registered in favor but not testify.
David Hochstetler - Registered in favor but not testify.
Pete Lambright, Jr. - Registered in favor but not testify.
Travis Matejka - Registered in favor but not testify.
William Hochstetler - Registered in favor but not testify.
Linda Lusk - Registered in favor but not testify.
Doug Sokup - Registered in favor but not testify.
Rhonda Kidd - Registered in favor but not testify.
Ralph Lusk - Registered in favor but not testify.
Dianna Brown – Registered in opposition but not testify.
Jeanne Nutter – Registered to testify in opposition. Good Morning Mr. Bice and Committee thank you for letting speak. I live in the Town of Unity. I have been a Trempealeau County resident for thirty years. Where I currently live, I plan to live there for the remainder of my live. We raise horses and just so you know there is a lot of research on equine silicosis. Horses are very susceptible to silicosis just so you know. Two weeks ago I

was at a public hearing where I heard a representative from Hi-Crush speak about being a good neighbor and how they had won an award in Eau Claire County and that they would bring jobs to the community. I've grown a little weary of hearing promises made by sand company's. I have been coming to these meetings for the last year and a half. I did a little research on Hi-Crush and in Section 424.B of their mandatory prospectus, on Page 35, Hi Crush states, "a shortage of skilled labor, together with rising labor costs, with the excavation, industry may further increase operating costs which could adversely affect our resolves of operations. Efficient sand excavation using modern techniques and equipment requires skilled laborers, preferably with several years of experience and proficiency in multiple tasks including processing of mined materials. Our mining operations are subcontracted, but there is a shortage of skilled mining labor in Wisconsin". Our sand leaves Wisconsin tax free. Taxes are paid in the state that it lands. We've been burned before by promises of sand company's. 90% of operating mines in Wisconsin have had violations. You can see that at the Department of Natural Resources (DNR). It is the citizens who are fast becoming stewards of land as they are the ones who are reporting these violations. Many of you know Tom Woletz from the DNR. He has said at many meetings that they do not have the staff to regulate the hi-cap wells once they're installed. On December 12th, Hi-Crush was issued three citations by DNR. Pump 1 was a violation of Wisconsin Administrative Code – pumping more water -50 % above the amount approved. It also constructed three wells without permission and you can't say that a mining company doesn't know that they need to get permission for wells. Bice asked if Nutter was talking about a company. Nutter responded she is talking about, in general, keeping hearing promises by company's saying they are going to be a good steward and they are going to take care of the land and they are going to bring jobs and I just went and did a little research on one particular person who spoke last week and this is what I found out. Someone else spoke about it being Holy Week. I'm not one who often throws biblical metaphors, but for me Trempealeau County is my temple. It is the place that I plan to live out my life. I sort of feel like Jesus when he walked into the temple and saw the money changers, because for me that is what has happened to my land, my peace and my right to find enjoyment which I spoke to you about two weeks ago. Thank you for letting me speak and I hope you will consider a moratorium to take a look at what is happening in our County, to be more planful and to become more aware and do a little more research on these same company's that come from out of state, to our state.

Jessica Huseboe- Narva - Registered in favor but not testify.

Wade Britzius – Registered to testify in opposition. Thank you for this well run process here today. I moved into Trempealeau County about 42 years ago. I moved here because of what a gorgeous and beautiful area it is and I bought 120 acres of this gorgeous land. I have lived on that for a long time but I also lived in the City of Osseo and rural Ettrick and now I live in the City of Galesville. I just have explored and enjoyed this landscape that whole time. I have travelled the back roads. I look at it, photograph it, and ride bicycle on it. I know these hills are probably feeling the muscles in my legs. I treasure this beauty and this landscape. You can call it the coulee country, unglaciated area, you can call it God's country but it is a treasure and it is a wonder. I moved here to get away from the city and be with that kind of treasure. Driving past industrial installations is not what I came here for. I mourn this coming of this sand mining. It is a very sad day for me. I wish we didn't have this wonderful resource underneath our feet but here it is and we can't deny it. I wish we weren't going to have mines but we are and we already have them. I can't stop it. This land doesn't belong totally to me and it doesn't belong totally to the people who own the farms and it doesn't belong to the miners. It belongs to all of us. We live in an interdependent world. Something that we are learning more and more which is coming up in the face of humanity. What we do to each other and we do to the landscape or what we do to the earth comes back to us. It is an interdependent world. That is the reality. I can't have it my way and you can't have it your way. We're in this together. I've work as a mediator for the Trempealeau County court system and I deal with these kinds of situations – family situations where people are being torn apart with different views of how it should be and it is really, really important to both sides. What I like to talk about in the process is slowing down. When we rush into these things we become angry and we become attached to our outcomes and we want money, etc, so we have to slow down and we have to listen to one another. We have to listen to everybody. We all have to be heard. The landscape has to be heard – who is speaking for the land, birds or the water. They need a voice too. We need all these voices. In the end we are losing. We slow down, we listen to each other. Take time and check it out. Come up with a solution – no solutions are final. You come up with a solution, you check it out

and then you come back and see what is going on, you don't rush into things. If you look at the numbers here, as Britzius understands we have 25 permits in Trempealeau County and 7 operating mines and the whole State of Wisconsin only has 100 permits. To me that looks like we're rushing in or rushing to the finish. We've rushed into this thing. We need to slow down and listen to each other and take it a piece at a time. Britzius has a specific request. We have been talking about air quality monitoring, water testing, and sound monitoring and we need staff. You as a Committee, I think it is really your charge to find a process to make sure that these kinds of promises are kept, that these kinds of outcomes are done. That this thing is done right and it is done carefully. Put the time into it and you find the financial resources in the County, whether it is extra permitting fees, etc. but you find a way to make sure these things are done in the right way. That is what we have to do, slow down and do it in this permit in the right way. Let's have a moratorium and slow this thing down.

Bice commented we have one of the best systems in place to keep an eye on these things as they happen. We do a very good job at that.

Kristie Haug - Registered in favor but not testify.

Bruce Wilmeth – Registered to appear and testify for information only. I am a veterinarian here in Whitehall. For those of you who don't know me, many of the farmers that are here today are clients that have made my life, my family and my business grow over the years since we came here in 1981. I'm a genealogist from my family and this is similar to sometimes maybe having a family split between the north and the south in the Civil War as there seems to be strong feelings on both sides. I'm not here to speak and ask a certain verdict of the Committee. I am speaking on caution to go forward. There needs to be a balance in the goals for our whole county. Since I came in 1981 this has been a beautiful area with heavy hunting, snowmobiling, fishing, and recreational area. Over my years in farming it has made my business and made my life and this is now home for me and my kids. We have one of the most beautiful areas in the country and this is changing the landscape. I don't care how well you hide it with trees (this is not directed specifically to this mine), you still have all the train cars as they go by every day. 400 of them at a time that reminds you what is next. Seeing God's creation, we were told by the mine in Blair that we would not see that from the highway. Well I can tell you that you can see it all the way from Arcadia (little exaggeration). I just want to give the Committee here another point. Our goal at one time was water purity on the Trempealeau River. It was goals for tourism, recreation, hunting and we've been known for our bicycle trails – that at some point I think there may have to be some rejections of some of these permits because what has been said here, in opposition, is true on the silicosis – not what is true for the horses but for people with the wind blowing one way and another way the next day. Some of these same people that are in support are actually supporting because they are doing it for their neighbors and business, which I understand, where they may be voting no if it was right next to them. Which I'm sure is the way that I would be voting too. This was so oriented in the goal for having beautiful land in Trempealeau County from the time that I understand an allegiance came (before me), that we did not allow a big hog expansion in the Galesville area, we did not allow wind mills to come into this County. I'm a businessman I couldn't understand why we couldn't do that. We regulate our phosphorus and nitrogen into our lakes and streams and the land runoff from the dairy farmers to the point where we don't want that in our streams and we can't have the expansion of big herds like there are in other parts of the country. That being said, I just wanted to challenge you to, as we go forward in permitting the mines, to go with some caution.

Marcia Riquelme – No position noted on her registration paper. I am from Deforest Wisconsin and you may wonder why in the world would I get up at 5:45 AM to come here. It has been part of my life to love the earth, and to look at all of us as a part of it and so I needed to know what might be coming to the borders of my own county which is targeted for some mines. What I am doing is check it out. I was in Eau Claire in a meeting and I got a lot of information there about the mines. I have looked at the geological survey maps and seen the yellow worm holes on the maps in great numbers and quantities of places that are mines that are waiting for permits or under permit, some of them are already functioning. I wanted to hear from the people themselves what they were experiencing. Once again, I have come here and I've listened to all of you because I'm checking it out, because there is still time in my county. I want to urge you to consider, very powerfully, the good of one another as well as for the land. To take time. It is the one thing that you still have before you go

forward. The drive here was educational also because as we drove by the hills, we noticed a cast on the snow that wasn't white. A cast along the roads that is clearly the silica and the sand waste mixed with the snow. When that all dries, it blows and where? We don't know all the consequences yet of the potential damage to peoples' lungs and also to the lives of animals that ingest these particles, but we do know that there are studies that are about to be laid out in front of us that have been done by experts and do explain what the consequences will be and they are a short time off to being offered to the public. I urge you, I can't say how strongly. Coming here and seeing this in its' full blown demonstration is heartbreaking to see this land going this way and I am not condemning people who chose to get the other elements out of their property. I understand the need for that but I think that perhaps there may be some other way that you can all cooperate with one another to balance things out. I would hope that you at least try to rebuild your relationships with one another and to think through what the long term consequences are of what you are doing. Short sighted, big money - long term, lots of tragedy both to the land and to the people.

Holly Haug - Registered to testify in favor. Haug stated she did not want to testify.

Monica Rose - Registered in favor but not testify.

Luke Kramer – Registered to testify in opposition. I was unfortunately so busy this week that I had not prepared anything but there are a lot of opinions floating around this topic on both sides and it is a very divisive issue as we have already seen. However I am a little bit alarmed at the very lack of actual scientific research that is brought up on either side of the conversation, so I propose to bring some to the table today. I was reviewing, a couple of nights ago, a new publication that Minnesota released about the impact that sand mining has on many aspects of their culture and their environment. The sociology of it, the occupational possibilities, the environmental impacts, air quality assessments and I was paying particular attention to the air quality assessments. First, I would like to compliment Wisconsin Sands LLC, they seem to have a very good reclamation policy which goes above and beyond what is currently stated by our legislature and if they follow through with that I would commend them for that. However, the air quality is a very different issue. The Minnesota report stated that there are currently three separate guidelines for PM (particulate matter) in the 2.5 to 10 micron range which is the respirable amount floating around there. It was shown as the EPA's and the OEMMA's. They are all wildly different. The reason for this is because it is a rather hard thing to assess. Screening out particulate matter in the air is difficult in and of itself and then you also have to determine what percentage of that is silica sand, so there are a lot of gaps in data. I found kind of confusing that they actually didn't have any data on how much or what concentration this PM is around open sand mines. I thought to myself that is strange because I have some right on my hard drive at home, so I went and found it. I was doing my undergraduate research at the University of Notre Dame for geological sciences so luckily I was favorably set up in that position. There was actually a report released by the Wisconsin DNR in 2011. In Appendix A of that report they reference three separate scientific studies done studying the concentration of silica PM in the air around sand mines. One study was done in California, one in the Midwest and one in Italy. The California one was particularly interesting because they actually set up receptors within a five mile radius upwind and downwind of open sand mines. What they found out was rather alarming. The PM 2.5 silica was within, at times, 3 times the largest acceptable amount of the three standards I mentioned earlier which was the OSHA guidelines and that was the low end of their estimate of range. The high end was quite a bit higher. Because of this you are faced with a certain actual scientifically backed reason to be concerned for the air quality control in Trempealeau County which is currently hosting 25% of the mines in Wisconsin. I would think that based on the mission statement on the Land Conservation Board's website to protect the health and quality of life in Trempealeau County that this would cause, among other things, a moratorium. I would encourage the Board to look at a moratorium as an opportunity. We already have lots of operable sand mines and they will continue to operate during a moratorium but we can stop new ones from coming in. We can invite researchers from the University of Wisconsin –Madison (with a very great reputation) to come in for a field day for them to produce lots of academic research to further understand how this affects the area. I don't see how this would be a bad course of action and I would encourage the board to consider that.

Brandon Giebel - Registered in favor but not testify.

Duane Johnson - Registered in favor but not testify.

Justin Haug - Registered in favor but not testify.

Paula Hoem - Registered in favor but not testify.

Heidi Kube - Registered in favor but not testify.

Bruce Thompson - Registered in favor but not testify.

Roseanne Thompson - Registered in favor but not testify.

Troy Tenneson - Registered in favor but not testify.

Christine Pfaff - Registered in favor but not testify. (Also indicated testify in favor) Was not present.

Wayne Hoem - Registered in favor but not testify.

Steve Huff - Registered in favor but not testify.

Nathaniel Holen - Registered in favor but not testify.

Margaret Olson – Registered to testify in opposition. To the Committee I am really bummed. One of your last agendas mentioned possibly a five minute break every hour and a half our lunch. I don't know about anybody else sitting here but those bleachers are tough to sit on. I want to extend my thanks to the Department of Land Management and the E & LU Committee as well as to the Citizens Advisory Committee that reconvened for over six months on these matters. Needless to say frac sand is on the top of the list of concerns for Trempealeau County. Last night on the ten o' clock news they were doing a report on the repairs to the roads in LaCrosse and included in that report was an estimate from the US Corp. of Engineers that in ten years the cost of repairs and maintenance to the roads in Wisconsin would reach over a trillion dollars. I don't think any state budget has a trillion dollars to take from the general fund in order to keep up with that. I am, among others, concerned that frac sand mining is being allowed to grow faster than our understanding of the industry, its' environmental risks and longer term economic impacts. Individual property rights are a legitimate argument however even the staunchest advocates of individual rights recognize that they must not encroach on the rights of others. The natural beauty and resources of Trempealeau County contribute greatly to the health and well being of its' citizens. Safe traffic numbers, safe roads and clean water contribute to the health and well being of its citizens. Farming, wildlife habitation and tourism contribute to this States' economies more than mining. The Highway 53 permit application should cause the Committee to look more closely at these types of concerns. Because frac sand mining on this scale is so new to us in Wisconsin it is a challenge to find current data on its' impact, so I researched similar industries for economic indicators. I found that many jobs are filled in by migration and are temporary. Communities that depend on revenues from mining tend to experience unstable economy's. One of the greatest factors leading to long term economic decline is the destruction of land. I was curious about the Mobile oil site in LaCrosse (I know it's a different business) but I checked on some things, I checked past newspaper reports and records at the City Hall. Historically there are still some similarities here. For several years there was a good relationship with the City. They were good neighbors, as they say. The rhetoric was very similar to what we are hearing. They also gave the city consistent assurances that the oil terminal was safe, that the risk of seepage or contamination was minimal, but upon closing the terminal and inspection of the site there was found petroleum, inorganic and inorganic compounds that contaminated the soil and groundwater. The City estimated a cost of three million dollars to clean up the site. Regarding the Mobile Oil site, they are not saying it is really costing them. To date, that environmental clean up is ongoing. I also suggest that you realize the increasing calls for moratoriums in western Wisconsin and Minnesota are not based on fear and hyped up rhetoric but rather on real time experiences and observations. I do thank you so much for all the efforts you are putting into this on behalf of all the citizens.

Garth Duxbury - Registered in favor but not testify.

Jill Duxbury - Registered in favor but not testify.

Aaron Greenwold - Registered in favor but not testify.

Deb Larson - Registered in favor but not testify.

Ronald Larson - Registered in favor but not testify.

Randy Tollefson - Registered in favor but not testify.

April Suchla - Registered in favor but not testify.

Kari Tollefson - Registered in favor but not testify.

Eileen Back - Registered in favor but not testify.

Vernon Back - Registered in favor but not testify.

Yvonne Berg - Registered in favor but not testify.

Glen Berg - Registered in favor but not testify.

Jessica McNamara – Registered in opposition but not testify.

Bill Sylla – Registered in opposition but not testify.

Angela Sylla – Registered in opposition but not testify.

John Manka – Registered in opposition but not testify.

Bice asked if there was anyone who would like to testify who has not had the opportunity.

Heather Anderson – I hail from the Township of Auburn in Chippewa County which is close to Bloomer. We have our share of frac sand mines up there. I would like to address a particular statement that is made in regards to the good neighbors of the large sand corporations and the small sand corporations as they address best management practices. They're also allowed in many areas to self regulate. Let me tell you what best management practices are. This is something that has been put on-line by the Department of Natural Resources but it doesn't do any good. It doesn't do any good because it is not law, it is a suggestion. When I come home and I see the dust coming up over the horizon I can call the local supervisor for the DNR and it is a "best management practice". Please be aware of that. The other thing that I would like to speak to is the fact that so many of our mines, and our well known large mines, who profess to be good neighbors have also violated. We have about six in the area in Wisconsin. Trempealeau County, Blair – they had a wash out and it just happened to take out and destroy an Amish farm. In Burnett County, they had a spill into the St. Croix River which is a national scenic river way and they don't know the damage that has happened there. We have Chippewa County where there were several spills. One is out by me, Superior Silica Sand, they were in operation just a few weeks and they spilled into a trout creek. That went on for days and nobody acknowledged it. Another one is in Eau Claire, we've already been talking about Hi-Crush and then there is Pattison Sand in the southern part of the state over by the Mississippi. All of these spills and violations are brought about by interested people who were doing the hiking. Two small spills that I am aware of in Chippewa County, Superior Silica Sand did manage to report themselves. We all want to be good neighbors, but you know some of these sand companies that are coming into the area, you people are going to be violators too.

Bice called for any other public testimony. There being none, the Committee took a ten minute break at this time.

At this time, Bice announced that Dave Quarne who was part of this Committee has just resigned and we have accepted his resignation. Quarne wishes to appear and testify for information only.

Dave Quarne – Registered to appear and testify for information only. As a citizen of the Town of Preston, this mine will butt up against Preferred Sands and Preferred Sands has annexed to the City of Blair. In the process of annexation to the City, the Town of Preston lost about \$70,000 in tax revenue. The County didn't lose anything, nobody lost anything it was just the citizens of the Town of Preston and that represents about 27% of the budget of the Township. This company has the opportunity to annex to the City of Blair but it would be contingent with the rest of Preferred Sands program. If they do that Trempealeau County has no say whatsoever in how they operate. The township doesn't get a chance to say that they don't want to be annexed – it is between the City and the mining company's, which isn't fair to the citizens but it another opportunity that the people of the Town of Preston could lose a big portion of this financial pot. It isn't only the Town of Preston because the Town of Arcadia also has some annexation going on. I'm addressing the Board because it is my only chance to do it now that I've resigned. I would have abstained from voting anyway, so I had a chance to say what I thought. Another thing that kind of bothers Quarne is all of these people that testified from all over that aren't contingent with anything to do with the mine, in Jackson County they have a rule that you must live within 300 feet of a mine in order to testify.

Bice announced that at this time, Lien will read letters and e-mails, etc. that have been submitted to his office.

Lien stated the DLM office received a bunch of letters and e-mails related to this issue. They are in random order.

Deanne Szczepanski letter – I strongly object to any more permits given for sand mines. We live in “God’s Country” and take the beauty surrounding us for granted. The mine operators destroy these natural resources, promising reclamation and additional farm land, but in reality only putting back six inches of topsoil, leaving the land untillable. The tourists who come here for recreation will come no more. The promises of jobs cannot be compared with Ashley and Gold n Plump industries because mine owners bring their own trained personnel. The mine industry is based on lies, which I have heard myself in our own courthouse. Toward the end of one meeting last summer, I overheard a mine representative tell a woman that there is no mine in the Town of Howard. I told him that a friend of mine, Ken Schmitt, lives across the road from that very mine. His little girls cannot play outside anymore, nor can his wife hang her laundry out on the clothes line because of the dust. Even last winter when there was no mine activity, the winds raised huge clouds of dust over their house. After I pointed out the mine representatives’ lies, he quickly left. Some of my friends have received death threats because of their opposition to the mines. Vicious gossip was circulated in the hope they would lose their jobs. Their identities have been stolen, including Social Security numbers. One has recently been a victim of a hit and run accident. Coincidence? I don’t think so. My greatest concern is the health of everyone in this County. Money cannot buy health, and silicosis is a disease comparable to the diseases caused by asbestos. A nurse from the Oncology Department of St. Joseph Hospital, Chippewa Falls, spoke here last summer detailing the increase of lung diseases there since the mining began. She is doubly concerned about the close proximity of the mine to the hospital and nursing homes. I ask the Committee to re-think their opinions about issuing any more mining permits in this County.

Danie and Tim Johnson e-mail - I would like register my vote and my husband Tim's vote in complete opposition to the new mine proposal for 716 acres in the Town of Preston. As so many expressed March 15th, this County needs to stop adding and start evaluating what you have already approved. Trempealeau County has approved 25 mine sites already without evaluating the total environmental impact of such decisions. Each of these sites cumulatively adds to the air pollution, truck traffic, rapid road degradation, and loss of beauty here in our County. We will not be able to attend this meeting because it is during business hours, so please consider this as two votes to oppose this and any other mines that are proposed in this County. Furthermore, we would ask you to listen to the citizens and those who are requesting a moratorium before all of Trempealeau County is destroyed. Thank you for taking the time to read and share this.

Barb Siegfried e-mail– I am unable to attend the March 28th public hearing meeting because of work, please count my vote against sand mines in Trempealeau County, and our state of Wisconsin. The recent article in the LaCrosse Tribune (Sunday March 3rd) it is about how the frac sand industry faces DNR violations, warnings. The article makes my stand *against* sand mines even stronger! Time should be on our side... why the huge rush to add more sand mines, when so many people have concerns? We should do more studies of the sand mining industry which will provide us with a better understanding of what is best for our county/state health, safety and welfare.

Carol Howard e-mail - Please add my name to the list of concerned citizens asking for a moratorium, so that the whole issue of mines can be investigated and studied. To begin with, the issue of 100 semis per day driving on that short stretch of road is frankly a little scary. Route 53 is not the safest road to begin with. I believe that the semis would tear up the roads fairly quickly. Who fixes them? Also, I did a little investigating. I visited the following website www.countyhealthrankings.org and found that Trempealeau County already ranked 57 out of the 72 counties in Wisconsin in the category of Physical Environment. The descriptors in this category include fine particulate matter, drinking water safety, and access to recreational facilities. Do we need to drop even lower in the standings by adding sand mines? I also know that the issue of real permanent job creation has been contested. Let's study that further.

Sue Howard e-mail - I am sending this email in support of a moratorium on more sand mines in our county. We have lived on Square Bluff since 1979. The hills of Trempealeau County were one of the attractions to buying our farm. I would like our county to slow down and establish a moratorium on sand mines.

Steve Stendahl e-mail - I am responding to the current situation and future of mining in our County. I am concerned for several reasons about current state of and the increase in mining in our community and county. The 716 acre mining proposal before the County is a great concern for myself, my family and our communities. This proposed mining operation is within just a few miles of a school. Children will be playing outside during recess and are likely to be breathing in silica sand/dust into their lungs day after day. When a parent sends their child to school, they expect that their child will be safe. There are a lot of issues with safety of our children these days through intruders in schools and the like. Silica sand is the invisible intruder that impacts these children's health and safety. There is proof that silica sand is harmful to people. Children should be a high concern to the county and community. These mines are bringing in nice windfalls for people who sell the land at the cost of the rest of the surrounding citizens. When a mining operation moves into an area, the neighboring homes/land properties face declining land values. Trempealeau County, at least our town has attracted families to our schools, county life, beautiful scenery, hunting, fishing, and other outdoor activities. Tourism also has grown greatly in our County. These types of assets are at risk through increased mining operations. As the County allows more and more mining, we jeopardize potential growth of families. We already have families moving out of our towns. Just yesterday, when at work, a girl came home from school and said it was the last day of one of her classmates. The family moved to Eau Claire because they did not want their children in areas with mines. We will face more and more families moving away from our communities. Many of the area schools are sitting in a position of having new buildings constructed in the next year or two. If families move out due to mining increases, who will pay for these schools? How will our children have the great schools we are known to have when the community no longer has the tax base to pay for the schools? Mining companies are looking out for their interests, not ours. When they have used all the resources they can, they will leave us depleted and violated. It is time to wake up and stop this irresponsible theft of our land and communities.

M. Joyce Guthrie Letter - I support a moratorium of frac sand mining in Trempealeau County.

Alfred S. Hanson e-mail - I have a few comments about additional sand mine permits being issued in Trempealeau County on March 28,2013.

1) Local government should be knowledgeable concerning the dangers and the negative effects on other people and their property, their health and other natural resources in the area and the county. The local government members need to know that they are elected and expected to do the will of the people. This is the purpose of local government that they may know and abide by the people's wishes.

2) Ground water can be contaminated by many combinations of materials. Ground water is the source of much of our clean water in this area and throughout our country. Once ground water has been polluted it is generally contaminated forever. In 1918 my father was in France during World War I. He stated one could not drink the water in France. The water in a large area of France was contaminated by the Romans who mined the rich iron ore in France in the first 5 centuries AD. It was still contaminated 15 centuries later.

3) Is there a need for more fossil fuel for energy? Some countries have done much to substitute alternative fuels in place of climate changing fossil fuels. In Germany alternative fuels furnish over 25% of their energy needs. On the southern coast of Sweden one city of 102,000 people changed from all fossil fuels to no fossil fuels in less than two years. They use wind, solar, biomass, and run their municipal vehicles on alternative fuels. They are helping the city of Ashland, WI to do the same.

4) Over use of fossil fuels is the cause of climate change. Climate change is and will affect every person in the United States in 2 years if our dry weather continues as the experts tell us.

Keith and Mary Ann Nichols letter – Trempealeau County has permitted 25 sand mines and 6 wash stations, which is more than any other county in Wisconsin. Less than one-half of these mines and wash stations are currently operating. The office of Land Management does not have the staff to monitor the current mining operations, let alone the full number already allowed by this committee. Common sense mandates that you

cannot allow any more new mines into this county. A small child knows that you cannot add more cattle to your herd when you can barely feed the ones you already have. Has common sense and reason become such a limited commodity with the members of this committee, or are you merely disregarding the facts as they exist. Mining companies invest their extra money in order to make more from our county's natural resources. Their primary objective is profit, and they will make at least 50 times more than any amount of money that they pay to these greedy, careless landowners. People invest their lives and their life savings into their homes and properties and have paid property taxes for generations, far in advance of any sand mining operations. This tax base has sustained this county from past to present and has done so without mining revenues. Most of the members of this committee, and the Trempealeau County Board, seem to have forgotten the decades of payments already received. These past funds collected have established the foundation of this county's schools, police, fire, social programs and infrastructure. Board members – you have to know that foundations built upon sand are guaranteed to crumble. The effects of these mining operations upon the community are already evident. They are tearing this county apart, destroying the relationships of families, friends and neighbors. Allowing more mines will only increase the divisions that already exist. Take a step in the right direction and protect Grandmother Earth and help to insure the health, safety and welfare of the people, the children, the elders and the unborn of Trempealeau County. Deny the permit for this 716 acre (over a square mile) mining operation and do not degrade this environment any further.

Eric Hudson e-mail - I oppose the permitting of a frac sand mine located near Whitehall on Highway 53 and the Trempealeau River. There needs to be a moratorium on the issuance of mining permits pending further study on the adverse effects of present mines to the population and the environment of the county.

Glory Adams e-mail - Considering the number of acres already devoted to the sand mine industry in Trempealeau County, it is definitely time to say "whoa", giving the county and citizens time to evaluate the consequences of such industry. So many factors are unknown and need to be studied. They include:

~How density of the mining affects the welfare of citizens. Density exacerbates all the negatives of sand mining.

~The quality of the air, including knowledge of the hazards of silica in ambient air. What monitoring is being done for silica particulates?

~The water quality surrounding mines as well as the quantity impacts created. Water is not unlimited.

~Safety factors including the number of heavy trucks on the roads and going through populated areas.

~The effects of diesel toxins on citizens in heavily trucked areas.

~What violations have occurred due to the sand mines?

~Are zoning and ordinances adequate to promote the health, safety, and welfare of county citizens?

~What economic impacts are occurring? One may say sand mining promotes jobs, but what is the reality? What jobs are being LOST due to their presence? How is the county preparing for the closing of the sand mines when jobs suddenly disappear and the land is leveled?

~How divisive have county citizens become due to this industry?

~Is regulation being handled well? Who does inspections? Are they trained? The DNR does little without someone on the spot reporting problems.

~How are the sand mine presence affecting property values and the county's tax base? It is up to local governments to do investigation to determine the REAL value of this industry in their local area. I would encourage you to pull back and give yourself and yours citizens time to evaluate what is occurring to your land and your lives.

Eddie Ehlert e-mail - To the officials of Trempealeau County, I am writing on behalf of Crawford Stewardship Project and our 900 supporters requesting Trempealeau County put a hold or moratorium on all future sand mining until such time that research can be done and assessed on issues arising from the present level of frac sand mining. Here in Crawford County, the first frac sand mine is likely receiving a permit without any regulation in Bridgeport Township, despite a zoning ordinance that could put strong mitigations in place. Apparently the officials don't deem regulation necessary. I wish they had visited your county and talked with citizens who live adjacent to and along truck routes of your many mines. Once in place, it is too late to do

much, as you likely know. The issues that need to be addressed by all of our communities include fugitive dust, truck noise, dust, diesel, effects on the quality of life of residents, reduced residential property values, reduced land for residences and agriculture, tourism effects...the list goes on. Violations are usually overlooked in the state unless citizens bring them forward. We believe the industry should prove no harm, not that we citizens should be forced to prove harm. Step back and take a look at the long range effects of frac sand mining. Thank you for considering these suggestions.

Lois Lehmann e-mail - I am a resident of Dane County and member of the DeForest Area Progressives. I am passionately in favor of environmental protections for Trempealeau County against the destruction of historic geological landforms and the survival of family farms and the livelihood of the citizens of your county. Intelligent, thoughtful planning must be in place before continued permitting of sand mining. Tomorrow is a work day for me so I am unable to be present at the hearing.

Jodi McIlrath e-mail - I am unable to drive over and support your meeting, but wanted to send in a comment. Please share: I am Jody McIlrath, Florence Township Planning Commissioner and Chair of Save-the-Bluffs Citizen's group in Minnesota. I am appalled at the continuing devastation being allowed in the beautiful Wisconsin country side. A few people are getting wealthy, including (the already wealthy) mining companies and selling out at the expense of everyone else. When is enough going to be enough? When the entire state of Wisconsin is one large open silica sand pit and the population has all expired due to silicosis? When these so-called high paying "jobs" go away due to low sand demand and cheaper proppants are developed? The health, safety and welfare of citizens is at stake. We in Minnesota have learned a great deal from Wisconsin's unfortunate circumstances. It has caused us to work hard on the frac sand issues here in the southeastern part of the state for two years now. In kind, it is your turn to learn from us. We, the citizens have demanded action at the state, county, city and township levels to control these behemoth monsters. We haven't bought into the promise of a few unsustainable jobs. We have done our best to remove people from office who won't look out for us. We've taken positions in local government and lobbied at the Capitol for legislation. We encourage you to do the same. Make your voices heard. We support you!

John E. Hunter e-mail - I am the non-resident owner of ten acres of land in the Town of Gale in Trempealeau County, Wisconsin. I am unable to attend the subject public hearing in person but wish to submit my comments for the public record of the hearing. My residence is 7615 View Place Drive, Cincinnati, Ohio 45224. I am very concerned about the environmental and safety issues associated with the mining and transporting of large sand deposits in Trempealeau County Wisconsin. After reading a report by the Wisconsin Center for Investigative Journalism, "Wisconsin frac sand sites double", 7/23/2012, By Kate Pregelman which focuses specifically on Trempealeau County and is datelined Blair, it is apparent that we are not ready to move ahead with the requested permitting until environmental and health issues can be safely addressed. Example from the cited report:

"Rules were written for small quarries"

Frac sand operations must follow state regulations for non-metallic mines. The rules written two decades ago were meant for small sand and gravel quarries, not 1,000-acre mines or industrial facilities that process up to 800,000 tons of sand a year. Currently, all non-metallic mining companies must have a plan for restoring the land and controlling storm water runoff from their properties. Two damaging sand spills occurred in Wisconsin this spring, caused in part by failure to follow existing regulations. Mines and processing facilities also must abide by state laws protecting navigable waters, wetlands, large groundwater withdrawals, drinking water quality and endangered species. Wisconsin's sandy soil is prime habitat for the endangered Karner blue butterfly, which, as the Center reported in January, some companies may be failing to check for. Large mines and processing facilities also must meet state air pollution limits for airborne particles, in part to reduce exposure to silica dust, a substance that can cause a life-threatening lung disease. While silica exposure in the workplace is tightly regulated, there are no specific limits for silica dust in the open air." I strongly support a moratorium on further sand mine permitting in Trempealeau County until we can be assured that the safety, distinctive quality of life, and the environment will be preserved.

Derek & Barbara McSherry letter - It is my request that this letter, detailing our concerns related to the above noted project, be read out and distributed at the meeting scheduled for Thursday, March 28th, 2013 at 9:00 Am in the County Board Room of the Courthouse, 36245 Main St., Whitehall, WI . I had originally planned to attend this meeting, however, the change of meeting date to March 28th unfortunately coincided with a scheduled work activity in Fort Lauderdale, Florida. We are owners of the property located at W17151 Duebbert Road, Whitehall, WI. Both parcels of this property are directly north and immediately adjacent to the proposed mining operation. More specifically, the property is immediately north and adjacent to property owned by K & T Kulig as identified on the rough drawing on Page 11 of this letter. It is our belief that issuing mining permits for the land noted above, will cause significant financial losses, as follows:

1. Inability to build our retirement home on our property for mining and health reasons.
2. Loss of value of land and real property for reasons of close proximity to mining operations, and
3. Mining operations will make it impossible to sell our land and real property.

Inability to build our retirement home on our property for mining and health reasons. From a historical perspective, the property at W17151 Duebbert Road was purchased with the intent of building a retirement home. Architectural drawings have been prepared and the estimated construction cost exceeds \$1 million based on drawings of a finished space of approximately 7,500 square-feet. The physical location of the home would face north, and as recommended by the architect, would be built on the SW corner of the western parcel. The approximate location, close to the east-west property line is shown on the drawing on page 12 of this letter. The location for construction of the home was chosen by the architect for the following reasons:

- Maximum distance from Highway 53 to minimize on road traffic noise.
- Highest point on the properties to gain outstanding views towards Blair.
- Front of the home, facing north, to permit acceptable vista from Duebbert Road.
- Rear of the home, facing south, to permit practical solar applications for energy conservation.
- New road access to the home minimizing impact of proximity to the stream flowing down the valley.

It is clear that if the mining operation commenced immediately south of our property, construction of the home cannot take place for many years, if ever. The reasons for this include noise, aesthetic considerations and potential health hazards due to silica. In addition, as clearly noted in the letter from the Trempealeau County Department of Land Management, paragraph 3, mailed to all interest parties on March 5, 2013, as follows: "Proposed operation is for excavating, blasting, extraction, and transportation of sand products." In addition, the proposed location of the home is also relatively close to the east-west property line between the McSherry and Kulig properties. If it was built on the chosen location, it may be subject to erosion and its ultimate destruction if the mining operations undermine the stability of the hill on the Kulig property. At a recent meeting in Whitehall, when speaking to the attendees, I brought up this concern. It was of course minimized by a representative of Sand Products of Wisconsin, LLC. However, a recent article in the Janesville Gazette dated March 8, 2013, indicates the potential for mud or sand slides which would endanger any property built on that location. The article stated: "At the Preferred Sands mine in Trempealeau County, the mudslide that flooded a neighbor's property during a heavy storm violated its storm water permit. The Minnesota – based mining company also had multiple violations of its air quality permit." There is another issue. In addition to the excavating, blasting, extraction, and transportation of sand products, there is a concern related to air quality. National and state agencies recognize the potential for violations of air quality standards which may also lead to health hazards by inhaling silica sand. Although mining companies are quick to provide data indicating their compliance, the following information, downloaded from www.yourlawyer.com/topics/overview/Airborne-Silica-Lung-injury-lawsuits, is important to consider. At this point the question arose as to whether Lien should

read all twelve pages of the letter into the record. Bice suggested that we have limited all the other speakers to three minutes so that is what we should do in this case. Lien read the following summary to McSherry's letter: In summary, it is my request to the Environment and Land Use Committee, that if the Committee favors issuing permits to Sand Products of Wisconsin, LLC, then as a precondition of issuing the requested permits, adequate compensation to adjacent landowners be awarded. I am therefore formally requesting that the Environment and Land Use Committee postpone the issue of any permits until all parties have been adequately compensated for their losses. As a precondition of issuing any mining permits, I am requesting compensation from Sand Products of Wisconsin, LLC of Muskegon, Michigan for damages for the items detailed on page 1 of this letter. (Note: The entire contents of the above listed letter are on file in the DLM office and can be viewed upon request.)

Lien noted there was a letter sent in with the return address of "People Against Sand Mine", but it was not signed. It was not read into the record.

Jeanine Olson e-mail - I am a bordering neighbor of the proposed Hwy.53 sand mine. We have dealt with the mine owners. They have treated us with respect and answered all our questions. I am not naive enough to believe everything they say but I do not believe those running around scaring people either. We need to look at the big picture here, this is called progress and will bring good jobs and prosperity to this area . Our schools and business will prosper. Ask these same folks who are against it if they want their children and grandchildren fighting in a desert for oil. Trempealeau Co. will be able to supply the sand that will keep our natural gas and oil fields going. It may be years before we have an alternative energy supply.

Felty Lambright letter – I own land very very close to the proposed Highway 53 Mine Project and ask you fully support the mine project. Our farm is right next door to the mine site. I do not see any problem with having the mine right next to my farm. I think it is good for the people who will have their property mined. I think they should be able to do what they want with their land, just like I can. Please give them their permit.

Bice called for any other public comments. Donna Brogan asked if there was a point where the public would get to ask questions about this specific mine site. Bice responded there would an opportunity in a short while to ask/answer questions. Committee discussion took place. Bice again asked for any public comments on this application. Bice announced after this next gentlemen's testimony, the public hearing will be closed. Upon questioning from the public, Bice responded that one can make comments, however if you have used your three minutes then your time is up.

Ron Henry – Registered in opposition. Henry can see both side of this sand issue and he is kind of just stayed out of it, but somebody made a remark this morning that we were dealing with a product, that sand is a product. I will tell you what the product is, the product is someone putting in corn, producing corn and doing it in a sustainable way so that next year he can plant corn again and continue to flourish. The land is better for it. Sand is not a product it is an essence. It is an essence of the geography of this Trempealeau County. If it is the essence that you want sell, I guess you have the power to do it, but remember you're not selling a product, your selling an essence of what this County is. Every drop of sand that goes out of this County will never, ever produce a grain of corn. It's gone, it's gone forever. You can restore, but Trempealeau County will never be the same. I'm not saying its right, I'm not saying it is wrong. It is the decision that you have to make with open eyes. There is more involved here than just the dollar bill and maybe a handful of people are going to get it. How is it benefiting you? If taking the sand out of this County is going to benefit you, then by God vote for it. But if it isn't, think it over. Do you want to really change the essence of what this County is? That is a decision that you have to make. As a sideline, I would like to really meet all these people who are in favor of the sand mine but don't testify. Everybody that I have seen that is here that has testified is opposed to it, except for one or two. Where are all these people, didn't you have to be here to declare how you felt? Henry was asking a question. Bice responded he is not really answering questions, but it was published in the information that if people wanted to comment they had the ability to do that and they weren't required to be here. Henry asked where are these people that are in favor of the mine, but don't want to speak about it – are they here or not? Where are they? It appears to me that these letters were solicited that they weren't giving, "this is how I feel

about it". Somebody solicited these letters. When people start soliciting in favor of one issue or another – question them.

Not seeing anyone else who wished to testify, Lien read the following letter from the Town of Preston which stated they met on Monday, January 14th, 2013 at 5:30 PM at the Town Hall. The meeting was turned over to Gary Everson to conduct the discussion of a Conditional Use Permit for Sand Products of Wisconsin, Hwy 53 project. A motion to approve the permit for Hwy 53 project was made by Vernon Back, seconded by Gary Everson. All in favor. The parcel numbers are attached to this letter as well as a list of conditions of the Town of Preston. Bice closed the public hearing at 12:30 PM. The meeting was recessed at this time with the meeting to reconvene at 1:15 PM.

Bice reconvened the meeting by announcing that, technically, the public hearing portion of this meeting is over and asked for a motion from his Committee. Low made a motion to approve the Conditional Use Permit, Thompson seconded the motion.

Radtke addressed the Committee stating there is a motion on the floor to approve the permit. To facilitate a discussion of this Radtke directed their attention to the County's Ordinance which requires certain things to be considered and provide some permissible things to consider, whether to approve or deny any permit. Under Section 10.04(5)(b) of the County's Ordinance is says, "to aid in the review of the proposed project under the Conditional Use Permit, the Zoning Committee may take into consideration such of the following factors or additional factors as are deemed by it to be relevant to its decision making process with respect to the project in question.

1. Whether the proposed project will adversely affect property in the area.

Radtke noted he would go down these factors one by one and he thought it would be appropriate for the Committee to first discuss number one, taking into consideration whether or not to grant or deny the permit. Bice stated it would be important to respond. Bice knows that Radtke has given the Committee this information probably about six months ago. This is part of the Ordinance and things that we are supposed to consider. Each month Bice goes through that list very carefully for every single meeting that he has. Bice asked for any Committee comments. Bice stated there are clearly some property value changes. It is very difficult to sort out and identify. We moved forward through other hearings. We don't have anything officially yet, we are still waiting for that. It is a difficult one to assess and Bice's take on it is, we have to weigh it when we make our decision. Brandt commented that Bice has made mention of the lack of official responses specifically having to do with assessments and how it is that assessors deal with the property values related to proximity of mines. Brandt recalls that Nick Gamroth, Real Property Lister, came before the Committee, last year, and offered some information that he had gained from his organizations and from the State related to this. Brandt commented that Bice is right. It is difficult to say officially what the effects of the location next to a mine does to property values. In some cases (we have seen this in our County) people who have lived next to mines have been paid way above the value of their property by mining company's in order to assure either a buffer or access to that property for a mine. The other side of that, of course, is the more intangible quality of life issue that is raised during this. These company's or these groups have indicated that they have talked with the neighbors and suggested a kind of remediation. It had more to do with guaranteeing a fair market value if there weren't a mine there. In a sense that would be difficult to come up with that number prior to this application process - there was a fair market value on this property and therefore they will meet that when and if that property owner cares to sell. Brandt thinks more importantly, the issue that's raised is that this issue is being raised at all. There is an economic concern that is coming to our County which has skewed the discussion of what property is worth. This would be difficult. Anyone who has sat on this Committee for an extended period of time knows this happened in the 90's when the price of land, especially what is now considered recreational land but until that point was basically pasture and woodland, suddenly found itself being valued way above what cropland is being valued at. Brandt is drawing a connection here to outside economic reality that is impacting Trempealeau County in a way that we are, at this point, unable to control because of those outside economic factors. In the 90's it was the desire for people to have a little piece of land in the country and they were willing to pay way above market value or even the value of the property and now it has to do with the sand

mining. So it does affect whether it is positive or negative, depends on whether you are being forced to live in a place that nobody wants to buy and don't want to be there or if you're being offered money way above fair market value because it is desirable for the mine. Brandt would like to hear what other people think about this and that is how Brandt is approaching this in helping to make this decisions. Brandt thinks we have not only the offer that these people have made to their neighbors but incidences in the past where mines or miners or corporations have dealt fairly with neighbors and other cases where they have done very badly with neighbors. Brandt felt the Woychik's would be a good example of that. It really depends on who you're dealing with. John Behling stated they believe this is an important issue and one that they are pleased to talk to the Committee about. Know that Sand Products, WI, because they are a company with so much experience, they have been in business since 1924, they've reclaimed mines, they've afforded mines that are now residential areas or state parks. Behling stated as I travel across Wisconsin litigating these projects or seeking permits, one thing that we talk about is our experience but also property value maintenance. What Sand Products of Wisconsin has done is to invite property owners that have approached Sand Products about concerns with real estate, we have provided with a written property guarantee, which if those people want to move during the life of the mine, we have two appraisals done. One appraisal is done as if the mine isn't there and one in consideration of the mine being there. What Sand Products of Wisconsin will do is, if the home doesn't sell, then they would be willing to pay that higher appraised value. That is part of the reason why, today, you heard some of the people who are abutting property owners register in favor, like Mr. Hoff, because we are willing to do things like a property guarantee. You currently don't have that in your Ordinance, it has not been a requirement in your previous conditions because it is not in your Ordinance. Sand Products of Wisconsin comes here voluntarily today and have agreed with this issue with property owners in order to say here is what we are willing to do that we think means value for your property. Behling thought it was something for the Community to know since it is one of the elements you talk about in issuance of the permit. Behling realizes it is not part of the Ordinance but again it is part of Sand Products of Wisconsin experience in the mining industry. This is something they are willing to do. Behling thinks it very much a positive for both communities, for those landowners and their families. Lien thought Behling just answered a really important question that Brandt has been trying to get an answer to. Lien stated Behling had mentioned that in their agreement with the landowners that there will be an assessed value with the mine not there and then the assessed value with the mine there and then pay the higher of the property values, so Lien asked if Behling was telling us that he is assuming there will be decreased property value with the mine there because that is how Lien understands it. Behling responded not at all. Behling stated in the event that people think that there would be a decrease then they would pick it up. Actually based on experience, Behling sees little change. If any, an improvement in valuation as they study the valuations of the mining entities that are already in Wisconsin. For example, Chippewa County, EOG Resources has had existing mines and all the properties that are sold in those townships have sold for either current value or increased valuation. So experience in Wisconsin dictates that property values are going to stay the same, but because land owners are nervous and aren't part of the agreement, which Behling completely understands, they agree to the voluntary agreement. Canestraight stated that one of the submissions that Lien read in was from Mr. McSherry which Canestraight has had quite a bit of interaction with and interestingly, he sent Canestraight the submission as well, and he attached the property value guarantee to the back of it. When Canestraight read his letter and what he is trying to get across and then read the very guarantee, Canestraight didn't think he paid enough attention to the guarantee that the idea is that one can maintain your residence and if things don't work out the way one would like them to one can have this property appraised. If one wouldn't realize the same amount of monies for that property that you would have otherwise, they will step up and pay the difference in that devaluation. Canestraight added that we are not promoting that they move, or promoting that they sell their homes, we just want to give them a protection and that protection will run from the start of the project until final reclamation at which time if they haven't moved, they shouldn't have an issue with the neighboring mine. Brandt stated there has been another aspect that has been raised, and mentioned the Woychik's again, but there are other people that have dealt with the issue in the same way and it has something to do with the ability of individuals to determine their own future. That is to say, what about the piece of property that is valuable to them above and beyond what the assessed valuation is – not just specifically subjectively, but objectively. If one invests in land, invests in property with the assumption (we've heard it today and a couple of times in the past) that one is investing in property in order to live here the rest of our lives, transfer this property to our children and grandchildren, make

it possible for our community to benefit by the conservation practices that we put on it or the effort that we put into the maintenance of adding soil fertility, etc., this is one perspective. Obviously Kindschy had made another perspective, which is he is going to harvest the sand and then put it all back and make it another thing. Brandt thought that was something else the Committee needs to take into consideration. What does it mean when someone who acts beyond the ability of the resources of the people and the community to respond to and in a way that has no match other than governing bodies within a community. What does that say about the ability of the people who live in the community and mining happens to make decisions for themselves, make decisions for their community and their future and their children and grandchildren, aside from the market value and aside from the dollar value that needs to be talked about in terms of property values as well. Low wanted to add that the statement Brandt just made also applied to landowners who are leasing their land. Bice suggested moving onto the second question if the Committee agrees.

2. Whether the proposed use is similar to other uses in the area.

Bice started by saying that what this is, is a legally allowed thing that we can do in this area, so this has nothing to do with mining. They are asking for a Conditional Use Permit and this is a legal conditional use for an agricultural area and so whether or not it is similar, Bice honestly doesn't know. He doesn't think there are any other mines right across street, he knows there are some fairly close. It is agriculture, the area is farming and hunting and that is pretty much the gist of it, so Bice's comment is that it is and was noted long before this Committee that this was an acceptable use. Bice called for comments from any other Committee members. Brandt stated there obviously is not anything of this scale anywhere along the Highway 53 corridor. We are talking about scale that is actually twice what the Preferred Sand operation is at this point. Although with property that they own, they would be more than the size of their operation. The other thing to take into consideration and this goes to our Comprehensive Plan as well as the Land Use Plan in the Town of Preston, Brandt didn't have to review it because he has been part of this process since the beginning of the land use planning in the County. There is no place in any of the town plans or in our Comprehensive Plan which talks about industrial sand mining on the scale that we are talking about here. Even in the description (and Brandt stated to whoever put this together that this was the best one he has seen ever) the kind of information that we don't require that was put in there which made it that much easier for Brandt to go through, starts that the description of the current use of the land is agricultural and recreational and that recreational includes hunting, fishing, snowmobiling (there is a snowmobile trail which runs the length of the proposed mine site) and in terms of agriculture it sits in some of the most fertile land in Trempealeau County along the Trempealeau River Valley. When the township looked at this, they understood that, at that point, this is best use for this land, so there was never any sense during the course of the land use planning process, course of writing the Comprehensive Land Use plan that this was even on their minds. Brandt would say there is nothing like this. There is certainly nonmetallic mining within the Town of Preston, but in terms of whether it is like this, on this scale, Brandt would say it just doesn't exist. Bice inquired how many acres they intended to have open at one time? Behling responded no more than a forty acre parcel at any time. Additionally, though from a size perspective, although they have over 700 acres total, know that they are only asking to permit 245 acres. So when one looks at the 245 it is substantially different than what one thinks, when one looks at the properties in the permit request. Brandt clarified that they are asking to be permitted for 245 acres, but Brandt's understanding is that they are asking to be permitted for the 700 acres – the 245 acres is going to be the mine site. Behling responded that was correct and that gives them a lot of room for boundary's, setbacks and a lot of viability within that property, but reiterated that it is only 245 acres. Equally important, Behling stated that at the end of the reclamation there will actually be more tillable farming acreage than there is now because many parts of that 700 acres is not tillable. Based on the scope and the proposed reclamation plan, at the end of the reclamation (remember this is a company that is very successful in reclamation) you will have more tillable land than is there now. Brandt responded that he has been aware from the beginning that applicants talk about creating agricultural property. Brandt stated what we are doing in reclamation is stabilizing slopes. Bice interjected stating that might be what Brandt is doing, but they said that they are going to end up with more tillable land when they are done and it is not Brandt's place to tell them that they aren't. Brandt continued that their plan says that at the end this will be reclaimed to ag pasture and hay meadows. They don't talk about corn ground, bean ground, etc. Brandt stated in their reclamation plan, on Page 17, they describe the reclaimed land as being ag pasture and hay meadows, so Brandt suggested that they understand (the people who do reclamation

understand) that it would be very difficult to grow corn on this property. Brandt would also suggest that if anyone thinks that it is possible just some visits with Badger Mine will discover the difficulty they have in just stabilizing slopes in the long term which they put a lot of energy into, so actually it is our job to call them on this. In responding to how much property will be open at one time, Canestraight stated the best management practice would be to minimize at all times what is open and exposed for control of the emissions and potential for control of runoff. We have to contain any exposed area and the storm waters from it. On the far south side there are minimal slopes that would have to be reclaimed. We'll be reaching both sides of the topography whereby this ends of being a flat reclamation. During the mining, in trying to keep the amount of material that is exposed or open property minimized, the practice would be to continually extract, which is quite minimum overburden and topsoil, to immediately replace those on the lands that have just been mined prior. So the stockpiling of topsoil, that you saw in the figures before, is just that topsoil from Phase 1. In other words if you think of it as a patchwork quilt, you would take a section and mine it, and as soon as you were complete there and opening up another section, those overburdens and topsoil's would get laid down and they would go into a reclaimed state immediately. The reclamation that they refer to as ag pasture, etc. is during the active mining phase, we won't be farming it, so that is kind of its' interim state, to reseed it and brought into pasture. It would be our expectation to place the same topsoil's, the same local rich and fertile topsoil's back onto the surface. Canestraight couldn't speak to the technology of the farming, but my expectation is those fields would be as rich in the future as they are now. Brandt read from Page 17 of the plan overview, "Post Quarrying Land Use – Upon completion of reclamation activities, this project will return approximately 141 acres to agricultural pasture and ag meadow. Quarry reclamation will return the current habitat and land use to the site". Brandt stated that would actually be a higher use, the habitat. Part of the land that you are moving away is currently habitat for wildlife to whatever extent, but that, Brandt thought, would actually be a higher use and he would suggest by sticking with 3.0 on Page 17- General overview, that the concept of hay meadows and pasture habitat that it would be a higher use for whatever is reclaimed. Behling stated they certainly understand the point but note that we are not the underlying property owner. Behling added the mining project is owned by the farmers and the farmers will control what happens after they finish their reclamation. Behling understood Brandt's point, but ultimately at the end of the project, and once they turn it back over and the property is reclaimed, the end use is up to the farmers who still own the property because we are only in lease agreements, we haven't purchased those properties. Brandt understood Bice's point that it is a permitted conditional use in an agricultural zone. Bice voiced what he thought were important observations. Bice has pressed Lien hard to make sure that when these soils are opened up, the A and B horizons are separated carefully. For those of you who don't know, Trempealeau County does have a reclamation that is mandatory. Bice's goal here, as part of this Committee, is to see that we end up with better land when this mining is done than we have today. Many people say that is impossible. Brandt almost mentioned that we can't ever achieve that so Bice is going to give two examples. Down in Trempealeau not to far from where Bice lives, they took a cornfield that a good friend of Bice's farmed for all his life and turned it into a golf course. If you are a hard core farmer you probably don't like golf courses and you like corn fields, but they literally took this sandy flat field and turned it into a beautiful golf course. They have lined that golf course with nice homes and if reclamation is possible, that is a great example. Another example is, many years ago, the DOT wanted some fill. They wanted it close in order to rebuild the road from basically the Centerville area into Winona. They approached a landowner that had a huge mound in the middle of one of his fields. They peeled the topsoil's back, they took the sand out, used it to build those roads, pushed those soils back in and they farm it very productively today. As of today, they are actually adding irrigation to that field, so it is very possible and this Committee is doing a good job to make sure that as reasonable a results can result in the future for use of this land. Bice stated if the Committee has any other comments bring them up otherwise we will move onto Number 3.

3. Take into consideration whether the proposed project is consistent with the adopted Trempealeau County plans or official adopted County/Town plan.

Bice called for any comments from the Committee. Brandt repeated that it doesn't. Bice's opinion was that we have a mandated reclamation and he thinks that 30 years from now, or 20 or 10, whenever that reclamation is done, it will be consistent with that and so for a little bit of having the property owner look at this situation and utilize the product that he has there, a little reconstruction to the land, Bice doesn't see any reason that it is

inconsistent. It might be a little bit of an interference. It is kind of like, if one drives through Winona today, they have one of the major roads tore up because they are rebuilding the railroad, and it won't be too long that railroad will be fixed and one will be able to drive through there again. Those are all things we have to deal with in life. Bice personally feels that this is an acceptable give and take. The whole thing is give and take. The world is not a perfect place. Upon suggesting to read #4, Radtke informed Bice that Numbers 4 through 6 were not real relevant. Bice asked if there was anyone present who felt the Committee should discuss those. Radtke stated that the list of the "Factors to Consider" are under our general Chapter 10 of our Ordinance which is our general Ordinance on conditional use permits not specific to nonmetallic mining. That is why Radtke believes Numbers 4 through 6 and actually 10 are also probably not applicable as it is a provision for sanitary waste disposal, potable water supplies, provisions for solid waste disposal. It may be applicable in other CUP situations but Radtke didn't believe it would really be applicable in this situation. Radtke advised that the Committee could go ahead and skip those.

7. Take into consideration whether the proposed use creates noise, odor and dust.

Bice asked the Committee for comment. Brandt stated between what the public has stated and what our experience has been, in this County, it is clear that there is noise, odor, and dust, even in those places where operators have done what they can to suppress dust with watering, containing buildings, conveyor systems, rail load out (noting the Preferred site especially). It is impossible to always contain the dust. The concept of the orange or dust covered snow in the County was an evocative image and that is an issue which is difficult to get ones hand on because it is connected to the health of the County and the people of the County. It is connected to the quality of life and it is fair to say that there has not been, from our experience, a study that shows absolutely where downwind or upwind or how near or how far from one of these facilities the fugitive dust becomes dangerous. That it exists, one can't deny. It's danger is an issue. Our very first speaker today, is the near neighbor who is downwind from the operation, who has three small children, who came back to this community after growing up here, and planned to continue to live here the rest of his life. This goes back to the issue that Brandt raised before. His plans have changed significantly. Now he has to go into lockdown mode because of the decisions that were made by his neighbor. As much as he is frustrated with what has happened in our schools, he is also frustrated that this has been brought to his back door. His suggestion was, and Brandt will offer it as a condition before we're through here, is to require, at no expense to him, monitoring on a regular basis (not just every other year or even every month) of the quality of his water, the quality of his air and the noise that exists at his property line. That cannot be denied in Brandt's mind. These are concerns that the neighbors have because they are real. Thompson asked what we do with the brown snow all over the country from farming or agriculture. If you come down to the prairie there is brown snow every time the wind blows and there is absolutely no mining being done as that is all crop land. Bice commented that the particles of sand that are considered the most damaging are under 10 parts/microns in size. There are over 26,000 in an inch. Those are very small particles. Bice questioned an expert at a hearing, actually in this building. I asked him if he could be sure that those particles are actually causing people to get silicosis from the extraction of sand and sand mining. He said no. From what Bice understands from a geologist that he talked to, for the most part, particles that small – under 10 microns in size, the 2.5's, don't exist in nature where we find this sand. And it goes back to the nature that actually laid this sand down and where it is. Silicosis is a real and horrible disease. For the most part, the people who have ended up with silicosis got it from industrially manipulated sand – that would be sandblasting and grinding and other type of things. It is Bice's observation and he has asked and he would like anyone to send him factual information on how seriously dangerous this is, many of you have sent me in depth information, but it does not come down and say, "yes you people are getting those 2.5's from the mining and it is dangerous". Bice will tell you, that if you have those particles out there and we can find them, then we will consider they are definitely dangerous, but from what Bice has gathered, we're not seeing that. Bice continued that our mining ordinance clearly talks about noise, dust and odor. While he would say again that it is a bit of a "give and take", we have to weigh that with the fact that we have people here that want to use a legitimate use of their property. If the Committee didn't have any other questions, Bice stated we will move onto the next point.

8. Take into consideration the provision of safe vehicular and pedestrian access.

Bice stated we assume that means how many vehicles are going to be on the road. Bice understands this application does have a fair amount of trucking initially, but as it progresses you are hoping to get this pretty much all on the rail. Behling responded that was correct. Bice asked them to state as to what their application actually suggests. Canestraight responded the application is for the sand mine site and for trucking transportation at this point. Bice brings that point up because it appears that the sand industry has changed enough that we are working toward most of the trucks ending up on rail very soon. While it is irrelevant to this meeting, we don't regulate truck traffic. The less trucks on the road the happier this Committee is. If you are able to follow through with a rail someday, we think that is a good thing. It is dangerous. Every time there is a truck on the road that is one more potential problem. As a Committee we look at that and we try to make good intelligent decisions, hoping for the best but it would be our goal that the less trucks on the road, the better, but we have to weigh that all as a consideration. Canestraight would go ahead and suggest that today we are asking for a review of the application as submitted, but the reduction of that impact and those ton miles on the road, that is what we are working towards. We are evolving the rest of the industry towards that realm. Brandt stated we do regulate truck traffic. We do tell people where they can go and when. Obviously we have hours of when they can travel the roads and we can put conditions into our CUP's that tell you not to go on the roads with your trucks when, for instance, school buses are on the road. It is very difficult to regulate where trucks are going because nobody can tell us where they are going. In the last year or so, we have seen a lot of applications with the caveat, "depending on the market". So what it is that we're doing and what it is that the DOT is doing, in trying to monitor truck traffic so as to better plan for the replacement of roads (the Committee in the case of County and town roads) is road use agreements. These become problematic when operations come to us and say, "We are going north, south or east". Brandt's believes them when they say they don't know where they are going because they don't know where the market is. At the same time it makes it very difficult for us to plan for the future. One of the things that is particularly problematic is intersections. The intersection at State Highway 95 and 53 (by the Kwik Trip) is a very difficult and dangerous intersection. Brandt's understanding is that the DOT has indicated they plan on changing that out sometime in the future to make it at least as safe as it was before they fixed it before. The other thing, in terms of intersections, is in communities, for instance, if you're going west (although there is not plan for this in this plan) and you were to come back and ask to go north and then west, you would end up going through Whitehall (other mines have done this) and Independence on two intersections which are clogged at this point. For instance, once you are in Blair there are issues related to the corner where the Dollar General is located. Brandt stated we do regulate, we do tell them where they can go and we do regulate truck traffic and when they can go. Low commented other than the access road aren't they just asking for State Highway use. Brandt responded yes. As part of the CUP, they agree this is part of their plan. It is stated by Canestraight, early on, that they agree to abide by the plan as it exists now. So the question is, if we are to, or in this case the DOT, is to make plans for future work on roads, they need to know what kind of traffic counts they are going to have. In order to do that they are going to have to know which trucks are going where. That is part of what we report to DOT. Low understood that, but stated we, as a Committee, can't regulate transportation on State highways. Brandt responded we can tell them when and we can tell them where. Bice stated just on our CUP, we don't tell traffic where to go and when they can, but if they're working on a CUP then we have the ability to regulate that. Low stated he lives on Highway 53 by a school but I can't tell the company that they can't ship in front of my house because I live next to the school on Highway 53. Brandt replied Low is not the regulatory authority. Low responded none of us are a regulatory authority. Brandt stated actually this Committee is the regulatory authority. Low responded not on State highways. In terms of truck traffic related to CUP's that we grant, Brandt stated we are. Canestraight commented that he sent some correspondence to officials, in the City of Whitehall as well as a concerned hotel owner, (that wasn't in the TIA (traffic impact analysis) because there was no intention to travel north and suggested that.

9. Adequacy of emergency service and their ability to service this site.

Bice asked of Canestraight if they are willing to keep the site very accessible. Behling responded "absolutely". Brandt stated it is clear from that their application that they will be using flocculants. It isn't designated a hazardous material. There are some hazards related to it – environmental hazards as well as just slipping around and one doesn't want to be breathing it, etc. In the past, one of our conditions has been, that training of local first responders is required based on the kind of chemicals that exist on the property. That is something

the Committee has taken into consideration in the past. Canestraight responded complying with MSHA standards at a mine site would certainly have all the employees on the site well advised as to what is on the site and the appropriate handling in an unfortunate circumstance.

10. Provision for proper surface water drainage.

Bice commented the plan and presentation adequately address that. Brandt reminded the Committee that we have been told any number of times that the mine site will be internally drained. That is the box they checked on their storm water management plan and yet it has been difficult, in the past, for mining companies to adhere to that. Brandt understands the plan as written will make it possible for this to be internally drained. Brandt hopes that the Committee will look backwards as well as forward and remember that this has been difficult or impossible.

11. Whether or not proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly related to scale and design.

Bice's comment would be technically, it says "visual harmony with existing buildings". For the most part there are none or they are away from other structures, so while they don't look like anything that is there now, Bice didn't think that they are offensive to any surrounding buildings. Upon inquiry, no other Committee members were forthcoming with comments. Bice explained, for those who didn't know, the Committee is going through this list which they have had for a long time, and if nothing else to get a better understanding of how the Committee is getting through these and making decisions. Bice thought it would be important for the people here to be able to understand a little bit about how we foresee this and how we approach it.

12. Whether the proposed project creates excessive exterior lighting, glare, spillover into neighboring properties.

Bice asked the applicant for input. Behling wanted the Committee to know that downward lighting, shielded lighting will be used wherever possible, and wherever allowed by MSHA, in order to reduce glare with any style of light necessary. Behling stated by all means that will be incorporated. Brandt thought it was important to point out there is no lighting there at this time and it will be a significant difference from the current look and feel of the road. We've talked about roads before but Brandt thought it was important to point out that, a quarter mile – the length of this property, is a no passing zone. Brandt has traveled this curve (Kindschy corner) for as long as he has been here, as has everyone and in all kinds of weather, and this is a very long curved section of a federal highway. It can be, at times, deceiving because one thinks it is going to straighten out and it doesn't it just keeps turning and turning. One of the things that lighting does when it comes to foul weather (snow, rain or fog) is it creates a sense of something else other than what is actually there. Brandt understands locations, in terms of where the operation is. Now that the leaves are off, if one looks to the east from Highway 53, between State Highway 121 and this site, one can see the rail load out for the Preferred Sand operation. That is the kind of lighting that we are going to be expecting either down the line or during the mining process and it is something to take into consideration. It will change the nature of the landscape, not only physically during the operation itself, but also in terms of lighting and sound.

13. Whether the proposed project leads to a change in natural character of the area through the removal of natural vegetation or altering of the topography.

Bice called for any comments. Upon Brandt's prompting, Bice agreed that we are going to be changing the topography. Bice added some people would think that is a negative thing. Bice pointed out the two areas down in the southern part of the County (golf course and road improvement project) which was a change in topography, no bigger impact.

14. Whether or not the proposed project would affect the natural beauty.

Brandt stated he has learned from being on this Committee that there are some people who consider the natural state or the existing state of our landscape to be absolutely beautiful. The existing state of our landscape has only existed, as we see it now, since people stopped pasturing hillsides. Some Committee members will remember times when what we consider to be the most beautiful part of our landscape, which is the trees on the hillside/hilltops, didn't exist because there were cattle on those hillsides. Brandt happens to think that cattle on hillsides are more beautiful than just the kind of popple and birch, etc. that come up when one isn't pasturing. This is a personal preference and, unfortunately, this is subjective and that is what makes it difficult to see. We've toured mines which Brandt thought was just the most outrageous insult to the environment and people around me were just awed by the ability that we as humans have to change landscape and to do things with

machines in the landscapes. Though it is a subjective thing, Brandt is guessing most people will say that looks pretty weird or that is kind of ugly, but there are those who say, “Wow, look what they are doing there, that is really something”. This is way too subjective at this point. There are landscape engineers who will tell you what human beings feel most comfortable with – long views, distant hills, running water, glimpses of lakes, certain sorts of mature trees. Brandt would be hard pressed to say that we have the perfect landscape, but we do have a unique landscape. Behling stated one of the conditions the Committee would be seeing today relates to the issue of aesthetics. Through all the applicants meetings with County staff and communications, there was never a concern raised about aesthetics. This morning, when Behling got the conditions, at 9:02 AM, they saw that there was a concern about there not being aesthetics. Had it been raised before, Behling stated they certainly would have addressed it beforehand, but since it is being raised now, there are still a number of things that they certainly believe in an attempt to be reasonable, in an attempt to show that we are forward thinking, there are some things that we can commit to, today, to get to the aesthetics issue. Behling was going to have Canestraight walk the Committee through a couple of things that they are willing to self-impose as conditions (the Committee is welcome to address those conditions), to get to the aesthetics and what this will look like. Canestraight explained some of the things that they have considered in approaching this operation would be that it is essentially up in the air which makes it high profile because of the elevation along State Highway 53 and the elevation they will be mining at. They believe it would be important to proceed through the mine in a way that they attempt to leave a vertical buffer in addition to a horizontal buffer. The vertical buffer could be minimized at the Highway 53 edge/boundary because of the line of sight from Highway 53 so whereby in the middle of the mine, or towards the back edge of it, one could have 50 or 70 feet of no ability to see what is happening on the mine floor. At the end, Canestraight would say they would go along and remove that vertical buffer which would look like trying to buffer (leave the grade on the ridge and have a vertical wall on the backside to the mining floor). Canestraight thought that would be one way to alleviate the movement of equipment or activity that would draw the eye, which is of a concern. Canestraight didn’t know what folks were necessarily imagining when they put a fire hydrant red plant in a neighboring county, but evidently they wanted people to focus on their plant. Canestraight wasn’t sure that would be the case for them. A natural colored type plant, with certain portions of it covered with corrugated siding would be more appropriate for a design of theirs. Canestraight thought that would also minimize movement and activity going on within the wet plant, the sand mine, the clarifier and the back end of the sand process. There would still be conveyors that leave those structures or systems, but Canestraight thought it would help it blend into that ridge. Canestraight offered that the mine would then be set against a backdrop so the horizon wouldn’t be behind it or blue sky because there would still be 60, 70 or 80 feet of existing ridge that will always stay, so that will be a distraction to the visual eye. A busy background with grass and trees that will almost camouflage the mine.

Lien appreciates the fact that they are willing to do some changes, but he stated his staff reviewed five different plans in five different days – once again putting “the cart before the horse”. Lien added they are willing to make changes based on some input that came about earlier this week. Yesterday, Lien attended the Driftless Symposium and while there, two different speakers brought up Taylor Frac – saying no one hears about Badger Mining. Nobody complains about Badger Mining because no one sees Badger Mining. They get repeated complaints and inquiries on Taylor Frac because it is right along the road. Lien added our Ordinance has always stated “aesthetics”. This Committee has chosen to overlook aesthetics but it is in the Ordinance. The Driftless Symposium reminded Lien that (like a junkyard or manure pit) “out of sight, out of mind”. It doesn’t make things right, but it reduces a lot of issues. As the plan was submitted there was nothing “out of sight, out of mind”. Canestraight had stated there is a possibility of revising some of the plan so that some of those issues could be fixed, but as the plan was submitted, they really haven’t. Staff went out yesterday at about 5:00 PM and did a quick video of the site as it exists today, and of Taylor Frac as it exists today, so that the audience can see what staff is talking about – aesthetics. Lien offered that if the Committee wanted to look at that. Bice stated that the applicant indicated they just got these conditions at 9:02 AM. Behling clarified that was correct. Bice asked Lien why they didn’t have it before then. Lien responded staff didn’t have the final draft done until yesterday sometime. Radtke was in a meeting and he and Lien weren’t able to meet until this morning. Lien added these are the staff recommendations and they still are not final. Lien didn’t want to give them out because they are subject to change as well as Committee approval so they can be added to or deleted throughout

this process. Lien stated as we have been sitting here today, he has four more conditions. Behling responded One - these conditions are not like the Town of Preston conditions. Two - Behling was told he would receive a copy of the conditions last Friday and he didn't get them until this morning from Corporation Counsel. Three - a number of these conditions are unique to Trempealeau County. Of the twenty five mines that the County has permitted, there are conditions in here that are very unique so it makes it hard to come to a hearing. Behling stated he had been in communication with County staff but they never raised the aesthetics issue. In short order, they just got the conditions at 9:02 AM but they are willing to offer accommodations to alleviate those concerns. Lien responded that historically staff has never given out conditions to anyone. Lien stated he has had e-mail rapport with Behling and also Nick Henneman on this issue and it wasn't a stall tactic, the conditions are changing as we speak. Lien reiterated that staff has never given out the conditions in advance. We're not trying to hide things, but aesthetics has become more prevalent because of the active mines and where they are located. Lien explained that staff gets complaints about the Soppa mine and the Patzner mine. We don't hear much about the Alpine mine or Arcadia Sands mine because they are "tucked in". Lien added that aesthetics has come forward and staff would not be doing their job if these were "canned" conditions. They should be site specific conditions based on the site specific application at each location. Lien stated it wasn't by any means a stall tactic as it is a work in progress. Lien added this County should have put in an overlay district three years ago. An overlay district would dictate where mining should or shouldn't be. Nobody is opposed to mining, but there are places for it and there are places that it shouldn't be. Lien listened to the Chairman from Dunn County yesterday who gave a presentation on their overlay district. Eau Claire County also has an overlay district. It would give this Committee better tools and gives the people that own the land better tools. Without that, we have these random applications where there are site specific issues, with no hard criteria set for pros and cons. Lien added that with an overlay district one sees some of those. Bice stated we need to talk about this in the future within the Committee. We need to give them all the recommendations that we can as they shouldn't come into the meeting blindsided. We need to try and resolve that ahead of time. We have the application ahead of time, we have all the specs ahead of time, so we need to try to do that. Bice stated what the applicant has indicated is that they are willing to work with us a little bit on trying to deal with aesthetics. Bice thinks given that information we need to move forward. Canestraight responded , in what was just offered, those are things that have been considered to the level that they would add those specific practices in to the narrative for the mining description. Canestraight considered the submission. They have talked to neighboring property owners about this issue and have addressed their concerns and offered solutions. We know this isn't just about getting past permit approval. One still has the operating activities and practices over a long period that is going to be scrutinized. One has to commit oneself to minimizing that affect going forward. Canestraight stated that as far as a change to the request, they are just providing detail - if a condition is going to be offered that applies to that, here is how we might work with that. Brandt thought it was important to remember that they are coming to us to ask permission to do something. As the regulatory authority, it is our role to consider they're suggestions, the needs of the public, needs of the property owners, and to craft/give a permit based on all of those. They have talked about their willingness to work with us, if in the course of this discussion, there are a number of conditions that the Committee puts on, they have to do that. They don't go back, change their plans, then they don't have to abide by the condition. Rather, they have to abide by the conditions that we place on them whether they come from staff or Committee. That is the nature of this relationship. They are appealing to us to do something which they otherwise would not be able to do without our permission. Brandt thought it was important to remember that. Bice wished that the applicant would have been given these conditions a few days ago. (from what Bice gathers and in the future we're going to talk about this). Bice realizes that everyone has been busy and this came up kind of quickly, but it seems to Bice that since they weren't asked to address these issues, specifically, and they didn't submit this, they are willing to work with us now to accomplish an aesthetics thing. Bice thought we just need to accept their offer. This is on public record that they are willing to work with us and kind of move forward. Bice asked if Lien was ready to list all the additional conditions. Radtke stated that in addition to the other sixteen factors that we just went through (that is under Chapter 10 in the general Ordinance under CUP's which the Committee needs/should/or is permitted to consider) in granting or denying a CUP. Chapter 13 directly speaks to nonmetallic mining. Under Chapter 13.01 it says, "in addition to taking into consideration the general criteria of granting a conditional use permit under Section 10.04, the County must specifically analyze nonmetallic mining proposals in light of the County's interest in providing for

1) a wise use of natural resources of the County, 2) aesthetic implications of the siting of such a mine at a given location, 3) the impacts of such mining on the general health, safety and welfare of the public. Radtke understood that some of that is a carryover or duplication of what has already been discussed, but again our Ordinance says that this Committee must specifically analyze these items in light of this proposal. Bice stated the first one Radtke mentioned was “wise use of natural resources of the County”. Bice asked for Committee comment. It occurred to Brandt that of all the people involved in these companies, these LLC’s have been farming in Trempealeau County for a long, long time, if not for generations. Again, serving on this Committee probably longer than just about anybody, Brandt does remember conservation awards that the Committee would give out. Brandt had asked Judy Betker to check to see if any of these farms had ever been given awards for conservation. Brandt’s point here is historical. Obviously things have changed significantly in the last forty years when it comes to land use. The County has changed significantly in terms of agriculture. In fact, the County has stopped giving out conservation awards because conservation ceased to be an issue in the minds of not only the State but in the reality that existed on the ground. Historically, the Kulig farm has won more than any number of awards and in 1977, specifically, Fred Kulig was given the Soil and Water Conservation Award for that year. Brandt read aloud from the Awards Banquet book, “Fred Kulig is particularly happy with the pond he has constructed (also an issue the Committee needs to address) on the property. The pond provides recreation, fishing and wildlife habitat. His quote is “conservation is good for the present but also for the future”. “This sums up Fred’s desire to continue the improvements that make their farm a conservation winner”. Brandt stated, again this is what’s changed in our Committee, significantly. This Committee would, as in the past, give people awards, for much like what Ron Henry was saying, for the people who would make it possible to sustainably produce a product that would benefit not only themselves, but their neighbors, the environment and the County as a whole. One could almost put it in terms of a business. You sell your product, you take your capital, you create the process/product and you sell it and you keep doing it and when you have to sell your capital that is when you come to the end of the business cycle. Brandt’s suggestion is that, although this is certainly beneficial to many people who are involved in this process, it is not a wise use of the natural resources. Bice asked if Brandt was assuming that because they are going to sell sand they’re also making a huge void on the earth that is no longer going to be productive. Brandt replied he is saying that they are selling the natural resource as opposed to preserving it. Bice doesn’t see that as relevant. Bice said he understood Brandt’s point. When they get done with the earth, they intend to have it as good as it is today, that is part of the reclamation and to assume that it is just going to be a wasteland when they’re done is inappropriate. Behling made a comment inaudible to the recorder. At this time Bice mentioned we are under time constraints so we will need to move from this room. Bice announced that because of time constraints on the gymnasium this meeting will be moved to the County Board Room in the Courthouse and at 3:00 PM the meeting will be reconvened. Bice apologized for the inconvenienc and then temporarily adjourned the meeting.

Bice reconvened the meeting at 3:00 PM by reiterating the part of the mining Ordinance that requires the Committee to check with the wise use of natural resources. Bice called for any other Committee comments. Brandt mentioned the other resource that the Committee hasn’t talked about is the Trempealeau River. The subject of a significantly long watershed program here in the County. We have put a lot of energy and resources, both at the State and local level, into preserving the river as much as possible. Brandt understands that river health is like everything else in the natural resource biz is changing in terms of how people view it and what makes a healthy river, etc. One thing that doesn’t make a healthy river is if you dump a couple tons of sand in it, or to eat up the river or to poison the water. For Brandt, there are a couple of issues related to the river that this application raises. One has to do with the use of flocculants. Brandt understands that with the processing facilities on the other side of the highway that this is a significant distance, Brandt didn’t think was a long enough distance to the river, whatever flocculant you chose to use in the settlement ponds, if it raises it will poison the water. Canestraight interjected stated they won’t have settling ponds, this is a clarifier filter press treatment system of sorts. Brandt responded so much the better. It seemed to Brandt that the issue of the wetlands related to the river, in terms of the second phase – which they are not asking to be permitted for right now – is something that we should deal with separately. It’s Brandt’s feeling that if we’re going to do any permitting, we permit their operation to the west of Highway 53 at this time. There are many issues related to DNR permits, having to do with the wetlands and the river itself and whatever construction they intend to do on

that side can best be dealt with separately. Obviously, if we permit a mine which includes that side they're going to have to come back anyway. At some point, whether appropriate or not, Brandt made a motion to amend the permit to include just that part of the project which is west of State Highway 53. Committee consensus was that is all we're talking about. Brandt knew that but they're permitting all 700 acres, which is to say everything to the east of the highway as well. Bice called for a second on Brandt's motion. Motion failed for lack of a second. Bice stated another issue the Committee needs to discuss and take into consideration is: aesthetic implications of the siting of such a mine at a given location. Brandt expressed that he would like to see what staff has on videotape. Brandt felt if staff went through the effort of making the video that the Committee should look at it. Behling objected to that as they think their application should stand on its' application and that they should be judged by the application, not judged by another operator. Behling believes what they offer is superior, they have exercised that and they've shown that through things like the property guarantee. They believe their plans are going to be first rate and sophisticated, so Behling didn't know what benefit there is, at this point because it has already been a long day, in showing a video of another plant which is radically different from their plant. Bice asked the Committee if they felt the video should be shown. Lien commented that one of the videos is of the site as it exists today. It does show this site and Patzner had mentioned that he had never driven by. This would show that particular site and then Budish also videoed, from the highway view, what a typical (not this one) processing site looks like. Thompson commented this one is going to be further off the road than Taylor Frac. Low stated it is unfair to judge this applicant on somebody else's process. Low wasn't opposed to watching the video but we can't make conclusion of this permit application based on somebody else's. Thompson thought we could see the video on this site. Lien felt it would give the Committee a good representation of topography and how topography is similar. Lien agreed no sites were comparable, but in general terms – topography wise – it will give the Committee an idea of what one will see from the road as the plan is presented today. Behling stated they have no objection to seeing the video of this site, but to compare them to Taylor Frac, which has already been named as not a typical plant, and not like this proposal, so at that point we'd ask if you want to see this site, we have no objection to that. Behling stated they didn't think staff should show what they believe is an operation that is completely different than theirs. Behling asked that the Committee stand on their application. Bice's choice was to view the video of the site but to leave any other site video out. Upon Bice's inquiry as to whether the Committee would be wasting time just watching one of the videos, Budish responded it would give the Committee a good idea of what this proposed site is, going south along Highway 53. Budish added the Committee would see the aesthetics. As the plan presented beforehand, there was nothing for aesthetics. Budish stated where the cartoon plant is on the map, right now, is right out in the middle. There are no berms submitted in the plan whatsoever to keep it out of site. Committee consensus was to watch the video of this site but not of any other site. Canestraight inquired what should have been in the plan. Budish responded there were no aesthetics, addressed with that condition which was drafted up, and that is why it took so long for the conditions to be completed to begin with. Budish added the conditions were not printed off or fully approved until this morning that is why the applicant never received them. Canestraight acknowledged that was understood and again asked what was missing from the plan. Budish stated the whole wash plant facility is out in the middle of the field. Bice added there were no trees or berms, etc. to block that from view of someone that is looking. Budish added with every other plan submitted before from anyone else, they have always addressed it with the berms and that is why there is such a stipulation with aesthetics on this site. Bice asked when staff figured out that the plant was sitting out there in an objectionable place. Budish responded we are addressing it with the Ordinance. Lien thought Budish's point is that all along staff (Lien has read it every month) has read the factors to be considered for adopting conditions. It states right in there aesthetics and most of these sites are not located right on the mainly travelled corridors. The DLM gets repeated calls saying, "Why did you guys allow that site outside of Taylor that is so visible". Lien explained it is in Jackson County so we didn't allow it, but aesthetically everyone travelling down the road sees it as it is very visible. Lien said other mine sites are somewhat hidden so you have to physically look for them. Again it is just a staff recommendation, but staff looking at this from an Ordinance aspect which is staffs' job, aesthetically they need to look at other sites. Every one should be based on its' own merit but aesthetically being located on the outside of a curve, you're not going to be able to hide this site. As it is submitted today, Lien stated aesthetics was completely overlooked. We have talked about noise and other things associated with the "draft" amendment to the Ordinance and had Alpine Materials tucked their mine

behind a hill, Mr. Winey wouldn't have a noise issue. Lien reiterated site planning and aesthetics should be taken into account. This operation is really difficult because they can't really come in from the backside anywhere. We have always conditioned that the trees at the upper most points of elevation should be left for aesthetic reasons. This site doesn't have any of that taken into account because they are doing a lateral drop, it is not a bowl and it is just really hard, when looking at aesthetics how one makes that flow. That is definitely a factor that we should be considering. Behling thought there are two very relevant points here. First, under the third party review we know that the land use office appoints who does the third party review. The third party review is done to make sure that we have met the standards. Behling quoted the third party review: In summary, the reclamation plan that was submitted is complete, concise and detailed. Behling thought that was very important. Two, if one were to look at the front page of your last four twenty four permits that were issued, no where do you see the word aesthetics, deny or lack of aesthetic proposals, in this document that is put before you today. Again, the document Behling was told he would get last Friday, they didn't get until this morning from Corporation Counsel, after the hearing had started. Lien responded for clarification, the third party review is an environmental review it has nothing to do with aesthetics or the Ordinance. Brandt agreed with Lien. Brandt stated this Committee hasn't taken in all of the considerations that we can when siting all the conditions we should in approving and/or siting these operations. Aesthetics has always been part of it. Brandt commented that you all know that this landscape is unique in the plan and that what makes it unique is the second plateau. Draws, coulees, hills, valleys and what is happening here is that is changing, incrementally now. But with this application especially, in a scale or size that needs to be looked at more closely. It has never been this Committee's feeling that everybody will be or should be treated the same. Every one is unique. We got into a groove and started to change up how it is we approached these. Obviously the operators have changed how they approach this because we don't talk to landowners anymore, we talk to consultants and lawyers. So this is an ongoing, evolving approach to land use in Trempealeau County. Because you didn't see the word deny or you didn't see the word aesthetics doesn't mean we shouldn't be taking that into consideration. Thompson commented we're not faulting these people for not having that in there, we're just pointing it out.

Canestraight stated that earlier we addressed in conversations some of those interactions we had with the abutting property owners. Becoming aware that you were concerned about this, Canestraight stated they have offered up some of the solutions, we have offered to them in conversation. These people will look out their homes and have a view of what is done on that property and what they proposed is again that top vertical ridge on the top of the mining operation so that it isn't a table top high profile operation. They think that can be very well accomplished because standing at grade and looking up at such a high elevation, that has a false dormer of sorts, you would then have a line of sight up over that and we can block much of the rolling equipment or extraction equipment. On the plant or equipment basis, we feel that the look of the plant will have a very similar look to other metal corrugated barns or storage type units, and considering that certainly covering the side of the plant that is exposed would be the focus. He doesn't recall, interacting in the development of the plan, there necessarily being a section on addressing that but certainly want to address it because it has been raised up as a significant concern. Canestraight did think it was appropriate that they at least share with the Committee hiding that plant on that parcel is an impossibility and that needs to be clear and he wants it to be clear. They didn't have the expectation that the plant would be hidden. The topography of the land climbs continually from the highway, so expecting that one would build a berm along the highway corridor, it would be a monstrous berm. Canestraight thought that would be more opposing looking because it would attempt to block your entire vision of the property. Canestraight thought their proposal to make a plant that fits into the other type structures you might see in that corridor on an agricultural or barn basis, etc. could be appropriate. At this time, the video was shown (on file in the DLM office). Canestraight requested that Budish put up the "before" and "after" photos of the bluff. Brandt commented that the way he read the Ordinance in the past, these issues that the Committee is supposed to take into consideration are not necessarily having to do with what sort of conditions we put to a permit but whether or not we grant a permit. Whatever land use is being asked to be permitted just does not fit in with the surrounding land use, does not fit in with the landscape, does not fit in with the existing architecture, or for that matter is so aesthetically unappealing, those are grounds for denying a permit, not for attaching conditions to it. Obviously this Committee has moved in a little bit different way. Brandt understands where the discussion has gone to and where it is coming from, in terms of that we are raising an issue, they're offering

to meliorate, but Brandt thinks the language that is in their now is more giving this Committee the leeway that it needed to deny permits based on these things as opposed to just requiring them to do something to fix it. Bice commented that may be Brandt's assessment but he didn't see that at all. Bice inquired of the applicant as to how many family's, from their home, would be looking at the processing? Directly at the facility, Canestraight responded Andy and Julie Nehring, and Bonnie (Kindschy) and Ramon Kohnert. There are others but they are partners in the Highway 53, LLC, so he feels it is a somewhat small tally of folks that inhabit the area that would have a direct view of the plant. In response to Brandt's earlier question, Behling stated breaks are good for a number of things as they did have a chance to look at Preferred Sands permit and 350 acres were permitted in that application. Bice called for any more comment from the Committee on this question. Brandt stated Radtke had just corrected him that it is to grant, deny or approve conditions.

Bice read the next item the Committee was to take into consideration: the impacts of such a mining operation on the general health, safety and welfare of the public. Bice commented regarding general health. He has done a great deal of research. He has asked many times at these hearings on public record that people submit him the dangers of sand mining. Lot of them have said that, we have diesel exhaust. Bice can tell everyone that he used to plant 600 acres of corn a year and he did that on a 4000 tractor. Across these fields and under the right conditions (quite often he is allergic to sulfur) he would quite often have to stop and breathe fresh air for a while because the sulfur from those emissions bothered him. They cleaned the sulfur up and Bice can breathe diesel exhaust all day long and it doesn't bother him a bit. He assumes with less sulfur there is also less other pollutants from diesels. As Bice said before, we are moving in a direction of less trucking, no matter what, mining is not feasible with a lot of trucking, so the trucking issue, Bice thought if we consider we haul a lot of corn to town in trucks, we haul lots of milk. We do a lot of hauling and for the most part trucks in the sand industry are not going to be a significant contribution. They will be a contribution, but again life is full of give and take. That is health. Trucks on the road are clearly a danger and Bice said that earlier. Bice is going to take the approach that we won't have a huge number of trucks. Bice called Lien and stated we're going to have such an incredible trucking problem because we were permitting many mines. Those trucks didn't exist. Today there is not a single truck heading to Winona as far as his knowledge. Bice made a trip to Arcadia today and then to Whitehall and he didn't see a single sand truck. He is assuming no one is trucking sand today. In addressing safety, Bice thinks (keep in mind Trempealeau County is one of the County's' that has a very strict Ordinance) we have huge safety issues. As we discussed earlier, we have already talked to the DOT, we've talked to many other rescue people. We've made it very clear that if one is going to have this sand mine and the facilities that go with it, one needs to be able to get in and out with emergency equipment. Bice sees a little safety issue, but in general, it is less than having a school bus on the road. It's less than having a school bus on the road in fog. In addressing welfare of the public, Bice commented that last Saturday or Sunday, a huge article in the LaCrosse Tribune talked about the fact that unemployment is literally up in Wisconsin so no matter what people say, we still need jobs. Communities and local government cannot function without people paying taxes and contributing. Bice happens to believe (and he has been scolded for this) that jobs are a positive thing for society and if we can do this without too much of an issue, he thinks the jobs are important. That is how Bice addresses health, safety and welfare. Patzner stated they are putting all this sand on the railroad and inquired if the railroad was able to handle all of it? Bice stated at this time no, but that is probably another issue. Patzner asked if they were going to build another track, etc? Bice responded apparently they still have hours that they can haul, so Bice couldn't answer that for Patzner, but added they can haul a lot of sand. Patzner heard about a problem in Winona when they have to cross tracks it costs them a lot of money. Bice commented we'll ship it out of Trempealeau County and see what happens. Brandt stated he had to take the opposite view. On all of those things, a number of people have come forward today, and not to Bice's satisfaction, discussing the health issues that are related to this kind of operation and they have been listed before. Brandt thinks whether it is real or perceived (mentioning Andy Nehring) the quality of their life, and the health of their family is in their minds endangered by being this close to an operation of this size, of this nature. To do with welfare and to some extent public safety, Brandt stated it's the polis - meaning what all of us together as a community in Trempealeau County or the State of Wisconsin or the Town of Preston mean to each other and how it is that we interact. Brandt tried to make this point earlier that what has happened now is that something from the outside has injected itself into our polis or our civil society which has changed the nature of

the relationships of the people within the community. In Brandt's mind that comes under the heading of welfare. The health of the communities is based on the health of the schools, the willingness of people within the community's to work together to benefit the community's and it has to do with the willingness of people, not just now, but in the future to locate here and to live here. A number of people in this room, as well as in past hearings, have mentioned that what this Committee does by its' decisions is to send a message to people outside and inside the County that we have a vision for the future of the County which is not consistent with our Comprehensive Plan and not consistent with our Land Use Plan and therefore not where it is they want to be or where they want their children to be. In that sense, the health issues in terms of the particulate matter, the diesel exhaust, the particulate matter, the amount of traffic on that particular curve, especially in bad weather, all the other issues related to storm water runoff, groundwater quality, surface water quality, that is something that can be discussed. Brandt's point is this has made a significant change to the community that exists. Brandt is not the only one who feels that way and he is not saying that makes his right but other people had mentioned it because other people observed it. Brandt thinks that is a danger here. In Brandt talking about community, Bice stated this mine and adjoining facility's (processing and whatever they end up doing there) involves about 1% of the people of Trempealeau County. Bice continued that all the lists/things that we are going through the majority of it talks about basically the rights of the public. That is all good and wonderful and that is important. We also have to talk about the rights of the people who own the land and pay the taxes on it. They have the right to be able to as long as Trempealeau County will give them a CUP, they're meeting government regulations and rules, they've submitted an application. Now we have to sort out who we are going to honor. Are we going to honor people that don't own the land and don't like this or are we going to offer them to follow through with what they are legally allowed to do. While Bice understands everyone's concerns, very important concerns, he thinks it is their job to not only look out for the people in general but to look out for the property owner also. Patzner asked if anyone knew how the land is appraised on the sand mines. Bice stated there are definitely some tax repercussions that come into place here. Patzner inquired if anyone has ever talked to an accessor to see what he assesses sand mines at? Bice responded no and that was not part of what we are here for, but it is definitely a huge issue. Lien commented it is a factor to consider. As far as how assessment is done, Lien explained it is not done by a local assessor, it is done by a commercial assessor out of Madison. The land that is actively being mined does pay a little higher type tax. The land that is not actively mined, that is still permitted, stays under agriculture or whatever the current zoning or the use of it would be taxed, but only on the land that is being actively mined is there is an increase in value. Upon Patzner's inquiry as to what percentage, Lien responded he was unsure because it is based on each assessor and each one does it differently.

Radtke stated Chapter 10.04 of general Ordinance regarding Conditional Use Permits requires that in approving conditional uses, the Zoning Committee also shall determine that the proposed use at the proposed location will not be contrary to public interest and detrimental or injurious to public health, safety and the character of the surrounding area. Radtke knew some of that was already kind of discussed, but again that is a finding that our Ordinance requires. Bice commented that if you head out on the road today, you're taking your life in your hands, anything can happen and that is the way life is so while this is not perfect, Bice does not see this as a problem or a detriment to society. Low commented he doesn't see it as a detriment to society because we need energy. We need these products. We have to have this to function as a society. That is just the way it is. Farmers need fuel to run their machines. We need fuel to drive our vehicles and to gas our school buses. This is all helping with that process. What is forgotten about is the individual property owners here. That is their property that they want to sell. It is their capital as Bice had mentioned. Low stated people should be allowed to sell their capital if they want to. This is America. It is a free country where the rights of the individuals are protected. It seemed to Low that a lot of this discussion is forgetting that. Low added we all as board members, as Supervisors take an oath to uphold and defend the Constitution. This is a constitutional republic. People have rights to their property. If they want to sell their property, they have that right in America. This is a perfect legal activity, it is commerce, it benefits the entire population not just our County, this commerce – the production of energy. Development – this is good, all good, this is progress, the good kind, in Low's opinion. Thompson commented everything we use in the country is either grown or mined. It all comes from the land. Patzner commented that he lives on County Road J and they built a new state road there. They took ground off of the banks, etc and put it in Patzners' ravine and they filled it up. The first year Patzner planted corn, it didn't

do very good, but he limed and fertilized it. The third year he got beautiful corn. These guys talk about that “you’re wasting your land”. Patzner stated you’re not wasting your land. If you put good land back on top, it will take a lot of lime, etc, but it will grow crops just like it did before and it will take three years. In responding to what Low was saying, Brandt stated we did take an oath to protect the constitution in the State of Wisconsin and the United States, but the role of this Committee is to oversee the wise use of the resources of the County as well as to enforce the Zoning Ordinances as well as the land conservation component of our responsibilities (those are laid out Statutes, they are also laid out in the Ordinance in the County). Sometimes we have to mediate the differences between property owners. Referring to the Wozney’s and Paul Winey, Brandt stated the Wozney’s spent \$70,000 on a house that they planned to live in until they retired. They now find it untenable to live there, in a property that will not be bought by anybody. They’ve lost their investment, they have lost their future. That is a direct result of somebody else’s choice about what to do with their property. It is an extreme example to make the point, but that is something that we have to deal with here. That is something that we are responsible for as well. So its’ everybody is responsible to everybody in the County not just the individual property owner. Low stated he is a firm believer in the non-aggression principle if that is what Brandt is getting at – that reigns supreme. We have to understand though that there is give and take in all of life. Brandt stated that is why he said mediate as opposed to dictate.

Radtke stated the next item is in Chapter 13 of the Ordinance which deals specifically with nonmetallic mining. It states: In order to grant a conditional use permit for nonmetallic mining, the County must find that the proposed operation is an appropriate land use at the site in question based upon consideration of such factors as:

- 1.) Existence of nonmetallic mineral deposits, proximity of site to transportation facilities and to markets.
- 2.) The ability of the operator to avoid harm to the public health, safety and welfare.
- 3.) The ability of the operator to avoid harm to the legitimate interests of properties in the vicinity of the proposed operation.

Bice asked for Committee comments. Bice felt the Committee had sort of covered those items. Thompson commented they are as close to a main highway as has ever been permitted. Bice commented we have a CUP, that if we do approve it, we have an ability to keep an eye on this company as long as they remain under County zoning, therefore we will make sure that they are a positive contribution to public health, safety and welfare. Fortunately government does have the ability to make sure that they proceed as they have indicated to us and that is part of what this Committee does is to oversee that as well as the staff. Bice felt the items were well covered.

Radtke stated as with the nature of a conditional use permit, there are conditions that can be attached if the Committee desires to approve the permit. There are several conditions that can be attached as we all know. There are standard conditions that our Ordinance includes and then there are other conditions that are based more on a case by case basis, based on the unique situation of each application/each site. But our Ordinance does require, listed in Chapter 13, eight different factors when considering to impose conditions in a CUP that our Ordinance states our Committee must consider. Radtke supposed that the next step would be to go into any proposed conditions that may be suggested here by staff or otherwise. Radtke’s recommendation was to also consider those in light of these eight factors that he believed the Committee had. Radtke suggested going through the proposed town and staff conditions and analyze them against the eight factors. Before starting on the conditions there were a couple items Brandt stated he needed clarified first. The first one regarding the high capacity well request. Brandt stated that Summit Envirosolutions has done a lot of these applications for the applicant. He directed everyone to Page 4. According to the application, the average daily usage is going to be between 3 and 500 gallons. Brandt suspected that was a misprint. Brandt understood from the applicant’s presentation that was “per minute”. Canestraight acknowledged it was “gpm”(gallons per minute). Brandt questioned whether this permit has been accepted by the DNR and has it been approved by the DNR with these numbers in it? If that is the case then Brandt suggested the permit go back with the appropriate numbers in it. Behling presented a permit application so the Committee could see what it will look like, obviously with that change, prior to submittal. Behling noted that it has not been submitted yet. Brandt had questions about the

water table. Within the County, Terry talked about a water table that exists between elevations. In the illustration section were the cross sections of the area that is going to be mined. The elevation has been put at its' lowest point which is 840 feet and then in the description, describe how they will stay at least ten to fifty feet above that elevation yet it is clear that if the ground water elevation is in fact over 900 feet in some cases, you will be getting very close to the groundwater based on the amount of material that they are going to be taking out. Brandt wanted to be clear – are the numbers they are working with strictly 840 or are you going to that 900 plus feet groundwater. Behling stated know that we will never go any closer than 10. Brandt noted that is, of course, part of the Ordinance. Behling replied that was correct. Brandt wanted to know about the storm water pond. The applicant had assured the Committee there was not going to be any flocculants – that is not going to be part of your settling pond systems. Brandt inquired if the ponds would be lined or not. The applicant had talked about using overburden to create the ponds, Brand inquired if that was going to be for a lining? Canestraight explained the storm water ponds are only designed to collect the runoff from precipitation that falls in the open or disturbed areas. There will be no co-mingling of process waters that have been exposed to treatment system – those are in a closed loop. Again because of where things are evolving and they have eluded to how things are changing, Canestraight stated the hundred year event (which we may have come close to last year) is effectively about two 10 year events. At 350-500 gallons per minute, if you are to have an event and collect these waters in the pond, they will utilize that water until those ponds are drawn down before they turn on a high cap well, so that is why the variance in how much of the use of a high cap well. If one looks at the annual precipitation and the volumes we are talking about versus production, we will use the water that is in those ponds and they will lose that water to evaporation and residual moisture that ends up being in the sand. Sand doesn't come out the bank at 4.5 – 5.5% moisture but it is as dry as they can get it after they've processed it and put it over the dewatering screens. Brandt stated they also applied for blasting permits. There is a form in Appendix 7 in which they describe doing assessments of the neighbor's properties. No place in the description do they describe, what the Committee requires for a standard conditional use, which is a paid for survey of all of the surrounding wells and foundations within 2500 feet. Behling responded that was correct and for a couple of reasons. Behling stated until one starts to remove that overburden we don't know that blasting is going to be necessary, but if it does become necessary, know that (used to be under Comm 7 and regulated by the Dept. of Commerce, now it is regulated by Administrative Code provision SPS-307) what they are required to do from a blasting perspective will tell them how far of a radius they need to go out. What they typically do is have two people go out, take video footage of the surrounding structures inside and outside in order to determine the pre-condition. Behling added that traditionally in Trempealeau County, before they are allowed to do blasting, they are required to submit a blasting plan to the DLM. Behling stated those are the things that they will do if blasting becomes necessary in the future. Brandt stated, that in the past as part of the conditions, the Committee has required that the applicant hire a third party to inspect the foundations and the wells within a certain radius. Brandt found the language the applicant was talking about and read aloud “A Vibration |Susceptibility Assessment will be conducted if blasting is planned and this will evaluate vibration limits and the effects on local structures”. Brandt stated we are very specific in our conditions in terms of what the applicant is required to do by hiring a third party in order to do those inspections. Brandt wanted to be sure the applicant understood that and knows that is something the Committee has done in the past. Canestraight responded some of that language goes to the practicality of the applicant understanding the affect of a blast so they make good judgment and try to mitigate any situation before they perform something like that. What Brandt had seen in the application for the high capacity well was the requirement to or rather the applicant had said they would do and that was to drill monitoring wells to make sure that the drawdown is not affecting that water table which people were drawing their water from. Brandt was going to suggest that the Committee make that part of the conditions since it was something they were going to suggest that they do anyway to be sure that they monitor the affect on peoples' wells. Behling responded absolutely and noted there is discussion in the plan about that. Brandt stated Canestraight is agreeing that this is the plan they are going to abide by, this is the plan they are going to work with, the plan they are going to put into place and the plan they are not going to change unless they contact DLM staff. Canestraight responded “yes that was correct”. Beyond all this is the need by the Committee for assurances. Brandt stated we've been burned before, there is no way that the Committee can force the applicant to tell the Committee that “you are going to tell us the truth”. In other words, phrases like “depending on markets”, and “availability of resources”, etc., limits what it is the applicant feels they can do.

Everything you have said today, including elements of your presentation are exactly what the Winn Bay people told the Committee three years ago (we can abide by the conditions, we understand the hours of operation, we want to be good businesses and neighbors, we won't do this if the people around us don't want us to be here) and in eleven months they sold out the place to a company whose sole purpose was to get out from under the CUP. Brandt's reason for making the motion to eliminate the east side of the highway is that he thought Quarne had mentioned that the potential is there in that what is permitted is going to butt up against Preferred Sand and there is the possibility that if the applicant doesn't like what they're asked to do, they will annex to the City of Blair. Thompson responded a permit isn't going to make a difference because the landowners own the land, so the permit, whether it goes over there are not, is not going to make a difference if they annex. Thompson reiterated if they want to annex, whether the permit is on the west side or east side is not going to make any difference. Patzner inquired what happens if they drill the high capacity well, the water table drops and the wells of the landowners nearby go dry – who is responsible for that? Behling and Canestraight responded they are – absolutely. Brandt asked if the location of the high capacity well will be near the processing plant in the lower section? Canestraight responded it will be near the main water system to the plant. Canestraight commented that the wells they discussed with the neighbors, tend to be very shallow sand points – less than 25 or 30 feet into the ground. The aquifer they look for, in drilling a high cap well, is the Mount Simon aquifer that will reach below what most people drill for residential wells, so Canestraight would suspect that the probability of drawdown on a surface tip or essentially surface wells that are just below the surface, he didn't feel they were going to draw them down from that many aquifers. Canestraight stated that would be their responsibility to get them a suitable well. Nelson stated the landowner would be in a different aquifer. Canestraight agreed as they wouldn't dig the landowners well that deep. Bice stated the Committee would now be looking at additional conditions for this application. Upon Bice's inquiry as to if the applicants have seen the conditions they are about to go over, Behling responded they had and they were handed to him by Attorney Radtke before the hearing had started. Lien stated these are the recommended conditions from the Town of Preston.

- 1). A vegetative buffer that complies with Section 3.10 of Trempealeau County Comprehensive Zoning Ordinance must be maintained around the mine site.

At this point Brandt stated there were a couple more concerns that he had missed in his notes and inquired if he could address them. Brandt stated, again underneath the high capacity well, he understood this is an example of what the applicant is going to turn into the DNR. Where they ask the question, "Are you going to have a pressurized tank –no". Then they ask the question, "Are you within a flood plain or flood way?" That was the reason Brandt wanted to know where the well was going to be because the applicant had answered no, they are not going to be in a flood plain or a flood way. Yet Brandt noted the applicant is just over a quarter mile from the Trempealeau River so he is wondering if the applicant had looked into that. Mark Palmer answered that was not going to be in a designated flood plain area. Brandt stated it was in something called a flood zone. Brandt stated the question was confusing because of the use of the well, but the question was, "Are you within 1200 feet of a quarry?" and your answer was no, in fact you're in the quarry/mine site, so does it just mean that your far enough away from the actual mining activity with the well that it is considered to be "not in the quarry". Canestraight responded "no". Behling stated he believed that language is, "Are you in an existing quarry?" for which the applicant checked no. Bice asked the relevance of that question. Brandt responded that the relevance is (Because Brandt wasn't sure if they had sent the permit application into the DNR and if it had been approved)that if the DNR approved the permit with erroneous information on it then if they had gotten new information than maybe they would want to not take the permit back. Brandt reiterated he had a concern about the flood way and flood plain location of the well and whether the water was going to be pumped directly into the makeup water system.

Upon Lien's question as to whether or not the Committee would discuss each condition, Bice stated most of us have these conditions in front of us. To Bice's knowledge, most of the Committee have a pretty good understanding of the requirements. Bice suggested as the Committee reads through them, the applicant can discuss what if any issues they have. Behling noted of all the amendments there are only four they would like to discuss. Lien asked if there were any comments on the first condition he read. Radtke commented it would

be unnecessary to have that within the permit as it is already in the County Ordinance so it would be a duplication to actually have it as a condition. Radtke recommended striking it.

2. Final slopes shall not exceed 3:1 horizontal and one foot vertical incline.

Radtke had the same comment for this condition as for Condition #1.

3. Property lines must always be clearly identified and posted with warning signs at 300 foot intervals.

No comments were made on the condition.

4. Ten foot grass or vegetative buffer area shall be maintained between all adjoining property lines at all times.

Regarding #4, Lien stated 10 feet was a prior Ordinance standard and the last two years either the towns or this board has recommended a minimum of 50 foot undisturbed setback area from all adjoining property lines. Lien thought that is what #4 references.

5. Notification must be given to the Department of Land Management and adjacent neighbors 24 hours prior to any blasting. Generators can be used only during standard time for the heating of equipment and providing a security light and decibels levels kept below 45 db as measured at the property line during the mines' non-operational hours.

Lien believed that was language already in the Ordinance. Radtke had the same comment about it being unnecessary. Both of those provisions are in the standard conditions in the Ordinance. Bice questioned even if it refers to non-operational hours and 45 decibels? Radtke stated the standard conditions provide that exact language in there so this would just be duplication again.

6. Public roadways must be scraped clean of materials at the end of the working day where nonmetallic mining equipment enters the public road.

Lien was assuming the town meant where the applicants private access meets Bunyan Road.

7. Mining companies shall enter into a road use agreement with the Trempealeau County Highway Department prior to hauling material off site.

Lien stated as the permit has been applied for, there were no County roads that will be utilized. Lien felt that condition was not relevant.

8. All truck traffic shall be timed and routed so as to minimize overlap of school bus traffic.

9. A berm shall be constructed to protect the creek and wetlands prior to commencing mining activities.

Brandt questioned if they were referring to the intermittent stream or the Trempealeau River? Upon inquiring to Bob Tenneson what was meant, Tenneson stated he was not involved in these conditions, he didn't sit in on the meeting and the late Gary Everson conducted the meeting. Tenneson stated that he did not have anything to do with these conditions, he abstained. Gary Everson and Vernon Back made these conditions for these people. Behling stated, based on their attendance at the meeting, he believed it was the creek. Lien said it states clearly the creek and wetlands but questioned where on a map would that protecting berm be located? Lien thought one could assume upstream would make the most sense, but we shouldn't assume, so without knowing and from a staff perspective Lien would have a problem enforcing that condition, from a County standpoint, when he doesn't know what the Town meant by it. As Canestraight recalled the conversation had to do with making sure that the considered hydraulic barrier was between the process area. Basically it was a redundant concern about storm water containment into the properly designed storm water ponds and keeping a hydraulic barrier in the process zone to the feet of those wetlands or creek that runs along Bunyan Road. Lien and Radtke felt the language should be worded as such and the language should change because where the storm water ponds are proposed, it would actually be down gradient from where the wetlands are, and assuming the berm is to be between the two of them, they would have to run uphill in essence, according to the plan. Canestraight stated the assumption is the potential for the process plant to be at a higher elevation than the wetlands. That was their concern. Lien reiterated so not between the storm water ponds but between the processing plant and the existing wetland. Canestraight responded "yes". Lien clarified that would be determined after delineation as that has not been done. Canestraight replied "that was correct".

10. The first 75 feet of blacktop plus 75 feet of stone tracking pad or alternative shall be installed at road entrances to prevent tracking onto Bunyan Road.

Lien assumed that was from Bunyan Road – off. Canestraight responded that would be from their established drive onto Bunyan Road. Bunyan Road will be in their maintenance agreement but they will make improvements on Bunyan Road and then the town will maintain it in a certain fashion. There will be a point

where the applicant's driveway starts and their road ends. Lien inquired of Tenneson as to whether that was a four rod road. Tenneson responded it was four.

11. All mine entrances shall be provided with locking devices to prevent unauthorized access to the mine site when closed.
12. To the extent possible, mining activities shall be conducted in a manner that minimizes the visibility exposure of the mine.

Radtke commented, in his opinion, when words like "to the extent possible" are used, that is not specific enough from an enforcement standpoint for the County. How is the DLM ever going to know that their actions to minimize are to the fullest extent possible? Radtke would think from the applicant's perspective as well, they would want more clarity as to what it is the applicant needs to do to comply with this provision. Radtke doesn't have an answer for it, he is just pointing out that this would cause problems in enforcement. To give a good example, Lien stated periodically out of the Town of Arcadia we get a condition of a 20 foot high berm at a 4:1 which is really a large flat berm. To say to the extent possible, Lien questioned if it was possible to build an 80 foot high berm? For staff purposes, Lien would like clarification on this either from the town or someone so that we know what "to the extent possible" means. Canestraight commented the mining activity is going to occur at such an elevation that it would be impractical to berm it from the border of the property. Canestraight was proposing, for conversation purposes, to have a buffer established in a vertical sense within the mine boundary as it sits at its' mine elevation so that from a line of sight you are then creating that blockade. It is a much more logical approach to not having that mining activity exposed. Lien asked if they were going to try, to the easterly excavation border, to berm up the subsoil and topsoil and then do temporary plantings, etc. on that during the mining activity to reduce that visibility? Canestraight responded they are envisioning that they will travel up to the current surface. When they strip to start pulling the elevation down on the topsoil and overburden, they would leave, at that point, a horizontal buffer. But as they continue to mine down, they would leave that ridge around the perimeter of the facility, so at the end you'd effectively have something that had a "false dormer" In example, Canestraight stated imagine yourself on the top of a building where there is a false front on it to make it look taller, etc. They would actually have a pit inside the top of the ridge and that would leave that perimeter, a buffer around there, so that when you use the line of sight, (which there is quite an elevation and we're looking up) drawing a straight line passed that, the ten feet tall up top will have much more vertical authority. Lien verified that the area below the proposed excavation limits, that area between there and the highway will remain undisturbed, so those trees and that buffer will remain as it is today. Canestraight responded "that's correct". Lien stated so it would be possible, on that plateau, where the overburden could be stockpiled to minimize the site view to the inside of the operation. Canestraight replied "that's correct". Radtke stated the applicant was talking about hiding the extraction process part correct? Canestraight stated we are talking about the extraction and conveyance process in the mine face. Radtke inquired if the use of the words "mining activities" if that included the processing as well – the plant and things like that? Radtke stated it is unclear what the Towns' intention was. Lien inquired of the applicants as to what the rapport was with the Town at that time (when they brought it up because it was obviously an issue – the aesthetics or visual when they said to the extent possible) but how did the conversation go with the Town. Canestraight stated it was very general. Lien stated because it is so generalized and because of the nature of the site, this condition is very vague.

13. Driveway entrances shall be wide enough to accommodate both incoming and outgoing trucks. No staging shall occur on the public roads or right-of-way.

Upon Lien's inquiry about any comments on the Town of Preston conditions, Bice stated we made notes to strike several and he felt the Committee was going to, otherwise he had no other thoughts. Low made a motion to strike four conditions. Radtke stated Condition #10 would also need to include or reference Bunyan Road and #12 is quite vague and would need some attention. Lien thought #9 and #12 should be addressed under the County conditions. Low restated his motion to strike Condition #1, #2, #5 and #7 and questioned as far as #9 if that is being covered in the County conditions, why do we need it in the township conditions at all and voiced striking that as well. Bice seconded Low's motion. Gamroth asked for clarification for the record. Low stated we are striking Condition #1, #2, #4, #5, #7, #9 and add or referencing Bunyan Road on #10. Low suggested wording for #10, "installed at road entrances on Bunyan Road". Lien and Radtke were just discussed that with the vagueness of Condition #12 it should probably be stricken as well. Low made a motion to strike Condition

#12 as well, Nelson seconded, motion carried unopposed. Brandt stated Low's motion was to strike those and asked if a motion was needed to approve the rest. Radtke believed the appropriate motion should have been a motion to amend, the original motion to approve and add, it was essentially said in a negative. Radtke stated the appropriate motion should have been to amend, to add Town conditions #3, #6, #8, #11 and #13 and modify #10. Low made another motion to add conditions #3, #6, #8, #11 and #13 from the Town conditions to the County conditions and amend #10 to reference Bunyan Road, Thompson seconded the motion. Brandt stated Low just said add to the County conditions, but those haven't been discussed yet. Brandt added we all know what we're talking about but instead of bringing in the County conditions, it gives the Committee a chance to discuss them. Radtke clarified intentionally that the original motion is to approve the permit which was made earlier today. That is still the motion that is on the table, so to add these in, in addition to that motion to approve, you'd be amending the main motion to approve the permit to also add in #3, #6, #8, #11 #13 and modify #10 and when that goes through then the motion that is back on the floor is to approve plus these town conditions leaving County conditions yet to be discussed. Low restated that he would like to amend the original motion to add the Town of Preston conditions #3, #6, #8, #11 and #13 and amend Condition #10 to reference Bunyan Road, Thompson seconded, motion carried unopposed. Lien then presented staff recommended conditions. Lien clarified first that a lot of these conditions can be very site specific, other conditions can be generalized from past practices. It is staff's position, we are public employees, to listen to the public and take into account all aspects of the Ordinance. Lien read aloud, "When considering an application for nonmetallic mineral mine permit, the County shall consider, among other factors, the following, the effect or impact on the proposed operation upon:

1. Public infrastructure including but not limited to streets, highways, schools and other public facilities.
2. Present and proposed uses of the land in the vicinity of the proposed operation.
3. Surface water drainage, water quality and supply.
4. Soil erosion
5. Aesthetics –including but limited to the scenic beauty and the conservation of natural resources of outstanding quality or uniqueness.
6. The market value of lands in the vicinity of the proposed operation.
7. The physical practicality of reclamation of the site after the operation has been concluded.
8. The public interest from the standpoints of smoke, dust, noxious or toxic gases and odors, noise, vibration, blasting and the operation of heavy machinery and equipment.

Lien continued with the above being stated directly out of the County Comprehensive Zoning Ordinance, Chapter 13, Nonmetallic Mining, it is staffs' recommendation to deny the Conditional Use application until a plan can be developed in a manner to protect the aesthetic nature of the Highway 53 corridor and also stated in the proposed conditions from the Town of Preston, #12, which is to the extent possible mining activity shall be conducted in a manner that minimizes the visibility and exposure of the mine. Lien stated staff tried to take all those factors into account when making this decision. It would be different if our resources were a limited quantity and supply in this County. Lien stated this sand is absolutely everywhere and there are sites to mine and sites not to mine. Lien thought this site maybe could be if it could be accessed or developed in a different way, but as the plan was proposed that Budish reviewed, the recommendation is that it is not a good site that meets all eight of those factors that we are to consider and the resource is other places. It doesn't mean we shouldn't capitalize on that resource but we need to look at site specific locations. With this site specific location, and Lien doesn't want to come back to that because he knows the development is unique maybe, but if one looks at Taylor Frac and the complaints we get in Trempealeau County, and the complaints other DNR people get because of the sheer location and the proximity, these are without any question an industrial type use in a rural agriculture setting. It does change the aesthetics of our County all over. We've issued 25 permits, 6 out of 7 of them are operating. When the rest of those get up and operating, when one drives around our County, the aesthetics will change. Bice asked Radtke his legal position here, what can he do with staff recommendations. Bice stated, very clearly, being an elected person, he feels that this is not an appropriate way to move forward on this so what can he do with staff recommendations. Radtke stated staff recommendations are simply what they are called recommendations from staff –Department of Land Management employees –

several people who review plans, have years of experience, do work in the field and using their collective experience and knowledge, they've come forward to this Committee suggesting some conditions and some positions that this Committee should take, but those are simply recommendations that this Committee can choose to accept or not accept. Remember these are Department of Land Management staff doing the work. Bice stated he was just curious and he had no idea that Lien was going to recommend this and inquired if Lien had talked to the applicant about this at all. Lien responded no because actually he and Budish hadn't discussed this until Tuesday, and drafted some rough language. Lien went to the symposium yesterday and Budish had forwarded the language to Radtke. Lien got back last night, tried repeatedly to get in touch with Radtke (he had meetings) so there really was no opportunity to discuss this issue much. Lien stated it is a staff recommendation. Lien had started looking at the calls and complaints the DLM gets from the public and where things are located. This resource is everywhere in the County. It would be different if it was unique, site specific location but it is all over and Lien didn't have a problem with mines being properly located but when one looks at this section of the Ordinance and one talks about aesthetics, and the scenic view of the County, Canestraight had basically said it is impossible to screen this one from that, so then we need to look at if it is impossible then is it a good site. Lien stated if the Committee wants, he will read on to #4 – which states “County Power to Reject a Permit Application – County reserves the right to deny an application for a Conditional Use Permit which is engaged in nonmetallic mineral mining upon application of the standards of this section or of this zoning code in general. In the event that the County decides to deny a permit application, it shall do so only in writing setting forth the reasons for such denial”. Lien added that is why we quoted that section, they're saying we really should look at this. It is unfortunate that we haven't looked at it in the past. Lien read it every single month to this Committee because staff feels it is of great concern. The Department of Land Management and the Environment and Land Use Committee represent historic Zoning Department and the historic Land Conservation Department. Lien stated this type of industrial industry is in direct conflict with those two things. Lien added we have heard it from the public, repeatedly, before we are not the economic growth and development committee. The resources here in the County, we have no problem utilizing it, but it should be in site specific cases. Brandt wanted to touch on a point that Bice has been hitting on throughout the day and that is the applicants felt somewhat put upon by not seeing the recommendations from the staff until this morning. Brandt suggested that at least part of the issue here is that we are horribly understaffed. At this point Budish is working full time on this, all the other staff members are working part time on this and Lien is trying to split his responsibilities between working as a manager and backing up what Budish (who is obviously new to this) is doing. Brandt continued that whatever complaint either we have or the applicant has about the timeliness of these recommendations, reflects at least in part the nature of our limited staff. Brandt understood what Bice's point is, we should be as friendly and cooperative as possible with the applicants, but they should know that we are working with limited resources. Bice stated he did not believe that we are understaffed. Bice believes staff is busy working hard, but he does not believe we are understaffed. Bice's take on moving forward is quite simple. Bice has gone through every single thing that the Committee is supposed to consider and made a point on how he sees it and that this is a perfectly acceptable application, not 100% ideal, but nothing is and so he thinks we need to move forward and let the Committee vote and let them decide. Radtke stated the Committee should at least consider the remaining twenty some recommendations. Thompson commented he thought it would be extremely unfair to the applicants to deny this application because of something that was bounced on them today. Bice commented he has had his book for approximately a week, Bice understands when Brandt says understaffed, as this was a hurry but there was an agreement that it was an acceptable thing to move forward on so let's move forward on additional conditions.

1. Require wetland delineation and possible wetland mitigation, as recommended by 3rd Party Review, prior to issuance of the proposed Conditional Use Permit.

Lien commented one of the things Radtke has stated to us in past meetings was that we should not be making approval of a condition upon some other agency's approval (with the exception of the TIA saying we're really not limited other than we took their guidance). In this case we all acknowledge the wetland is there but we don't know to what extent. We don't have it delineated until the ground is warm enough that delineation can actually happen. Canestraight thought they had acknowledged that there were wetland indicators, and that is why the delineation is so important. Behling stated, as written they have no objection. They would like one minor amendment to it and that is that the last phrase be removed “prior to issuance of the proposed CUP. It has been

a long winter, they haven't been able to get to the mitigation or delineation. Know that typically this Committee indicates that one should try to avoid wetlands, but Behling stated you don't make a condition of the issuance of this permit based on the DNR's determination. Behling added that by all means they are going to avoid the wetlands as possible, they'll do the delineation, they'll do the mitigation but they ask that the Committee not hold up the approval of the permit contingent on what the DNR may decide in the future – a contingency on a contingency. Behling asked that the last phrase be dropped off and then it would be acceptable. Behling thought there may be some potential legal ramifications in doing that and it's something he and Radtke have talked about. Behling added from a timing prospective it makes their project pushed so far back that it almost becomes infeasible. Of the three or four conditions the applicant is going to talk to the Committee about, this is the most important one that the last phrase be struck. Lien asked when the applicants started this process and Lien was assuming it wasn't this winter when the ground was froze, so that there could have been (soil borings were done in August of last year) some additional work on it. With that said, Lien stated the last three years we have had to use this term "preliminary approval". We have never allowed something like that without having approval of it first, so if today goes through with that as a contingency, it means the applicant must meet that before DLM would sign the Conditional Use Permit. At the end of today, if the Committee approves it, we don't issue the permit today, the applicant still has all those conditions to meet and this would be just another one of them and this is very standard language. Lien added we're not going to give a "green light" without knowing where the wetland delineation is, so it would be contingent upon having that delineated and knowing that you're not disturbing it. We don't sign the permit at the end of the day, it is not until the applicant meets all the listed conditions. Lien is saying the applicant would have that "window" between now and approval to have the delineation done. Behling stated actually that is not the standard language. Behling stated this language was part of the Barth conditions, the Barth project was turned down, which was in 2012. Otherwise typically what is said is "avoid" and Behling stated they would agree to that. What Behling is saying is don't contingent the County permit on a future DNR action. Lien reiterated we were warned about this a couple of months ago that we shouldn't be doing those things, issuing things contingent upon a future action because what if the DNR came up with something that puts you in a hardship and you're going to say "wait a minute Trempealeau County, we're vested now because you gave us the green light". Lien stated we don't want to put the County in those types of litigation positions either. So in a case like that it was almost recommended to us where we should deny them, when we have an unknown, contingent upon another agency. Lien asked if that is what Behling was asking. Behling disagreed with that statement and he didn't think a state agency would tell you that. But the state agency is the one that controls the action and Behling asked that the Committee defer to the DNR, defer to the state agency on that issue. There are number of things the applicant can do, after the issuance of this permit, but prior to getting near any of the wetland areas. But if you say this permit is conditioned on that delineation, we can't do anything on the site and that pushes us back from a timeline that it makes this project virtually unfeasible to do from a timeline perspective. Lien asked Behling for an example because he wasn't following Behling because the County was not going to issue this permit until all the conditions are met, no matter what conditions come out of today. Lien asked what Behling needed to do tomorrow or the next day prior to meeting the conditions. Behling stated we need the confidence to proceed. Lien responded if the Committee approves the CUP today, you would have preliminary approval contingent upon meeting these things and Lien didn't think meeting a wetland delineation would be an unreasonable condition. Given the timing, given the long winter months that we have had, Behling stated it does create such a huge time lag, such an extended process that we just can't meet that timeline. Behling added if this was a permit issuance discussion in June, it is different, but because of what we're facing, that one phrase needs to come out or literally this project can't proceed and it becomes unfeasible. Lien asked if they were planning site preparation or other things before meeting all the conditions. Behling replied, "of course not". Lien stated then what are you saying as Lien wasn't following what Behling was trying to ask for when a wetland delineation is a pretty minimal thing. Lien stated we have seventeen permits sitting on the desk that Bice hasn't issued because they haven't met conditions. This is very similar and that is why Lien isn't understanding what the rush or the need is when this is very standard practice, that we give preliminary approval with a set of conditions and then no activity takes place until those conditions are met and the Chairman signs the CUP. Brandt questioned if the applicant was afraid they were not going to get permission from the DNR to mitigate? Canestraight responded not at all and thought it was the language, "prior to approval of the proposed CUP" and we are here

looking at the proposed CUP based on this application, so this preliminary approval – Canestraight understands there are conditions that have to be met for issuance of the final and he thinks it is in the definition of final. Lien suggested taking out the word “approval” and replacing it with “issuance” of the CUP and that would alleviate both parties’ concerns. Behling and Canestraight agreed to that. To make it clear Canestraight clarified that the list of conditions ,some of which are these and others and well applications, etc., is what Lien is referring to and meeting that checklist before one gets final issuance. Lien responded that was correct. Lien reiterated we aren’t going to give final approval or sign the CUP until all those conditions have been met.

2. The issuance of the Conditional Use Permit for Highway 53 Mine Site- Sand Products of WI LLC, is just for Phase 1 of the submitted plan (west side of Highway 53) ONLY. If owner/operator of the site decides to develop the east side of HWY 53, they must submit a new Conditional Use Permit & Reclamation Plan.

Lien suggested to staff to line out the word “Phase 1 of” so it would state “just for” Behling stated they would like in the second sentence to strike the term “new” and insert “amendment”. They think they would need to bring an amendment to the CUP versus a new CUP. Lien stated the process is the same so if it appeases the applicant, Lien was fine with it. Brandt stated his understanding is that when a change is being requested to a CUP either by the staff, committee or the applicant, what that does is open up the entire CUP and changes can be made to any part of the CUP not just what is requested. Radtke agreed with that to the extent that the changes are related to what is the amendment. The County has the authority also to ask that the permit be amended as well as the landowner, but it would be Radtke’s opinion that as long as those changes are related to what the amendment is for or asking then that would be appropriate. It could go deeper than that if somehow the amendment is going to have a domino type effect to other things. More specifically, Brandt stated this has to do with the process as a whole, and he was wondering how this has been perceived in the past. It has never happened where a CUP is opened at the request of one or the other party’s and as a result the entire permit is changed, that is to say length of the permit, different kinds of requirement for storm water management, etc. Getting back to Condition #2, Behling asked that the word “new” be struck and we add in the term “amended”. Low stated the change to Condition #2, “they must submit an amended Conditional Use Permit and Reclamation Plan”.

3. Duration of the Conditional Use Permit is 5 (five) years from the date of issuance. After the 5 year time period, the owner/operator may apply for a 2 year extension with the County.

Lien stated that has pretty much been a standard in the last several months.

4. A **50 foot** grassed and/or vegetative buffer area must be maintained from the property boundaries on the permitted site.

Lien stated this was a reiteration of one of the Towns’ conditions and it has been a standard condition from the County too.

5. The stumps and wooded debris from stripping are to be chipped and utilized as mulch on site.
6. Apply the Wisconsin Department of Transportation (WisDOT) recommended improvements to *“Construct a northbound by-pass lane along the east side of USH 53 at Bunyan Road.”*

Radtke had a comment with regard to word usage. Radtke suggested changing the word “apply” to “comply with” so it would read “Comply with the Wisconsin Department of Transportation recommendations”, Radtke would make that plural and adding the word “including” as well “Construction of northbound bypass lane along the east side of USH 53 at Bunyan Road”. Part of the reason for Radtke’s recommendation would be that it is more clear that you have to comply with those recommendations and as you’ll see in the next item, there is a statement relating to any haul route change, if that would change, and there would be additional recommendations from DOT in their TIA that #6 here would make sure that they have to comply with those recommendations as well as current ones. Brandt has been driving that section of road with an eye towards this development and two things come to mind: how this affects Bonnie and Raymond’s property in regard to the construction of that bypass lane (their house is also fairly close to the road) and the other is, with 115 trucks leaving everyday and the curve in that road, Brandt would amend this to include the creation of an acceleration lane on the west side, south of Bunyan Road. Brandt can’t imagine, especially in bad weather that he would be able to see and slow down. Brandt inquired if staff had addressed that at all. Lien responded no because staff had taken the TIA information as is typically done. Bice asked Brandt if we couldn’t just leave this up to the DOT. Brandt responded we can obviously but this is a concern that he has. As part of Condition #6, Brandt

recommended an acceleration lane along the west side of Highway 53, south of Bunyan Road. Thompson commented he drives all over the State and where they have them, Thompson thinks it is dangerous. Bice called for a second to Brandt's amendment. Radtke recommended that Brandt ask that this be added separate rather than adding it to Condition #6 because #6 talks about DOT recommendations and complying with that and this would not be one of the DOT recommendations. Radtke wouldn't want to confuse any parties' here. Brandt withdrew his motion. On #6, Bice clarified that it was changed to "comply with" and "including".

7. **ANY** deviation or modification to the proposed haul route must be submitted, in writing, to the Department of Land Management & the Wisconsin Department of Transportation to see if any additional recommendations to the Traffic Impact Analysis (TIA) are needed before hauling on the new proposed haul route.
8. If the Wisconsin Department of Natural Resources changes permitted air quality standards as they relate to Silica, and/or Silica related compounds, the Conditional Use Permit shall be modified accordingly so that Sand Products of WI LLC activities must always comply with the most recent DNR standards.
9. Financial assurance amount will be established **after final site plan approval** and **prior** to any disturbance.

Radtke suggested adding the word "reclamation" at the beginning of the sentence so it is clear that it is financial assurance related to reclamation. Brandt needed to be clear and asked who is putting up the money as we are dealing with four different entities and quite a few property owners. Behling stated Sand Products of WI. Behling stated until the Committee gets to Condition #23 the applicant has no further requests for changes.

10. A road use agreement shall be made with the Town of Preston to use Bunyan Road, as stated on page 3 of the submitted plan that *"An access driveway will be constructed on Bunyan Road to the office & plant area."*

Lien assumed it was an oversight by the Town of Preston to require a road use agreement for the County but not the town so DLM staff included that. Lien thought he heard the Town had a maintenance agreement on Bunyan Road but they didn't have that as a condition. Behling stated they will put one in place prior to startup with the Town of Preston.

11. Owner/Operator of the site shall provide an initial training and site visit to Emergency Responders for site specific dangers and chemicals that may require additional precautions during an emergency response situation.
12. All structures and cased wells located on the properties within 2,500 feet of the proposed mining area shall be inspected and the condition of each shall be recorded prior to the commencement of any work at the site. These wells and structures should thereafter be periodically inspected to determine, to the extent practicable, whether or not damage has occurred as a result of the mining operations. A 3rd party independent inspector shall be used and costs associated should be borne by the owner/operator of the mining site. Well water testing shall be annually performed by a 3rd party independent inspector and the results shall be presented to the Department of Land Management and also the applicable well owner(s).
13. All onsite equipment shall be equipped, maintained and use the new style low tone alarm in accordance with MSHA requirements.
14. All mining trucks hauling material either entering or leaving will be covered.
15. Non-metallic sand mines that are within 1 (one) mile of each other shall not simultaneously blast.

Lien stated that was part of the reason for reviewing a blast plan, should it be needed, because of the close proximity to Preferred Sands.

16. A blasting plan be submitted and approved by the Department of Land Management prior to any blasting.
17. Storm water ponds are designed for the 100 year, 24 hour storm event.
18. The mine shall minimize the generation of air borne dust. Water trucks shall apply water around the mining site daily if necessary so as to minimize dust conditions and to minimize tracking of material outside the mine operation.
19. Billowing dust from dumping shall be controlled on fixed and/or mobile crushing operations using methods such as including but not limited to staging curtains, water sprinklers and or plastic stripping inside of an enclosure.
20. As stated on page 12 of the plan from Sand Products of WI LLC, the owner/operator of the site will complete a chemical analysis of material recovered from the filter press cake material prior to its use as

a fill material for reclamation. Quarterly analysis information will be submitted to Trempealeau County Department of Land Management to be kept on record with the non-metallic mining permit for the site. Brandt inquired if, as part of the cake press, they will be using flocculants? Canestraight responded yes. Brandt stated so when we look at the analysis of that and put it in the ground for fill material, what does the analysis do? Does it tell them that it is safe to put it in the ground, does it tell them yes it is there, we know its there. Lien commented we're hoping that it stays there bound to that material and is not in water that maybe goes to the leech ponds or other areas. Lien stated we'll have a better idea and that is the goal. The DLM is trying to work with the Health Dept. in tracking some of this stuff. Lien added there has been a lot of research on acryl amides as far as waste water and drinking. There has been zero, to date, for industrial sand. Lien noted for waste water and drinking they are land spread but for this industry they go back into the ground and pretty much stay inundated and wet. Lien explained the cake press will take a lot of the water out of them, dewatering them some, but there really hasn't been any long term studies as to how long they stay bound to the soil, so we're hoping maybe to do this and maybe work with the company in the future to do some long term analysis at different levels to see how things break down. If Badger Mining was in the Trempealeau County, Lien would love to work with them on that as they have been here a long time.

21. "A" and "B" soil horizons must be kept separate for use in reclamation.

22. All lights to have full cutoff shrouds and owner/operator will work to limit lighting impact to off-site owners in conjunction with lighting requirements under the Mine Safety and Health Administration ("MSHA"). No lighting will be directed upward or onto buildings.

23. The properties of Green Acre Investments LLC & Eugene W Kindschy are under Farmland Preservation Agreement contract number: 13584, recorded in volume 379, page 728 of records in Register of Deeds Office, Trempealeau County, WI. This Contract must be bought out of Farmland Preservation before final CUP issuance.

Lien commented that in the past, we could hold the public hearing to meet the requirements and the State would waive that, but the State no longer does that. They have said that the intent of Farmland Preservation was not to allow industrial sand mining as an allowable practice that they must be bought out of those contracts. That has been the past practice with the last two that were in Farmland Preservation so from now on that will be a standard condition. Behling stated they are not the landowners, they are only the lease holders. The two property owners have asked Behling to talk about this. In under 60 months these contracts expire. Some of their properties won't be impacted by mining until later in our phases. So their preference would be to have that taken out just so that those farmers could continue to take advantage of that, up until closer to the time when the property is impacted. Lien stated there would be one of two ways to proceed to be in harmony with what has been done in the past. Lien suggested either amending the plan, removing those properties right now and bring them back when they expire or agree to take them out now. Bice asked if Behling was saying they were not going to try and mine there in the next several years. Behling responded that was correct and that it was just for the benefit of the property owners. Behling stated by no means do we want to amend the plan and come back and relive through today, but he does put it out there because it is important to our underlying property owners. Upon Bice's inquiry, Canestraight stated the property owners will continue to farm the tillable lands that are not currently impacted or part of the storm water collection zone, etc. Using Rossa's and Segerstrom's as an example, Lien stated we had this same conversation and they bought out from both projects, knowing that they wouldn't be to those areas until a given time. Lien had a problem with issuing the permit for lands included in Farmland Preservation which is in direct conflict. The State has said, through Farmland Preservation, this is not an allowable practice. We either have to have the "piggy back" hearing on top of it, which we didn't schedule because the State has said it is no longer an acceptable use so you need to buy out of the program, so we put that in as a standard language. If that was the case we can not move forward with anything anyway because another public hearing needs to be scheduled to at least let them leave it in as an application, and then submit to the State to try to waive it, which the State has already sent a letter saying that they are not going to. Behling stated they will withdraw the question. Upon Lien's inquiry Behling stated they will let Condition #23 stand. Lien clarified that Behling would rather do that and not amend to which Behling replied that was correct.

Lien stated one of the things that was not brought to his attention in the past either and Lien had never thought of it as a concern until we had the annual NR-135 review this year. Tom Portal (DNR) and Justin Cavey (Lien's counterpart from Marathon County) made it very evident to Lien that the County must obtain copies of each individual property lease agreement in compliance with NR-135 reclamation requirements. Lien asked the question why? Lien was told, in direct conflict, if the lease agreement has an expiration on it then the reclamation permit must also have that same expiration. Lien stated we haven't done that in the past so that is something that staff is recommending as a condition to be in compliance with NR-135. Behling responded certainly and noted that he has dealt with this issue with other counties. How they have resolved it, in order to keep financial information private, is that the other counties are practicing agreeing to allow applicants to submit affidavits. Affidavits attesting to the length of the lease, that they are in a lease, that they're in agreement, signed and notarized. Behling stated they would certainly have no objection to doing that and that has been done in consultation with Tom Portal's office. Radtke inquired about doing a redaction. Redacting out any sensitive type information or competitive type information that you want to keep private, but leaving the document in place. Behling's preference would be to go with the affidavits rather than putting Radtke's office and their office through expensive redactions. Then it becomes a question of how much is too little redaction, how much is too much redaction, whereas with a two page affidavit, they've always been able to satisfy the State on this issue. Lien stated he was unsure how to move forward from here. Lien's conversation with Portal and Cavey was very specific – it was the lease agreements where, like Radtke stated you could take out those sensitive issues that we don't care about, but it was the main “meat” of the lease agreement. Behling stated if Lien wanted to keep it as lease agreements, they'll agree to do the redactions. But if you ask the question and then will accept affidavits that would be preferred, but at the end of the day if the State says we want redactions that is what we will do – redactions to leases. Lien was agreeable to that because he thought the language in NR-135 specifically says “lease” so Lien would rather get clarification. Lien reiterated that was a staff recommendation.

Lien continued with one thing staff has required on almost all of the permits. Lien wasn't sure how staff overlooked it. Lien wasn't sure what to think, if Bice thinks we have enough staff or are not understaffed after Brandt thinks that we are, but Lien stated we definitely have a full work load and a lot of things going on, but we overlooked air quality monitor with removable filter that can be sent in to a lab for analysis. Lien explained we were working very extensively with Preferred Sands on that and they were going to be our “test pilot” because the air quality monitors we've required in the past are junk and they don't do any good. We were finding readings during off mining hours that were really high for no reason and it was kind of a waste to the applicant's money, waste of staff time reviewing them. Lien explained that Preferred's modification was that we had actually a portable air quality monitor that would have a removable filter where then we can show the applicant is doing their job and show to the public that those air quality issues aren't a concern. So that is the staff recommendation. Lien stated it was also a request from Andy Nehring. Upon Brandt's request for Lien as to what the staff recommendation was, Lien read aloud, “minimum of one air quality monitor with removable filter that can be sent into a lab for analysis should be placed on the site”. Brandt inquired that Lien wasn't saying where on the site? Lien stated no because he thought one has to work with the company if it movable, depending on prevailing winds and time of year. Behling stated they are open to taking a look at that and doing some research. Since we are going to be doing an amended permit and a new permit for the trans load in the future, Behling stated they can certainly address that with the County and work with Lien on that when they bring forward those applications. Behling's preference is that they prefer not to commit to it today just because they don't know much about it, but Behling reiterated they are certainly open to looking at that as they approach the County in the future. Brandt stated there is a difference between looking at it and complying with the condition. Behling noted that they will be required to have a monitor so by all means they will have one, they just don't have a lot of backing in the portable monitor which Lien is referencing and that is why they want to have a chance to do the research, but by all means they will have an air monitor on site at all times which will take both the baseline prior to start up as well as run for the first two years. Thompson inquired about the air filter that is sent in and what happens if all of a sudden the wind switches the other way and they are combining soybeans right beside the mine? Lien responded that is perfect because that won't pick up silicosis and that is what we are looking for. Lien stated we know there is going to be ambient dust that we are breathing in right

now but what we want to be able to do, for the mine company's sake and for the neighbors, is to say the 2.5 or 10 microns are not an issue. We're not picking that up so you can sleep well at night, your kids can play outside, but right now we don't know. Thompson asked if it would show that. Lien responded when they take it apart there will be all kinds of ambient weather dust and bark, etc. that is in that thing and is irrelevant –we're breathing it right now in this room. What we are really trying to pick up is those adverse health issues for people and either prove that they exist or prove that they don't exist. Canestraight added not only the size but that it is actual silica. Lien agreed.

One of the other things that Brandt talked about repeatedly is the reclamation plan to return to crop fields. Lien stated multiple other county's and Lien's counterparts have made it a condition, if you so wish, that if something is to be turned into a crop field that upon final reclamation, two years later you have 70% of the yield that has been recorded in the past. That is a way of saying that the soil is produceable again and that it is not barren wasteland like some of the other reclamation sites that we have seen. Lien reiterated that what other county's have done, after certification of reclamation, two years later you must be at 70% of that cropland. Low stated this isn't cropland to begin with for the most part. Lien stated a lot of it is. Bice asked what if they don't meet the 70%. Lien replied then it is not considered reclaimed and they strive to make it a sustainable soil. If our intent is to reclaim this land back to ag land and it has a certain yield now, to be at 70% of that yield wouldn't be an unreasonable request. Lien was stating that if the Committee is concerned about sustaining cropland that is a very reasonable request, if the Committee wants that. Brandt stated again that we are talking about four different entities here. The applicant isn't the property owner and after reclamation, the applicant is going to give up responsibility and it will revert to whoever currently owns the property. Brandt thought this was an excellent idea, probably going to be better for some other situation. Lien stated, the caveat, if Brandt is worried about whose shoulders it lies on, it is the applicant who said they were going to submit the bond. They are working with the landowner. The bond doesn't get released until it is met so they're going to put pressure on the landowner to meet compliance. Lien didn't think he would worry about it, because we have multiple entities, as the goal can still be through the same process. Brandt stated the point is, this is steep, high land and it is going to be flat afterward. Brandt was not going to push this issue but depending on what you start with you can't make something that wasn't there before. If the topsoil was no good before it is not going to be any better unless you amend it.

Lien stated Brandt mentioned and we have done this frequently in the past was to have a monitoring well that could be used just as that between the high cap well and the nearest residence which in this case would probably be Kindschy's or Kohnerts or perhaps Nehring (as far as a non-participant landowner) even with other landowners there are closer ones. But that could be determined at a later date by staff. But a monitoring well again showing compliance by the applicant that they are not contaminating anything and giving the landowners that piece of mind that nothing is being contaminated. Canestraight stated they made that commitment to Nehring as well. Behling added "no objection". Brandt stated so Condition #26 would be the monitoring well. Bice asked if Lien wanted the location entered in. Lien replied that is something he would rather work with them on because of Nehring's concern (he's the only one who has really talked about it). Canestraight commented the Kohnerts have talked to him as well. Brandt stated part of the condition was "monitoring wells to be determined later". Bice stated Brandt could just leave it at "well". Canestraight added that delineation is going to matter on final siting so it is very likely that each of them would require some assurance that a direct hydraulic line to their property was accommodated. Canestraight could live with two. Lien stated that was all the staff recommendations. Brandt went back to the acceleration lane. He didn't see people jumping on his motion to require an acceleration lane on the west side of Highway 53 south of Bunyan Road, in which case Brandt asked staff/ the Committee to work with the DOT and possibly the County too for signage related to trucks hauling or trucks entering and leaving. If there isn't an acceleration lane, people need to know somehow that there is going to be 230 trucks going onto and crossing this highway in the course of the day. Thompson stated you think it would be a good idea, but this truck is picking up speed and there is always someone trying to "zip by" at the last minute and then the guy coming is in trouble. Brandt understood Thompson but stated still it is a no passing zone. Brandt knows how people and he himself drive that road. Thompson stated when they do pull out one is going to have to slow up quite a bit. Brandt stated there is a whole line of sight thing on

that curve which we don't have any information on. Behling clarified that Condition #26 was the commitment to the wells, #25 was the commitment to the redaction leases. Lien corrected Behling saying Condition #24 was leases, #25 was the minimum of one air quality monitor with a removable filter that can be sent into a lab for analysis and #26 was the monitoring wells. Bice thought it was "well". Lien stated he had said "wells" and Canestraight reiterated "wells" because there are probably going to be two landowners who will want them. Bice asked if the applicant was ok with that as he felt it was important because when one says "wells" that could be a billion so Bice was just clearing that up. Behling stated that was a good point and all agreed to clarify the condition to two wells. Behling clarified in the air permit that they are committed to put in at least one air monitor for the permit, but on the issue with the portable, the applicant will have to visit with Lien on that or at least that was Behling's understanding of the discussion. Lien stated his understanding was that we would require the one portable one that would be a monitor, at this time. Lien added he wasn't comfortable with a fixed one as there are three at Preferred Sands that are a waste of time and money. Canestraight asked about the portability? Lien responded because the air changes and depending on where one is mining and the airflow, you have to be able to move that with that activity or the applicant is really wasting their money and time. Canestraight stated so it is not the portability that makes them junk, it is their quality of the samples. Lien stated it is the quality because you have to have a filter that is removable to analyze. If one just has a monitor that reads, we have no idea what it is reading so the filter is part of it and then the moveability. Lien stated we have three fixed one out at Preferred Sands that don't have a removable filter and they were a waste of their time and money. Behling reiterated it is hard for them to make a commitment because they just haven't had a chance to study it and that is why their preference would be that the Committee not include it at the moment but they are open to reviewing it with Lien when they come back with a new CUP request. Lien's concern with that is, like Brandt said you hear the old saying, "intent or wishes in this hand, anything else in the other" and see which one fills up quicker. Lien would rather see it as a condition so we know that we will work with you on it. Bice stated staff has said this was normally included in the information that would be submitted to them in the past and somehow it got overlooked here so the applicant came into this hearing today not realizing or probably not understanding anything about that. Bice inquired if DNR claims that they monitor this? Lien asked if Bice wanted the politically correct answer or the reality. Lien stated the politically correct answer is that DNR monitors air quality once a year on an annual basis and they call you up and say "hey we're coming Tuesday, we're going to do an air quality check" and that is the reality of the check. That is why we have had people come forward repeatedly to every one of these public hearings saying that just isn't adequate. Lien stated we heard Nehring talk today about his kids and that was one of his concerns. Lien thought we had a company here that is very willing to work with neighbors on that to know that they don't have that kind of issue. Canestraight clarified that what Lien is trying to accomplish is that the sample can be removed to be analyzed. Lien responded that was correct because (we're not talking about MSHA requirements for your workers on a daily basis) we're talking about that ambient air outside of maybe even the mining activity area but on the border so that the neighbors know and you guys know that there is nothing leaving that site or what is leaving that site isn't a hazardous material, that it is just dust in the air. Canestraight asked if Lien was saying that fixed units that are being utilized don't have the ability to analyze the sand. Lien stated they might. The problem with that is, on a day that the wind changes or you're mining in a different area, that thing is ineffective, so DLM has talked to companies about having a mobile unit. Lien explained, in essence, it is almost like a small brief case that extends up and then that filter can be removed. They probably cost a little more, but in the past we've looked at a site and said ok we have people living here, here, and here, we're going to make you put three of these fixed units in. Canestraight stated then your accomplishing the testing that it would take to satisfy. Lien added with that one. Canestraight understood the concept but he hasn't studied the units. Behling noted this was very new to them and when the Committee most recently approved KAW Valley and D95, this issue wasn't raised. They are happy to look at it in the future, but today, from a business perspective, you can't say yes to what you don't understand, so that is why they ask that the Committee not include it at this time. Lien responded the difference is in the type of processing. This will be a standard condition when KAW Valley comes back in a couple months for their processing permit. They were talking raw extraction – different animal. Lien stated whenever there is processing, that is when we look at the air quality monitoring. Budish questioned whether condition #27 was adequate signage? Lien wasn't sure if Brandt made that a condition or whether he just said that staff work with the Highway Department and DOT on proper signage for trucks. Brandt made a

motion to make that language Condition #27. Bice reiterated that Brandt has made a motion to have staff work with the Highway Department and DOT to make sure they get signs that warn people about trucks hauling. Bice called for a second to the motion. Bice inquired if the DOT doesn't determine signs? Lien responded sometimes the Highway Dept. does and sometimes private entities. Brandt's motion failed for lack of a second. Other than the staff recommendation that we do not move forward with this application today, Bice asked for a motion to approve all the other staff recommended conditions or inquired of Radtke if he needed action to take that condition out. Radtke advised that it really wasn't a condition. The conditions start with number 1 and go through 26 which are what was talked about and changed. Bice called for a motion to approve Conditions 1 through 26 as was discussed. Radtke stated it would be a motion to amend the original motion, to add in these conditions along with the motion to approve the permit. Low asked if a conclusion was reached on the portable air monitor. Bice responded it is in there. Low made a motion to amend the original motion to add the twenty six County conditions (Number 1 through 26) to the CUP conditions to the original motion as amended, Brandt seconded the motion, motion carried with no one voting in opposition. Bice stated we are now back to the main/original motion which was to approve this mining application with the conditions added to it. Brandt reminded the Committee of what it was we heard in public hearing today which was concerns about numbers, speed of permitting, amount of the number of mines, number of acres, all of the issues related and Bice and Brandt obviously disagreeing on the definition of health, safety and welfare as well as the concerns that have been raised by a number of citizens that this Committee by permitting mines, is changing not only the nature of the County, but the land use in a way that is not compatible with our Comprehensive Plan. Brandt asked the Committee to keep that in mind. Just for the record, Low stated he disagrees with a lot of Brandt's definitions. Nelson stated one has to keep in mind how many testified in favor and how many testified against. Thompson commented the Comprehensive Plan was made before sand mining came into the area too and when they get revised it might be all different. Brandt agreed that was true and it might be but the current Comprehensive Plan doesn't include this kind of industrial sand. Bice stated there were about 32 petitions that came in, in opposition, and about 97 that came to Bice of approval. Bice mentioned that many things that were read into the record that were e-mailed to Lien never made mention to this application. Bice stated a lot of them wanted a moratorium or something and made reference to other things. Bice called for any more discussion. There being none, a voice vote was taken and the motion passed with Brandt voting in opposing. Gamroth stated she assumed we are approving the original CUP because that wasn't stated. Lien stated that was correct and that Low had made the original motion with Thompson seconding the motion. Upon Bice's inquiry, Radtke indicated that the vote was sufficient.

At 5:26 PM Chairman Bice adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary