

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
June 12th, 2013 9:00 AM
COUNTY BOARD ROOM

Chairman Bice called the meeting to order at 9:04 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, Ed Patzner Kathy Zeglin and Jeff Bawek. Hensel Vold and Jay Low were absent

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Jake Budish, Keith VerKuilen. Corporation Counsel Rian Radtke and Carla Doelle was present for part of the meeting.

Others present: Mary Anne Bixby, Gary Bixby, Mary Lee Hegenauer, Robin Jones, Pete Nelson, Jayne Benedict, Cathy Kerska, Shirley Stanford, Lee Henschel, Randy Olson, Francis Pyka, Lois Taylor- RN, Scott Lee, Cathy Buresh, Nancy Horton, Joyce Schulte, Linda Jenkins, Jean Wright, Rita Larson, Terry Everson, Charlotte Everson, Eugene Simmons, Sharon Bonnewell, Gary Eckman, Ron & Kathy Adank, Paul Winey, Tim Zeglin, Travis Mossman, Jean Stenberg, Donna Brogan, Tom Forrer, Liz Temple, Susan Faber, Audrey Moen, John Auset, April Johnson, Randall Johnson, Michael Auset, Lennie Garrett, Leland R. Johnson, Karen Edson, Marcia Riquelme, David Quarne, Scott and Alysia Swanson, Damaris Stroening, Geraldine Blaha, Mary Dubiel, Carne Lee, Jeanne Nutter, Eldon Quarne, Tom Lydon, Everett Olson, Judith Haase-Hardie, Phyllis Olson, Donald Litwicki, Greg Mathson, Tom Jansky, Bob Glynn.

Adoption of Agenda – Brandt made a motion to adopt the agenda as presented, Nelson seconded, motion to approve carried unopposed.

Adoption of Minutes – Brandt made a motion to adopt the 5-8-2013 regular meeting minutes and the 3-28-2013 Special meeting minutes as presented, Nelson seconded. Bawek noted that he and Zeglin were not part of the Committee at that time. Motion to approve both sets of minutes carried unopposed.

Bice announced that persons wishing to testify would be given a total of three minutes. Bice asked that the audience to be respectful – no clapping or applauding or outbursts of any kind as this is a public meeting and that anyone who speaks out of line will be removed. Upon Brandt's inquiry as to who would remove them, Bice responded that will be dealt with at the appropriate time.

Public Hearing – Land Use Change/Rezone –Exclusive Agriculture 2 (EA2) to Primary Agriculture (PA) Jeffrey C. and Patti S. Dregney, Landowner/Applicant -Town of Albion. Chairman Bice called the public hearing to order at 9:07 AM. Nelson read the public hearing notice aloud. Lien referred the Committee to the overhead aerial photo. Lien explained that Dregney is creating a parcel to separate out the buildings from the forty, then by default it leaves a remnant parcel to the north that falls below the density requirement therefore requiring the rezone. If one looks at where the building/farm is, there ends up being thirteen acres to the north that falls below the requirement under that zoning district. Lien stated there will be a Certified Survey Map (CSM) that will be recorded after the rezone is complete to make this compliant. Lien added that notices were sent to all adjoining landowners, it was publicized in the newspaper and Lien received no correspondence for or against the rezone. Upon Bice inquiring if Jeff Dregney had any comments, he had none. Bice called for any public testimony three times.

Lien read a letter from the Town of Albion which stated after careful consideration of the facts and circumstances the Board passed a motion in favor of granting a zoning change for the parcel. All future property usage including driveways shall meet the criteria required for development and conform to the current zoning rules and regulations as administered by Trempealeau County Comprehensive Zoning Ordinance, the Town of Albion Land Use Plan and subject to any other applicable regulations by the State of Wisconsin, County of Trempealeau and the Town of Albion. Bice closed the public hearing at 9:12 AM. Brandt made a motion to approve the rezone, Patzner seconded. Brandt asked for an explanation from Lien as to why it was necessary to go to Primary Agriculture. Lien stated the current zoning –Exclusive Ag 2 – is one house per thirty five acres, so by splitting out the farm building, because there is no other adjacent land to that piece to the north, the road is a legal boundary, so by default one ends up with the thirteen acre parcel to the north falling below that zoning minimum. Lien noted that the rezone is to Primary Agriculture and that it is the minimum for the Town (Albion has a two acre minimum) so it would meet those requirements. Motion to approve the rezone carried with no opposition. Lien noted the rezone would go to full County Board on June 17th for final approval.

Public Hearing – Conditional Use Permit and Reclamation Permit – Nonmetallic Mine –Tom Johnson, Landowner/Applicant, Blair WI and Global Sand Link, LLC, Graham, TX –Operator - Town of Preston At 9: 14 AM Chairman Bice opened the public hearing. Nelson read the public hearing notice aloud. Lien handed out a list of items to the Committee that they are to consider and be listening for during the public hearing. Bice stated most of the Committee has seen this before. This is a list of items that the Committee needs to consider while considering a mining application. Budish stated this is a nonmetallic mining application in the Town of Preston. The mine site is currently asking for 80 acres to be considered in the plan with 50 acres mineable. The term of the mine is proposed at 8-10 years. There is anticipation of putting a processing plant there also to wash sand. There is no intention of putting a dry plant there. Budish stated there is a letter from the Town in support. Scott Beers with Global Sand introduced himself and stated he is one of the co-owners of Global Sand representing the Johnson mine here today. Beers stated they do have a presentation which Budish noted they would like to present to the public and staff. Bice stated they could make that presentation. Beers continued that on behalf of the Johnson quarry and Global Sand, he wanted to say that before they go through the presentation that prior to this timeframe and this public hearing, they were under the assumption by different information that County Road S to Hwy 95 intersection was going to be feasible and workable. Beers thought in the last 48 to 72 hours they have seen a lot of oppositional flyers and some stuff in the papers and some different things that allowed them as a company to maybe look at that and consider that the public is very concerned about that intersection and the traffic through the City of Blair. With that being said, as a company that wants to move into Trempealeau County and operate, Beers thought it would be also in their best interest to look at different haul routes or different options around the City of Blair. Beers considers himself a resident of Wisconsin, he has been here since 1968/69 so it has been awhile and he understands those concerns. Beers stated that for the people on the opposition side of this, with that opposition and truck traffic through the City of Blair, Beers felt that was something that they would be willing to consider in using alternate haul routes and finding different ways around the city to avoid that traffic for the residents of Blair. Beers started a brief overview of the plan. Beers introduced Thomas Johnson the landowner. Beers stated Global Sand Link, LLC is based out of River Falls, WI and the other two owners are in Graham, Texas. Beers continued that this is an 80 acre site located approximately 3 ½ miles south of Blair on County Road S. The time frame of that mine will be a 7 to 10 year time frame from start to finish depending on market and allowed truck traffic for the day. It is to be excavated in five phases and reclaimed back to agriculture as requested by the owner. Tony Hawkins is one of the owners of Global Sand; he is the founder and owner of Excel Pump and Supply Company which is an oil and gas supply company in Graham, Texas. Beers elaborated on Tony Hawkins’ background stating he has always been a person of the utmost respect in business and outside of business in that area. Beers stated Hawkins considers that same thing, the routes around Blair to help the City, as a good move on their part and on the part of the city to do that. Beers has 26 years experience in commercial and residential construction; he is the CEO of Lakeland Builders and elaborated on his own background. Beers noted if anyone wanted to contact him they certainly could call or e-mail him. Beers stated the initial operations will be a basic dig and haul with the expansion of a small processing plant in the future. The processing plant to be used will produce up to 400 tons per hour maximum. The buildings that are existing on the site currently will be left in place to aid in the

concealment of the wash plant and the quarry operation. What they have tried to do there is conceal the operations back up in the valley behind Johnson's to avoid any deterrence or site vision from the road itself. The existing landscape towards County Road S, to aid in the concealment of the quarry operations, will be left until final phases to aid in any visual disturbance with the exception of storm water retention areas and proposed driveway for quarry access. As requested by Global Sand, MSA Professional Services has done a site distance review for the proposed driveway access onto County Road S showing approximately double the stopping distance to the north and south as required by the WISDOT. As 570 feet left in our returning vehicles is a requirement the proposed driveway line of site for right turning vehicles would be 1,060 feet, for left turning vehicles it would be 1,150 feet. All transportation of materials will be done with the use of quad axle dumps as recommended by the WISDOT to accommodate the intersection of Highway 95 and County Road S unless the intersection of Highway 95 and County Road S are improved to accommodate tractor/trailer use. Beers stated they are certainly willing to consider other options around Blair and stick with those options around Blair if that is necessary. Beers shared an attachment/photos from MSA of the site distance review which was done for the WISDOT showing the 1,060 feet and the 1,150 feet. Beers showed the triangle diagrams done by MSA to show the site distance overviews out of that proposed access driveway and stated that is the site distance that WISDOT requires and they are approximately double that. Beers continued that the proposed traffic out of the Johnson quarry would consist of approximately 100 loads per day. They would certainly be able, if they have to go through the City of Blair, we would consider minimizing those loads down, but Beers thought they could work on alternate roads around there. The current proposed haul route follows the same route that has been approved by the WISDOT for other quarries in the area. Again, Beers does recognize the concern of traffic through the City of Blair and have decreased the amount of loads by 50% of what they had originally planned and will continue to work on alternate routes and alternate rail loading facilities to help eliminate traffic thru the intersection of State Highway 95 and County Road S. Global Sand has been in discussion with Wisconsin Grain on the possibility of loading rail cars at their Blair facility which would eliminate loads going through the Highway 95 and County Road S intersection. This would be in the plans and in the reclamation plan, etc. but this really was a situation that came up within the last 24-48 hours and they really didn't have time for the WISDOT to approve those routes and talk to the town about alternate routes around Blair. Beers stated Doug had stated they had room for them at the Blair facility and will allow them to load at that location. Future location would resolve many concerns on traffic and distance for the residents of Blair and for Global Sand. Global Sand received a letter of approval from Preston Township as requested with no opposition at that town meeting. Global Sand has provided all items requested by Trempealeau County for permitting and looks forward to working together with Trempealeau County officials and the residents of Trempealeau County. Beers showed an aerial photo of the Johnson property. Beers explained the different phases of the mining and pointed out the retention ponds, etc. Beers showed an aerial photo of the site and stated that after mining operations, Johnson had requested that they return the property back to an agricultural state and give him something a little bit flatter to try to farm than what he currently has at this time. Beers expressed his concerns for a positive impact in Trempealeau County and would like to work in conjunction with it's' residents and officers to provide a better future for Trempealeau County and its' future as a leader throughout Wisconsin. Beers thanked the Committee for their time and turned the meeting over to Eric Sorenson from MSA who has a small presentation regarding storm water runoff and site design. Beers added, that as one of the owners of Global Sand, he wanted to address the opposition that is here today and let them know that they did hear those things, your flyer was a professional job done and a good job done, and have they looked at that and seen the opposition and concern that was there, they really feel it is in their best interest to route around Blair and find alternate routes around that City for the public here and in the town. Beers knew there were some schools that were breaking ground and moving into some different areas that they need to avoid and at the same time keep all truck traffic off the roads when school buses are enroute. Beers stated they would be willing to work with everyone to move forward with that progress also. Beers turned the meeting over to Sorenson from MSA. Sorenson stated he works for MSA Professional Services, they are engineers and the company is based in Baraboo but Sorenson is based in the Madison office. Beers hired them to assist with some site design and permitting issues. Sorenson wanted to expand on a few things that Beers talked about. Sorenson showed a watershed map of existing conditions in the general area. The site makes up a part of three different watersheds all of which drain eventually into the Tappen Coulee Creek. There is a southern watershed which makes up a

part of the site but it does not drain through the site and exits beneath Bixby road and farther to the south beneath County Road S and over to the creek. There is a central watershed which drains through the site and picks up a little ground to the west. The central watershed exits through an existing culvert/cattle pass right in front of the existing farmstead. There is a northern watershed that takes up part of the site and drains beneath County Road S just a little north of the site. The site will be developed in five phases. The first phase in the central portion will involve construction of the access road, processing area and some initial mining hauling. The operation would then progress to the north in phases two, three and to the south in phases four and five. The storm water management facilities are shown on the slide and they would be constructed during phase one and they would serve all phases essentially. When they looked at designing this they looked at all the different phases and scenarios and came up with the worst case and sized the facilities to handle that. There are two settlement four bays which straddle the existing farmstead and then each of those four bays drains into a main pond adjacent to County Road S which is an infiltration basin. The purpose of the four bays is to slow down the runoff and capture sediment within those four bays so the sediment or the vast majority of it does not continue on into the infiltration basin. The four bays would be maintained periodically to remove sediment that collects and make sure that they maintain their storage capacity throughout the duration. The infiltration basin will store water up to a level that is about equal to that of County Road S. Sorenson thought the elevation of this in front of the property varies from 923 to 925 and he has it set up so that there is a berm in the front of that base up to elevation 924. It would be separate from the drainage of the highway itself. There would be an overtopping structure built out of concrete to alleviate any concerns about erosion or stability of the outlet itself. Any water that did drain out of the basin would be routed through the existing culvert or cattle pass and continue on to Tappen Coulee Creek. To satisfy the DNR requirements, what they wanted to do was contain all water on the site for up to a ten year storm event. Sorenson understood that the County commented earlier that they would like to see more water captured on site and what's laid out now catches all the water from a hundred year storm event without releasing any offsite over the surface. The water that runs off through the infiltration basin would percolate down. Right now that basin has enough capacity for 7 -7 ½ inches of a storm event and a 100 year storm event is 6.1 inches, so they have a little bit of extra capacity than what the County had asked for. As the mining progresses, it will progress in such a manner so that they can keep water draining back into the storm water facilities and not elsewhere. To expand a little on the intersection design, Sorenson explained there were site distance concerns. They came out and did some measurements. The critical factor here is a horizontal curve just north of the site. There is plenty of room for stopping site distance. The critical design factor was intersection site distance for a southbound turn out of this site. Sorenson explained what that means is the driver of a vehicle needs enough time to make a decision, make the turn and get up to speed before he would impede the progress of an oncoming vehicle. They moved the entrance to the south far enough to meet the design requirement for that southbound turning motion. For the northbound turning motion, what is shown on the overhead aerial photo is the design distance and there is actually an awful lot more distance to the south, where a driver can adequately see. Sorenson's understanding was that the truck traffic will be making this left turn motion so there is plenty of extra room for that motion. The site entrance itself will be wide enough so that a truck could be sitting there waiting to turn out while another truck came in and turned without having to wait for the other truck. There won't be issues with trucks queuing on the county highway, etc. Sorenson felt they have tried to address the county's concerns with the site entrance and also with the storm water related to providing more storage and alleviating any concerns about the infiltration basin clogging it with silt from runoff from the site. Bice called for any public testimony.

Rita Larson – Registered in opposition but not testify.

Linda Jenkins – Registered in opposition but not testify.

Scott Lee – Registered to testify in opposition. Lee stated he has never been very political other than an occasional bumper sticker on his car, but seeing how all this has progressed he has gotten kind of angry with himself for not being more involved with this. Lee is a retired elementary teacher from Trempealeau, currently teaching part time at UW-LaCrosse. He knows the issues on this. He knows that the land right issue is one of them. He understands land right issues, but it seems to him that the land right issues on this are the rights of one person at the expense of lots and lots of other people. To Lee that is not land right, that is the right of an individual, not the right of the majority. Lee knows another of the issues is the jobs. To Lee it seems like it is

creating a number of temporary jobs in exchange for a whole lot of permanent damage and that once again doesn't seem to be right. Lee understands jobs and today's economy but to him it seems to be very short sighted. We're looking at what is happening to us right now. We're looking at the present without looking at the future. Lee being a former elementary teacher stated we have to consider those people. We have to start looking at the rights of the upcoming generations. We can no longer think selfishly and in the present. We really need to start thinking into the future. Lee has heard the people here talk. They are using words like "consider", "might be able to", and "could do this". Lee hasn't heard any definites. He hasn't heard them say "we definitely will do any of these things", it just seems to be that "maybe" they could do these things or we'll sure "consider" doing these things. That scares Lee. It is nothing personal he just doesn't know these people well enough to trust them. Lee wore this shirt on purpose. The shirt says, "One generation plants the tree, the next generation gets the shade". Lee thought we could paraphrase that a number of ways with this issue. We can say, "One generation mines the land, the next generation gets to view the scarred landscape". "One generation hauls the sand; the next generation gets to repair the roads". "One generation pollutes the air and water; the next generation gets the cancer". Lee thinks we need to start thinking about the next generation and not just the present generation.

Gary Bixby – Registered to testify in opposition. Bixby and his wife have lived next to the proposed mine site for thirty years. Bixby moved from Milwaukee to this beautiful county to get away from bad air, water, excessive traffic and noise. All this peace and quiet will disappear if this mine and others are allowed to operate. It is difficult to conceive how a few individuals can dictate the future of a county. Bixby would like the Committee to rethink the moratorium for one year on this sand mine and others and lets just see how the approved mines goes for a year before approving any more mine sites. Perhaps those people in favor of sand mines in Trempealeau County should move to the City of Milwaukee for a few years in order to re-appreciate the beauty of Trempealeau County.

Mary Lee Hegenauer – Registered to testify in opposition. On May 20th, 2013 the Trempealeau County Board voted on a resolution to place a one year moratorium on issuing new permits for frac sand mining. Eight board members voted "yes" in favor and eight board members voted "no" against the moratorium. Four of the board members who publicly stated no in opposition to the moratorium are sitting on this Committee. Obviously, they did not feel it necessary to take a year time out to allow for development of a county wide plan for mine placement or to evaluate the effectiveness of the Nonmetallic Mining Ordinance regulating the 26 mines already permitted or to assess the true economic and health impact mining will have on their county. Therefore, we can only assume that this Committee knows enough and has an overall future plan for the continued development of industrial frac sand mining. What is your plan? Show us and tell us. Do you have a plan for the number, size and locations of mines? How many mines are enough? How does mining fit into the community and the landscape? Given plan for a number of rail and load zones – current count is four with five more in process. As they say, "build it and they will come". Do you have a plant to protect our property values, quality of life and respect our natural landscape? Mining is landscape destruction. Do you have a plan to replace the business, tourists, hunting and fishing that will be driven away – currently bringing in 25 million dollars yearly to our County? Do have a plan for monitoring our air and water – the Wisconsin DNR due to underfunding will have to re-allocate existing staff from other priorities to work on industrial frac sand mines. They would only investigate in response to complaints about the most serious environmental concerns. Do you have a plan to assist and restore the social and cultural fabric of our community or will you continue to use the mining standard of divide and conquer? Do you have a plan to correct the so called "misinformation" presented by those concerned citizens who see no plan? Do you have a plant to assist the Trempealeau County Department of Land Management so that they can analyze, monitor and regulate this industry in a timely, accountable and responsible way? Do you have a plan on who will pay for the accelerated damage to the county and state roadways? Do you have a plan to replace our natural resource of sand, rather than shipping it out of state as a no tax commodity? Do you have a plan for additional research and data development regarding the local economic cost and benefit impacts of frac sand mining? Do you have a plan for the future to protect the health, safety and welfare and quality of life of these County citizens? The history and evidence of this Committee shows that your plan is no plan. We are the epicenter of industrial frac sand mining in this State. We are

becoming a sacrifice zone. The tipping point of a frac sand wasteland. What is God's Country becoming? I am against the issuing of permit number 27 to the Johnson - Global Sand Link mine wash plant. Thank you.

Bice asked all the people that do comment on this application to keep it relevant to this application.

Jayne Benedict – Registered to testify in opposition. In looking at the truck route going from County Road S and right through the main street in Blair, Benedict just heard that maybe they were thinking about working with us – either way they have to go through Blair somewhere in that neighborhood. 360 trucks or 200 or 400, whatever, that is just too many trucks to go through that little community without devastating it. Benedict used to have a restaurant there and she understands the impact of all those trucks on the city. Blair is a little city that is just trying to get by, a nice peaceful little community where people care about each other and they are already being bombarded with Preferred Sands and all the other things that are going on there. On County S there is a winery and an apple orchard. It is a narrow road with beautiful country and there is no way that one can bypass Blair and keep Blair safe. Benedict wondered too, in talking about reclamation, it is going to be more agriculture. The information Benedict got is that it is going to turn out to be a toxic land fill and the land is not going to be usable for decades, so when we look at this, Benedict lives by Fagernes church and in this county she doesn't even know anymore how many mines there actually are – could be 28, 29, Benedict isn't sure, but she knows that when everybody is out there working there is going to be about 20 by Square Bluff. Benedict has one about a half mile down the hill, within three miles those are going to be wash plants. Benedict's neighbor was told that the one down the hill, there would be about ten trucks a day going by there. Does Benedict believe that? She didn't think so. Our land is being destroyed. That is beautiful country out there. Blair is a nice little city, I love it. It is my home and to see what will happen to the people and the businesses in Blair and the roads that are all around Blair, I think we have done our part on mines. Trempealeau County is a big county. Why are they concentrated right here? Why are we consumed and destroying Blair, Whitehall and Arcadia? Why are all the mines here? Spread it out. What is the matter with Trempealeau or Osseo? This whole county is full of them. I don't think we need one more mine. I think we have done our part to participate here. I think we need to slow down and see what the results are going to be of this. Benedict talked to a man in New Auburn. He and his wife are coughing and are sick. They can't open their windows. Benedict talked to a man a few weeks ago and his horses and cows are getting sick from drinking the contaminated water and from the pasture. This is not shale of which we have had mining for years. This is different. Silica sand is dangerous to people and our animals. When horses and cows die because their digestive tracks are ripped up and they're drinking poison, will we lose our pets? What are we leaving for our children and our children's children. We need to think about this and think about stopping this. That mine out on County Road S is just a very, very sad thing. If you don't know where we are talking about then you take a drive up there and see how beautiful it is and see that road. No matter what, they have got to come through Blair somewhere and it will destroy Blair.

Shirley Stanford – Registered to testify in opposition. Stanford stated she agreed with all the previous speakers so she will not repeat. Stanford referred to the information that she got in the mail. When she looked at it and saw that it was on Broadway and she tried to figure out how many trucks are going to be going past her son-in-law and daughter's home, she was horrified. They can hardly get out of their driveway now for all of the milk trucks, Ashley and everything else. Stanford has a little great grandson that is going to have to cross Broadway to go to school and come back. If they have a crossing guard what if he is late and they're all gone so he has to get across that road by himself. You mentioned that if they cut back 50% - Stanford felt even that was still too many trucks. Stanford stated she is so against using Broadway.

Charlotte Everson – Registered to testify in opposition. Everson and her husband own the bordering property to this parcel. The Everson's DNR wetlands also border across the road the Johnson's small field and their DNR wetland's. Everson is not a lawyer nor engineer, she is not an expert, she is a facility planner, she works through Ashley Furniture and has designed a lot of their buildings with them so she knows how to read a floor plan, she knows how to read a topography map. In addressing the Committee, she stated her information may not all be correct, but please look at her questions and re-evaluate before placing a vote. Everson made copies of the first and second proposal of this plan and here are the items she would like the Committee to review. The access

road that was shown on there is not being met. They were on the edge of the road; they were not back the five feet where they needed to be for an actual stopping distance in their truck to look at that corner. They also measured to the edge and if one looks at these plans, you can take a ruler and one can actually go from the edge of the site plan which is outside Dorothy Burt's garage and you can measure it. This is 900 feet at most if one goes all the way over you do not make 1,060 feet. Please have an outside contractor, not their engineer re-evaluate this road. What surprised Everson is that on their first proposal, they were within the 100 foot distance of the buffer which couldn't have been done because the topography of this land, this is a very sharp hill that leads up here, it is a 70 foot rise, so they moved it back to fit the 1,006, well actually this driveway turns back on itself and one can see that in their plan, this is not a 90 degree turn. It doesn't matter if they design it for two trucks, a truck cannot be at that corner while another truck is driving in because they are actually driving backward, so please review that again. Also, Everson looked at the Town of Preston requirements, their Conditional Use Permit; Number 9 is that a berm must be constructed to protect the creek and wetlands. On this plan there is no berm. They are also just 50 feet from the edge of the road to where their retention pond starts. Please verify that it might be 52 it might be 48. On their first proposal there is a wet plant, that box is not on their second proposal. They have their material storage and their sift ponds (her terminology is not correct) but the wet plant is not on here. One needs to understand this is an incredibly sharp, tight valley where they are saying they are going to put all of this construction. There is no turn radius for these trucks to even be. There is no staging area for these semi's to be in that site, plus all of their heavy construction materials, unless you want to already take your Phase 4 out of there, so they just have room to build and to work on what they have. In addressing their transportation route on township roads, they do not have any permits with the Town of Preston to go on any of those roads. Going out on County Road S, if they are taking the product down towards the Ettrick area, there are heavy slopes (Everson doesn't know the grades of those slopes) and County S already has big washout issues. They would probably need a second lane too for the slow traffic to make it up the Blair hill (like on Highway 53). This is the fourth company/contact that has called Everson that the Johnson's have contacted, to go for their site. Nobody else wanted it because it is not workable. They don't have a buyer. Tom Bice actually stated that sand not on the rails, within a few miles of the area mined, is not feasible to sell. Bice interjected saying "in most cases". Everson continued that the Town of Preston, was told (at their meeting they told Everson this) that Preferred Sands does not have contracts with outside buyers nor can the Quarne spur take it, which is frac sand. On County W, Taylor Frac put a lot of investment into that road. They haul 80 trucks a day. Would we require the same investment (that was required by Taylor Frac so they could use the Quarne spur) to go into the entire road so that they could haul all the way through Blair or would that have to go through the Town of Preston? Everson stated this site has too sharp of a grade to make it a profitable mine. This mine has no water safety prevention. This site is 140 feet from the creek. There is no washout plan like in Arcadia where they at least have a big field to catch it if there is a problem. This site does not allow for safe transportation or access to the road. This site should not be considered because of the impact on the community residents. This site should not be approved. If this site is seriously considered, it should at least be tabled to get the correct information before it is considered.

Mary Ann Bixby – Registered to testify in opposition. My husband and I live immediately next door to the proposed sand mine, high velocity well and wash plant of Tom Johnson. Speaking as an RN of 44 active years, 23 of these years worked in Jackson and Trempealeau County, I opposed this sand mine permit because of health reasons. Firstly, if it is silica, it is not just dust. This silica dust from sand piles is picked up by the winds and blown into the neighboring sites. I am one of those sites. The neighbors around me, they are one of those sites. It is not something you see in print, it is actually; we are one of those sites. Silica is a known carcinogen and this mine has an estimated working period of 8 to 10 years. This means 8 to 10 years of silica sand blowing onto our lands. Are the neighbors, including my husband and myself, to be researched as guinea pigs with the possibility of silicosis? Will a full time tanker, one tanker, keep the haul load and the stockpiles of sand wet enough to prevent this drift? Secondly, the washing plant will be using a chemical, among others, called polyacrylamide to work and to wash the dirty sand. Polyacrylamide is a neurotoxin. This neurotoxin is powerful enough that the EPA considers any amount of neurotoxin as unsafe in our drinking water. The nonmetallic mine reclamation plan states the mining company, Global Sand, LLC, from Graham, Texas, will have a network of monitoring wells on a proposed site and neighboring potable wells within a quarter mile area

and these will be included in the background assessment. These will be sent to Trempealeau County, but will Trempealeau County be able to review these on a continual ongoing 8-10 year basis? Will we neighbors get the results of these things? Does the mining company replace a contaminated well? All of us neighbors live within a quarter mile adjacent to this proposed site. We need to be continually updated in regard to the following: total dissolved solids, suspended solids, nitrates, PH, turbidity, diesel range organics, chloride, iron, manganese, arsenic and polyacrylamides. Last, also to consider are our mental health issues. The noise – the daily 6AM to 8PM bombardment of noise. Light pollution in our beautiful clear skies out there. The blasting, as is stated in the reclamation plan, sites two times a month. For how long? Is this a day of blasting? An hour of blasting? Two days of blasting? A week of blasting? The vibrations, the susceptibility assessment and the vibration limits, have they been established? The year around, Monday thru Saturday noise, of earth moving equipment being skid steers, excavators, dozers, backhoes, front end loaders, conveyors, sand trucks, rock crushers, and the wash plant. What price can be paid to an individual who gives up the stewardship of his land? Since Trempealeau County has no moratorium, I ask you, our County officials, what is your plan? What is your plan?

For the record, Bice stated that the applicant has indicated that when he is done, his land will be more farmable than it is today and that is very possible.

Lois Taylor – Registered to testify in opposition. Taylor is also a nurse, an elected official and a conservationist who loves to connect the dots. First of all I am having a difficult time comprehending why water resources would be allowed for washing dirty sand so that the sand can be sent to Canada or elsewhere to extract prehistoric fossil fuels which will be sent down many miles of pipeline to tankers in the Gulf to be sent to ports unknown. Some of that will return as high priced gasoline to fuel the sand hauling trucks here in our County. Sounds like a scheme or a theme from a Dr. Suess book to me. Locally the sand mine benefits are negligible because it will employ a few local people with many more coming in to this area from other states to be employed by an out of state, out of area employer. Meanwhile locals would be subjected to over 100 gasoline guzzling trucks per day for ten years or so. We can be fairly certain that fertile soil will not be reutilized to replace every ton of extracted sand so the area cannot be fully restored. More to point, the entire process will require increased locally financed services such as road maintenance and public safety monitoring. To be mindful of your constituency, the quality of life will decline from the stress of increased noise pollution which can have a direct impact upon our already limited mental health resources. This county has the highest suicide rate in the State so the reduction of stressors is very important for your consideration. Serious chronic illnesses are on the rise mainly from our conventional food chain, air and ground water contaminated by agriculture's glycosides. Also this region suffers from a high incidence of chronic respiratory illnesses from coal burning plant emissions and pneumonia from confined industry, so adding fine particulates from sand mining will further increase health care costs and insurance costs along with worker absenteeism and unemployment. Frankly, as many economists are forecasting a worse economic downturn than that of 2008 or 2009, I would encourage every official to consider ways to bolster our local economy and community welfare with long term investment and renewable energies, tourism, diversified agriculture and free-range meat production. In other words, let's optimize our natural resources, not degrade them.

Greg Mathson – Registered to testify in opposition. Mathson does some work for the Litwicki family property just adjacent to the Johnson farm. They bought it for recreation land. County Highway S is a dangerous road for having truck traffic. Access to the highway from this property would be a dangerous driveway. There is double yellow line for almost two and one half miles from this property just to the city limits of Blair. If this is not a dangerous situation, why did the County spend money putting in an under road cattle crossing. Before they used to cross the road and now it is underground. There is also a lot of jogging, walking and bicycling on County Highway S. It is a narrow road. Mathson didn't know how safe it would be with all this truck traffic. Just before one gets to the city limits there is a bridge that will not accommodate two vehicles going across it. Mathson would also like to know if there is going be an EIS or EIA written to give a plan as to how the runoff is going to be controlled on this property. Sand has to be kept from reaching Tappen Coulee Creek and the adjacent wetlands that are associated with it. Right now there are serious runoff problems coming off the property, as one can see by the cattle culvert. Tappen Coulee Creek has had a long history of flooding ag land

and residents and businesses in the City of Blair. What safeguards are going to be in this plan to prevent excessive runoff and if there should be a failure of the holding ponds? Why do the residents of Blair have to put up with another problem, especially those on Broadway? They had problems with the grain bins that were in their backyard, now they're going to have truck traffic in their front yard. When is this all going to end? Gas continues to go up to four dollars per gallon. Why do 1300 plus people have to put with more problems just so a few people can make a little money.

Travis Mossman – Registered to testify in opposition. Mossman is with the Trempealeau Trails Bicycle Association. At this point, thirteen years ago we developed the bicycle trail loop system to go out in the county back roads and avoid the major traffic areas. Mossman has been reviewing a lot of the routes at this point. Because of locations of mines he has had to switch some of these routes, working as much as he can with the existing mines. By the time Mossman found out about them it was too late to stop many of them. Some of them are in places where the road is wide enough where he can work around it by either extending the roadway because there is a wide enough shoulder or finding a different route. With this particular mine, being where it is at on County Road S, the only way Mossman has to go around the mine is down State Highway 53 and the whole point of the project is to get people out in the countryside and off of the highway, which is where most people end of bicycling. Mossman asked that this mine be considered as not an option. Mossman wasn't certain as to how we would work on this. Mossman stated the bicyclists come and we don't know when they are coming. Nobody calls, nobody writes, they don't say hey we're going to be driving down or biking down County Road S today. They just show up. Mossman stated Bice had said lot of these mines that are having trucking as part of their business plan won't ever open doors. Regardless of whether a mine opens its' doors or not, Mossman has to put the fact that a mine is permitted on the bicycle trail for safety reasons and these numbers are concerning to the bicyclists. They come and the first question out of their mouth is, "What's going on with the sand mines". Mossman responds, "Well, we're working on that guys, we're doing the best we can". We are trying to get some signs up there to increase the safety on both the roads that they travel on as well as the intersection where people stop to get onto those paths. At this point, Mossman needs a little bit of time to go through and figure out how we are going to deal with this situation. This bicycling has become something that has been a positive impact for the community. It has taken ten years to get to the point where we are at now. Bicycling Magazine put out an article in 2011 and the following year we have had people from all over, Canada, France, some people from Europe and Chicago. Twelve bicyclists came from the Twin Cities and they rode on the County S loop right around past this mine. It is one of those things that we don't always know when these people are coming so one can't always plan or prepare and call and say there is a group coming through can you not have the trucks running. It is out of our control, but it is a matter of what people are doing. Mossman stated it would be nice to have some time to at least look at a way that if there is not a complete moratorium in the County, at least a moratorium on mines that require trucking as part of their business plan.

Jeanne Nutter – Registered to testify in opposition. Nutter lives in Trempealeau County in the Town of Unity. Nutter doesn't live near this mine but lives in this County and she believes that whatever happens in one township affects all of us. Nutter walks, she rides motorcycle and we all know motorcycles and sand don't mix. Nutter raises horses and horses and silica sand don't mix. Nutter has lived here most of her life. Nutter has spoken to this Committee on several occasions. Her message today will be the same with just a few additions. Nutter first wants to say that those of us who dare to speak against frac sand mines are not misinformed. We do know what we are talking about. But most importantly we care about our communities; we care about the land, the water and the quality of life. It saddens Nutter that those of us who call us misinformed don't know us, nor do they care to think about other options for our community's. Nutter has watched many people speak about their concerns only to see members of this Committee and the board at large appear disinterested in the words of the people they pretend to represent. It has been said many times, by some on this Committee, that most of the people in Trempealeau County do support frac sand mining. Nutter is certain this is not fact. Nutter thinks most people want what is best for their community and their families. It would be interesting to actually survey the citizens and see what they want. We did this in Unity and we got some very interesting results. There was actually 50/50 with a little bit more against frac sand mining, but over 80% of the people said they did not want to live next to a frac sand mine and over 80% of the people said they wanted to keep agriculture and keep the

land as it is and support agriculture. There was a 44% return so it might be something that this Committee might think about county wide. Nutter has also had the Constitution waived in her face and heard people say you should be able to do whatever you want with your land, who are we to interfere. Nutter has talked about this in the past and we know this to not be true. Nutter can't put a wind turbine on her land. If Nutter started collecting old cars, Gary, the Town Board Chair, would be at my backyard saying, "what is going on here?", so I can't do what I want with my land, but we do have rights and Nutter has rights when others intrude on my rights as the landowner. Nutter would ask, and she has talked about this before, that one go to the KATO Institute which is funded by the Koch Brothers (very right wing leading think tank). They say Nutter has rights. No one can sit in this room and for certain say that silica sand is not harmful. In 1987 the International Agency for Research on Cancer classified silica as a probable carcinogen and in 1997 reclassified it as a Group 1 carcinogen. Nutter has heard many references to best practice in mining. This is all fine and good but best practice is not the law of the land. Nutter knows about best practice as we strive for this in social work which Nutter has done for 36 years. Not all social workers practice this best practice and neither do all mining operations. There have been numerous violations at most mining sites in Wisconsin and it is the citizens who have reported these violations. Self reporting rarely happens. Nutter has said it before and she will say it again, you need to push the "pause" button and look at how mining might work in this county. How it might learn to co-exist with the rest of what Trempealeau County has to offer the State and those who come here to experience beauty beyond compare. Nutter does not support this Conditional Use Permit.

Alan Robertson – Registered to testify in opposition. Robertson is the attorney for the City of Blair. Robertson stated the City has submitted a statement. Robertson didn't count the number of words so perhaps it can't be read because it is too long. Robertson apologized for that but he did provide copies for the Committee members. Robertson stated in November (he didn't recall the precise date) 1863, Abraham Lincoln was touring from Washington DC to a small city in central Pennsylvania. It is alleged and part of legend that he proposed the Gettysburg address on his way. Further legend states that he put his Gettysburg address on the back of an envelope. Robertson got the back of an envelope but the comparison ends right there. Robertson has a concern about the granting of this Conditional Use Permit. Robertson has lived here for 45 years but he is more concerned about citizens of the Town of Preston and the City of Blair and the hazards that this plan proposes. In its' original state, as Robertson understands it (he may be incorrect on his figures), there was discussion that perhaps there would be as many as 100 quad axle trucks a day. Now a quad axle truck, Robertson thought had a capacity for 84 ton (applying his 8th grade math education) that is 168,000 pounds. The thought of 100 trucks per day (in a 10 hour day) for transporting, that is 7 in an hour or every 6 minutes one of these behemoths is going to be rumbling down County Road S from the site to what Robertson calls the Sonny Johnson corner and then down Broadway to another interesting corner where we have a store called Dollar General. First of all, Robertson is having a hard time wrapping his feeble brain around the idea that they can safely make the intersection on the Sonny Johnson corner - his guess is that they are going to cross into the other lane. Then the Dollar General corner is another issue. Making the turns, going north or south, at the Dollar General corner that would be a concern of Robertson's. But the bigger concern is this, during the course of the day, between the months of August and into June there are school children who will not only be using Broadway, but they will be using intersecting streets and crossing County Road S. Can we just suspend the operation of these trucks during certain periods of time- it is probably not going to happen because someone has to make money? Robertson knows Broadway isn't Third Street in LaCrosse, it is not even Highway 53 in front of this building, in terms of traffic, but we do have a pharmacy downtown. We have people who use the pharmacy all the time. We have a bank and a post office, a café which serves senior citizens their meals. We have pedestrian traffic. It shivers Robertson's "timbers" when he thinks about it. One other point is that we've got a couple of bridges (he hasn't done a thorough inventory) to cross. Robertson thinks someone mentioned the one near the airstrip. Robertson doesn't know if that bridge can take the kind of pounding that a quad axle truck can give it over the course of daily traffic. The bridge that Robertson is even more concerned about is adjacent to the Blair Community Center. Robertson didn't think it could take it. Sorenson has checked that out and maybe he thinks everything is coposthetic there, but Robertson is not so sure however he will admit he is not an engineer. On behalf of the City, Robertson stated he is in opposition, he wishes the Committee would consider not only the comments of others but of himself.

Marcia Riquelme – Registered to testify in opposition. I don't live here. I am not from this County, but I have been here a number of times in the last couple of months and it is because I believe that when I walk out my door, the air that I breathe doesn't come from just my lot and the water that I drink coming into my well, doesn't come from my catch that I try to keep clean. It seeps under ground in a water table. The air flows all around us from everywhere and I don't think it is much different up here. I think you guys are putting one another in danger by proposing these kinds of mining operations that endanger everyone's lives. Riquelme would propose that the mining companies build high enough walls around their operations to prevent the wind blowing the fine particles anywhere else and dig deep enough channels underground to sequester, in perpetuity, the chemicals and groundwater containing those chemicals so that it could never seep into the ground water of other people who also live near you. It breaks her heart to see what is happening. Riquelme believes we are all family, believe it or not, we are all family and she just hopes for more consideration of this kind, when we are considering a business being allowed to spread the offal coming of their operation into the lives of others to the degree that she hears and notices, she thinks there is a crime happening and it needs to stop.

Liz Temple – Registered to testify in opposition. I am not from around here either. I am from the Wisconsin Grassroots Network and the reason that I am here is to support the opposition effort. We are opposed to the Conditional Use Permit for the mine and for the reclamation permit as well. You have heard it all. Temple doesn't have to repeat it all but she thinks it bears repeating to prioritize it all. As you heard the Registered Nurses here talk about the negative health effects of silica sand and by far that is the most serious concern that everyone in this room should have regarding the effects of silica sand. Silicosis is very much like asbestos with regard to how it affects the lungs. Silica sand is number 1, our drinking water, all the environmental degradation, the devastation of our landscape, economically the devastation to the tourism industry, the unregulated nature of the mining itself. We all know that DNR is cutting back on staff. We have seen the 43 page document on the regulation of silica sand and again, as has been represented here, the DNR will only respond to complaints and that is a serious issue for this silica sand issue in Wisconsin. One of the other issues that we have is the reclamation process that we know about throughout Wisconsin and throughout Minnesota, is that it is a joke, unfortunately. The landowner may think that they will get the same effects of their previous crops but in fact it will not happen. Temple was not aware of the 7 – 10 year mining and that makes things a lot worse. Again, we are in support of the opposition to this Conditional Use Permit.

Bice stated our Mining Ordinance requires a bond for reclamation. We are doing everything we can to make sure that reclamation does happen and it does happen in a very successful, useful way. Those that doubt quality reclamation, we're doing what we can. We believe that we have everything in place to make sure that it is done properly. Bice announced that there would now be a 10 minute recess.

Bice called the public hearing back to order. Public testimony continued.

Tim Zeglin – Registered to testify in opposition. Unlike the two previous speakers, Zeglin stated he is a resident of Trempealeau County and has been for forty years. Zeglin is here to oppose this permit and ask to deny this permit and also to speak to an assumption that has been raised in a situation that occurred previously and an assumption that is being made here and now during this permit. That assumption is that the land will be reclaimed and returned to agricultural use. Most people in this community, in this room, would agree that agriculture is the basis of community life in Trempealeau County and has been for a long time. Most people are in favor of continuing the land in agricultural use. Zeglin has two questions to raise or two concerns about this permit: 1) Zeglin would ask if this company (and perhaps the developer could answer this) can show this Committee or the people in this room any evidence of successful reclamation of mined land on sites of the same type that we are looking at. That is not a rhetorical question, if they can answer it or show this Committee a successful reclamation record, he would like them to. Beers asked if that question could be answered. Bice responded that is normally not what we do but allowed them to answer. Beers stated they have done successful reclamation in Rusk County. There were some quarries there they reclaimed approximately 7-8 years ago with no side affects whatsoever and received approval from the DNR and they were very close to some water areas,

etc. Lien asked Beers what they were reclaimed to. Beers responded they were reclaimed back to recreation. Zeglin thanked Beers and stated that by coincidence he was able to get a copy of the plan and he was looking at two areas in the plan that he would like to direct the Committees' attention to. This gentleman mentioned "recreational". Zeglin stated the soils on that farm are Lafarge D2 silt loam, Fayette silt loam, Hixton loam, Huntsville silt loam. Coincidentally the first two are the same soils that Zeglin has on his farm. Those soils on Zeglin's farm will yield (a conservative estimate), with adequate care, 150 bushel per acre of corn, 4 -4 1/2 tons of alfalfa. They are very good soils and again the soil map shows that they are very deep on the farm – 24 to 36 inches and that is really good in Trempealeau County for topsoil. On the other hand, Zeglin stated the reclamation plan, Page 16, doesn't talk about raising corn or alfalfa, the reclamation plan mentions orchard grass, tall fescue, perennial rye grass and timothy. That is all that is mentioned in the reclamation concept. Anybody who is familiar with those knows that those are pasture grasses. Those are perhaps grasses that will grow on highway road cuts or they're standard mixtures for highway road cuts. Think about that folks. You are taking productive land and changing it/removing the underlying sand subsoil that helps filter the water. Flatter is not necessarily better as we all can see in a year like this with water standing everywhere. Apparently the land that is reclaimed is not really agricultural anymore.

Bice stated many of you have heard me say this before but we still have a lot of doubt that reclamation will and does take place. Bice continued that down between Centerville and Winona about 15 years ago (he'll get the date because people are probably going to ask him that) the DOT wanted some fill to help manufacture the new highway going into Winona. If you remember back it used to be a very narrow, curvy road. They found a farm close by which had a field with a big mound out in the middle of it. It is part of a 70-80 acre field right now. They made a deal with the landowner there, opened it up, took out the soil underneath and built the highway. They closed it up, put the soils back in. They have farmed it since that time and this spring they added irrigation to that field. People think it is not possible. Maybe it doesn't happen all the time, but it can happen. In some cases it can happen extremely well. It is important when people say these things can't and don't happen, they can and we're working in Trempealeau County to make sure that they do.

Zeglin inquired that since Bice chose to rebut his testimony, does he get to counter that. Upon Bice's disagreement with Zeglin's comment, audience consensus was also that Bice had rebutted Zeglin's testimony. Bice allowed Zeglin to rebut his comment. Zeglin understood the situation that Bice was talking about and Zeglin was glad that Bice followed it up with a disclaimer that sometime it works and sometimes it doesn't. Zeglin stated Bice was talking about one situation 15 year ago down near Centerville. On Zeglin's way to work, up until last year when he retired, he drove by a site, operated by a large dairy farm just west of Strum and south of the Buffalo River, west of Eleva Strum High School. They had a very large hill. Zeglin can't imagine what expense they paid to remove that hill and flatten everything out so that they could pull in an irrigation rig. If one drives by there now there is water standing all over, so there is another site that has not been successful.

Bob Glynn – Registered in opposition but not testify.

Kary Jones - Registered in opposition but not testify.

Susan Faber – Registered to testify in opposition. Specifically addressing Bice, Faber stated she will try to keep her voice below 80 decibels while she uses these precious three minutes to defend her rights and her neighbors rights in the face of this horrendous threat to our health and safety and well being and also our investments in the property that we own. Before you vote today, I am compelled to ask if anyone has taken a drive down County Road S to visit this proposed site. Did you notice the neighboring properties, the beautiful heritage farms? Did you notice the wetlands? Did you notice Tappen Coulee Creek that runs into Blair? According to the DNR maps this is a high susceptibility area, a sensitive Middle Trempealeau River watershed. Not an appropriate site for an industry that creates hazardous waste. What is the plan? What is the plan for when rain won't stop and the settling ponds overflow into the wetlands and into Tappen Coulee Creek? What is the plan for when the first pedestrian bicyclist and motorist collides with one of those 200 hundred trucks relentlessly driving and hauling for the next 10 years? What is the plan for when Global Sand Link, LLC fails to comply? They already know that Trempealeau County and the Town of Preston have little resources to

monitor this mine. What is the plan when our wells run dry from excessive demands on our groundwater which they will use without charge? The property owners will be impacted but there will be no compensation. What is the plan for when we can't sell our properties to escape the all encompassing intrusion into our lives, because who wants to live next to a mine. You don't, you don't, and I don't. We're going to be forced to continue our lives with the incessant intrusion of industrial noise and pollution. The sound of men and machines at war with their environment. Cheap sand and free water equals profits. Profits for whom? Not me and not my neighbors, so who then – Mr. Johnson and Global Sand Link, LLC. Am I leaving somebody out? The rest of us get nothing and some of us will lose everything we have built in the last few decades. These are our investments. We were here first. We have been building Trempealeau County for decades through good land stewardship – building schools and roads and local businesses. Volunteering our efforts to support our local communities. It would be a misuse of the power of this Committee to approve the Tom Johnson mine based on faulty promises, faulty premises and the sketchy approval from the Town of Preston. Holding up copies of the letters, Faber stated these are letters that were sent to the County from the Town of Preston – barely legible, handwritten. A motion to approve this permit was made by Vernon Back and seconded by Gary Everson, all in favor, Mr. Tenneson couldn't vote on it. How is that possible, that we have this situation here? How is this possible? Fairness and justice of the majority who already live in this valley and surrounding areas will not be served if this mine is permitted. If this mine is allowed on the premise that Mr. Johnson can do whatever he wants with his land, then should those same rights be upheld for the rest of us who don't want our clean air and water, our quiet rural lifestyles sacrificed to the fly by night industry and the one greedy landowner. One man's desire for immediate gratification and payoff should not trump decades of responsible citizenship and stewardship. It might be legal but it isn't right. We need a plan to protect our investments in Trempealeau County.

At this point Bice asked everyone to please not make any more accusations against things that may or may not happen against the applicant. Bice stated the applicant should be respected here.

Judt Haase-Hardie – Registered to testify in opposition. Hardie stated she lives just outside of Blair where they have an organic dairy farm on Schansberg Road. Conflict is never easy. Many time people become so engrossed with his or her agenda that they begin to project people as bad if they voice an opposing view. And then there is God, loving people on both sides. Messages about this issue may even be gleaned from the Scriptures. You take the old and juxtapose (put side by side) it with the new in order to discover the message for today for the Scriptures are for all times. God has a plan. He created the heavens and the earth and separated the light from the darkness. He made the sky, the sea, and had the earth bring forth vegetation. He put lights in the dome, creating night and day. He put living creatures in the air and the sea and on the land. After every creative step, the Scriptures state, "God saw how good it was". Then God creates man and woman in his divine image and gives them dominium, "over the fish of the sea and the birds of the air, and all living things that move on the earth. Does it make sense that after giving us these good gifts, God would want us to trash it all? It is not of our Judeo-Christian teachings that people have the right to do anything they wish to the property they legally own and to needlessly destroy plants and creatures. We have been commissioned to care for all of creation. Have we ever given much thought about how not respecting the earth "as a work of divine art and not caring for the earth in such a way that the material needs of all humans can be met" may judge us unworthy to enter heaven. Remember the story of the Judgment of the Nations? The Son of Man comes in his glory. The nations assembled before him and he separates them, the sheep to his right and the goats to his left. He says to those on his right, "For I was hungry and you gave me food, I was thirsty and you gave me drink. Then he will say to those on his left, "Depart from me for I was hungry and you allowed the resources for the common good of our nearby communities to be stripped from our hills and moved out of state; for I was thirsty and you allowed mining companies to use high tech wells that may stress the wells of neighbors and use flocculants that may contaminate our surface and ground water forever. The Scriptures are filled with God's promises for us. Please, land owners, Committee members, local governments and miners call on God's help to make decisions. Do we understand that the Scriptures do not address being successful but remaining faithful to God's plan. Do we have a plan and is your plan in harmony with our Creator's plan?

Paul Winey – Registered to testify in opposition. Winey stated he doesn't know Mr. Johnson or Mr. Beers or the Global Sands. He bears them no malice. Winey appreciated some of their comments and their willingness, at least on the surface, to work with the community, but Winey does oppose this mine based upon three key issues; noise problems, air quality and water quality. In addressing the noise issues, the Advisory Committee worked last year and we are now coming on a full year from when that started and there still is no resolution over hours of operation and in that was included noise control. Further evidence says that they were really not off target with what they were requesting from Chapter PCS 128 entitled Wind Energy Systems. The State has imposed limits for wind farms of a 45 decibel operation at night and that is exactly what we were asking for so if it is good enough for windmills it ought to be good enough for sand mining. Further they went on to stipulate a 50 decibel limit during daytime operations. We didn't even impose any daytime limits for sand mining. Winey supplied the Committee with some of the reprint out of that 128. 14. The second issue that Winey has grave concerns about is air quality. As has been discussed many times before, previous issues with asbestos, other issues that said these items were safe when first brought out and were later proven to be harmful. Winey would question why does MSHA feel it is necessary to monitor the mine workers if this is safe for them why do they need to be monitored? Evidently there is some issue regarding safety. Cristen Pierce's work last year, during the dusty or windier times to show that there is an excess of particulate matter 2.5 escaping from the mines. Winey feels with further study this summer that is going to show it to be even more excessive. Winey understands there was (hired by the mine) an independent firm brought in to show the counter. That has not been a peer reviewed study, but they were able to show that there were "acceptable levels of silica in the fine crystalline", so there is material that is escaping the mines. Winey is just asking this Committee not to use the public as guinea pigs. Please put the responsibility where it falls and that is on the mines. Put more intense monitoring, preconstruction, during construction and during operation, to make sure that the public is being protected. That is all Winey is asking. If there is nothing escaping, then gentlemen, in two years when you don't have to monitor anymore, Winey will sit down and be quiet about it but until then every mine that comes through, Winey is going to request this. Lastly, water quality, Winey was in contact with the DNR on their hotline June 1st, 2013 and reported a neighboring mine violating their storm water runoff. Winey supplied the DNR with pictures and video. They promptly responded that day and the next by a warden and the day after by Robert Walls. Winey is of the understanding that, as of last week, two mines – Alpine Mine and Arcadia Sands – were in noncompliance with the DNR storm water runoff. Also Winey is aware that there have been four mines in the area that have had significant runoff and the DNR and the County Land Management Department have been working with them. Those are all located along State Highway 95 and one is on County Road J. So to take it at face value (Winey understands they have their engineering studies) these other mines had their engineering studies and said it was going to be safe. It is not. It has significant runoff. The one across from Winey has damaged wetlands. These cannot be salvaged and cannot be reclaimed. Winey knows the applicant is coming in with their "best foot forward" and your saying your best practices, but gentlemen what is following is not going to be best practices because what has been proven is what is there and it has been harmful.

Nancy Horton – Registered to testify in opposition. I appear today to testify in opposition to the proposed nonmetallic mining CUP. This site is nestled in the hills of Preston Township surrounded by at least five close residences that will be directly and adversely affected in many ways. Others will be affected to a lesser degree, but affected nonetheless. You've heard a lot about the issues here today and Horton won't repeat them. This is a typical situation for mines both permitted and proposed, it is evident there should be a plan for placement that includes all affected properties and consideration for the county as a whole. What is the process by which we weigh the rights of one landowner over another? While I understand an individual has the right to do what they want with their property, I also understand that another individual has that same right and that may include the right to clean air, clean water, relative quiet and the freedom to continue a lifestyle consistent with their values and goals. We have two conflicting rights here. The role of zoning and planning is to minimize potential conflicts and protect the health, safety and welfare of all citizens. This involves compromise, but in recent months I have seen far more compromising by affected landowners than by this fast growing industry; compromises often resulting in relocation at considerable emotional and economic sacrifice. The effects on the environment, aesthetics and social fabric of our County are extensive and must be recognized and properly addressed. In consideration of the fact that half the voting members of the full County Board considered it

reasonable and prudent to take a “time out” to step back and weigh the cumulative impact of the many mines already permitted, and that more than 800 citizens also attested to such, I urge you to take the step to pause right now. We need a plan that includes the needs of all citizens.

Jean Stenberg – Registered to testify in opposition. Lien noted that Stenberg had to leave but he did have a letter from her that he would read into the record later.

Thomas Forrer – Registered to testify in opposition. Forrer stated he actually wrote this in two parts but he is going to exclude the first part because it has already been said so eloquently a number of times. Forrer was born during World War II when he grew up trying to understand how country after country could give in to a bully named Germany. Forrer has tried to understand why Native American tribes have followed the same path of self destruction as their European Jewish counterparts. Both people believed what they wanted to believe not what was actually happening to them. They were unwilling to acknowledge that humans can be evil and they failed to stop their own destruction. The monthly issuance of permits might suggest that we here in Trempealeau County are facing the same situation in much the same way. We believe what we need to believe, not what is actually happening. Heaven forbid we should be anything but nice. It is scary to think that a Committee with this much power is possibly clueless when it comes to a plan. It is also scary to think that this Committee might have a plan. A plan that gives you the confidence and wisdom to issue permit after permit with a surety reserved only for fools. If you four County Board members who voted no to the moratorium have a plan to guide the frac sand industry in this county let us all in on it. Reveal this plan to us today as you discuss today’s application. Show us that there is more to you than rubber stamping an industry that is increasingly controlling this County. Show us a plan that puts the people who suffer most from each new mine way ahead of the corporate interests that frankly couldn’t care less about any of us. Start seeing beyond the rights of the individual to the rights of the many. We know that this Committee is capable of saying no. You said no to overriding the Town of Chimney Rock. You also said no to the Department of Land Management in its’ recent recommendation that a permit not be issued to the Highway 53 mine. Try saying no today and next month and the month after that until it becomes a workable word in your vocabulary. The mining interests will not like you but you will gain respect from the rest of us. Forrer wanted to thank the people of the City of Blair and the surrounding areas for doing something that many of you probably thought you would never do in your life and that is stand up publicly and say “not to me you’re not doing this”. The problem with some of this is that it gets pawned off on someone else so you can maybe stop County S but they may head south to Ettrick. Forrer would ask that we all be in this together. If you feel strongly about what you are here for today, please extend it to other folks throughout this County. They are all going through the same thing.

James Gurley – Registered to testify in opposition. I don’t live here. I live across the river in Winona County, but believe me we see a lot of Trempealeau County sand over where I live. I appreciate the chance to speak this morning and I just want to say how amazed and gratifying it is to me to hear the eloquence and the sincerity of the concerns that have been voiced today. I hope that the public officials that are here appreciate the depth of concern. It seems to me that when the Chair want to rebut citizen testimony in the middle of a hearing, that does not show impartiality to me. That is just an observation. I want to correct something that was said earlier. I am on the Committee that showed “The Price of Sand” film last night in Winona. There was a large crowd there. It was an amazing movie. However it will not be shown tonight. Last night was the only time. If you want to find out when and where showings are, and how to get the price of sand and access many, many research papers, and videotapes and films, photographs and anything else you want to find, you can find it at the Houston County, Winona County website which is www.sandpointtimes.com. As far as economic development, as far as Gurley can tell company’s like this gentleman’s’ from Texas, which is where the money is going basically, have one argument and that is two words “sand = jobs”. Gurley would suggest that the gentleman and women who are deciding this matter take a look at that argument and all of it’s’ ramifications. Short term versus long term jobs. What about tourism jobs? What about money that comes into this county from bicycling clubs that Mr. Mossman was referencing earlier? Have you completely read and studied and considered the big economic report that has come out from Dr. Thomas Powers, a nationally recognized mining economist from Montana who said that it is very, very questionable whether the economic benefits from frac sand mining will be justified

in the long term. What about the health costs? Those are real costs. The asbestos industry sat at hearings and promised all kinds of good things in the beginning and all kinds of safety. It wasn't until two or three decades later, once people were dying, that asbestos started to be adequately controlled. The same thing with second hand smoke. We heard from the industry at many hearings how safe tobacco smoke is, so consider that. Consider the plummeting property values of people who live near these facilities. What does that do to your tax base? In regard to reclamation, Gurley recommended that one see "The Price of Sand" film. There is a microbiologist there that testifies that soil cannot be reclaimed. Have you consulted Fillmore County, Minnesota? They have banned all processing plants. Why did they do that? Have you consulted with them? Are you doing your due diligence? In conclusion, Gurley just mentioned again the website that anyone can go to that is really informative and he invited everyone to do that. The website is www.sandpointtimes.com and if you would like to get a copy of "The Price of Sand" to show at a house party or with your group or if the Committee would like to see it, see Gurley after the meeting and he will make sure you get a copy.

Heather Anderson – Registered to testify in opposition. Thank you for allowing me to speak. My name is Heather Nutter Anderson. I come from the Town of Bloomer and we have several mines in our area with many more to come. I would like to comment on the mining company's answer to the reclamation. It is my understanding that you said that this was not a frac sand mine that you have reclaimed, that it was sand and gravel. Anderson stated it has to be because of the fact that we don't have any reclamation yet for frac sand mining. This is not sand and gravel people. This is frac sand. Very, very different. Anderson thought the more that we realize that and the more that we're trying to reclaim up in our neighborhood; Preferred Sands has bought over 2000 acres, so it is a little different. The other thing is the density of the mines that have been permitted or the processing plants or whatever it is in the Town of Preston. We don't hear, the DNR takes every single mine only in the entirety, it doesn't take the cumulative effects of drilling for water, monitoring for air. It doesn't do that so this is why you can have permitting of many sand mines in a small area, but never is the cumulative effects of the air or water discussed. Anderson thought it was really important. We've never had anything like this in our history of mining in Wisconsin – never. The other thing is – these are free for the asking from the CDC (Center for Disease Control) and NIOSH (National Institute for Occupational Safety and Health) and on Page 16 it talks about good personal hygiene in the workplace. Do not eat, drink or use tobacco products in dusty areas. Wash hands and face before eating or drinking or smoking outside of dusty areas. Park cars where they will not be contaminated with silica. Anderson stated I can go outside and I can do this to my car and guess what, it is silica. Change in disposable or washable work clothes at the work site. Shower if possible and change into clean clothes before leaving the work site to prevent contamination of other work areas, cars and homes. This is why we are still dealing with the effects of asbestos. Read people. The other thing is, (Mr. Bice and Anderson have spoken via email. Bice asked Anderson for some information on silicosis) addressing Mr. Bice, Anderson asked why Bice feels the need to defend the mining companies? Bice stated it wasn't an appropriate time for him to respond. Anderson stated she expected that from him and wasn't asking for a response. Anderson continued saying you can tell these people here, who have been here to every meeting, why, why do you insist on defending these mines? It is pretty biased. Thank you. Bice stated he has just been given legal counsel that he should not respond to that.

Sharon Bonnewell- Registered in opposition but not testify.

Phyllis Olson – Registered in opposition but not testify.

Everett Olson - Registered in opposition but not testify.

Wade Britzius - Registered in opposition but not testify.

John Austad - Registered in favor but not testify.

Leland Johnson - Registered in favor but not testify.

Randall Johnson - Registered in favor but not testify.

April Johnson - Registered in favor but not testify.

Michael Auset - Registered in favor but not testify.

Lonnie Garrett - Registered in favor but not testify.

Jean Wright – Registered in opposition but not testify.

Tom Jansky - Registered in opposition but not testify.

Terry Everson - Registered in opposition but not testify.

Damaris Stroening - Registered in opposition but not testify.

Audrey Moen - Registered in opposition but not testify.

Cathy Kerska - Registered in opposition but not testify.

Loren Subra - Registered in opposition but not testify.

Randy Olson – Registered to appear and testify for information only. Olson the concern that he is bringing to the County here is that he went to the City of Blair meeting on Monday night and the biggest concern they had was the traffic, the trucks. I'm sure everyone knows that the school is moving into one school which would require all the kids from downtown going east out to the new high school and the new project. That did come up and that was one of the biggest concerns. Olson represents a company that is putting railroad in and we were in contact with Beers to see (Olson is not saying whether it is permitted or not) we're just throwing another option out there for them for their loading. Olson wants to say a couple of things and he knows no one is going to like it. Olson worked at a sand mine for almost sixteen years. It was the greatest job Olson ever had. It was the greatest people that Olson had ever worked for. They were good to the neighbors, tried to do what they could, and took care of any problems. The company that Olson works for now is the same way. We have grain bins. We take care of a problem if it arises and try and take care of the neighbors. Olson thinks a lot of company's are like that otherwise they wouldn't be allowed anywhere if they didn't try to be good neighbors. Olson is not saying everybody is a good neighbor. Olson lives in town and he has good neighbors. Olson added that one thing to remember too, it seems like the County takes the rap for a lot of this sand mine stuff, a lot of it is also federally regulated. So just remember that when you are letting the County have it with both barrels. Some of that stuff they don't control. That was really all Olson had to say. He came to give them a different option than going through Blair because no one wants to see a little town like that with all kinds of traffic. It is a safety issue and we have it right now. Olson didn't know how many people present were from Blair, or come to Blair but we see little kids on their bicycles going up Center Street and there are 100 plus milk trucks that come up that street and are using that street. Kids on bicycles are dodging the trucks. Is it safe – no. Is a farmer going to quit milking – no, so the trucks have got to roll. Something to think about.

Gary Eckman - Registered in favor but not testify.

Eugene Simmons - Registered in favor but not testify.

Geraldine Blaha - Registered in opposition but not testify.

Peter Nelson - Registered in opposition but not testify.

Francis Pyka - Registered in opposition but not testify.

Joyce Scholte - Registered in opposition but not testify.

Bice called for anyone who turned in a sheet to testify but hasn't had a chance to speak.

Donna Brogan – Registered in opposition but not testify.

Bice called for any other testimony. Budish stated he had a PowerPoint presentation from someone to show. Charlotte Everson stated Rose Everson has a PowerPoint presentation. Upon Bice's inquiry as to the length of the PowerPoint, Charlotte Everson responded approximately 3 minutes but that there were two different presentations. Bice allowed the PowerPoint to be presented and while waiting for the PowerPoint to play, Bice called for any other testimony. Due to audio difficulty with the PowerPoint presentation, Charlotte Everson gave some narration explaining that the slide was a view from the drive of Blum Road as you drive towards Bixby Road and towards the site. One can see Sunnyside school house across the way as one gets towards Bixby Road, one can no longer see (there is a turn sign right past the culvert) that and that is about where the access road is. So the conversation that it is a correct line of sight is not true. Charlotte Everson asked that the video be shown stating that was a presentation by Ellen Everson.

Johnson commented that they all claim that it is wetland below his road, but if one checks with DNR and the CRP when Mr. Burt was alive, that used to be all corn ground, so it is not classified as wet land. Charlotte Everson commented that part of Johnson's property line is wet land. Johnson responded she could check with the DNR. Johnson stated he went to the DNR and they had come out and did all the surveying and they said it was wet land. Johnson had told DNR they might want to check their records because they paid CRP on that land for twenty years for corn ground. When they let it go and the CRP ground was in there for twenty years,

they cannot bring it back to wet land when it was corn ground. Johnson stated Everson might want to do some research because it is in corn ground. Johnson stated when the County put the culvert in, many thousands of dollars came out of Johnson's pocket to put it in because it wasn't safe as people go by that road 70-80 miles per hour and they don't slow down. There is plenty of ways to see things, but the traffic doesn't slow down. That is why Johnson put the culvert in and that is why he talked to the County Board. Bice called for any other testimony on this application. Budish stated he has a PowerPoint from Rose Everson that he was requested to show. Someone from the audience stated they thought the Everson's should be present to show their PowerPoint presentations since neither of them are present at this time. Charlotte Everson stated legally, 250 words or less they are allowed to speak. Upon Dick Miller inquiring of Bice, if as a County Board member he could raise a question, Bice responded yes. Miller inquired, in regard to the sheets that Bice had read through indicating for or against, if all those people were present. Bice responded that was a mistake, but that one thing we're not really supposed to do is generally try to correct the comments made. Miller inquired how many of those were not present and how did they happen to get filed with this Committee? Bice responded he wasn't sure that he was following what Miller was saying. Miller stated, Bice was saying that they are not permitted. Bice asked who was not permitted. Miller stated he had asked Bice about the paperwork that Bice had been reading from and asked if all of those people who were represented there, are they at this meeting? Bice responded to the best of his knowledge he believed they were. Lien agreed and thought for the most part they were here at some point but added that some of them had to leave. The ones that Lien knew were present. Miller suggested that Bice consider the question regarding the video, which evidently this person isn't here to present the video, how do people who are not here present their position to this Committee? Bice stated the Committee was still discussing that. Lien commented we accept e-mails and letters. Upon Miller's inquiry as to whether those were read at the meetings, Lien responded yes. Charlotte Everson stated she signed a letter asking that this PowerPoint presentation be shown. Lien thought if it was less than 250 words it was alright to show the video. Miller encouraged the Committee Chair to allow as much into the record as possible. Bice responded they always have and they always will. Bice stated as long as Everson's video did not exceed the time limit it would be allowed to be played. Lien narrated the video which stated, "Significant washing, and a common occurrence at sand dig sites across the region. Our property lies below the proposed mine located on Tom Johnson's property but protects our property from this. The grade is much more severe at the proposed mine site. Upper side of highway berm, an attempt to slow washing. See earth piles placed at run location- silt fence is not working. Culvert at the end of this run empties under highway and exits the field below at this point leaving clear evidence of sand washing. A clearer view of the wash deposits covering the wash run and a large area of field shows clearly sand particulates from dig site. Not only at this site are culvert runs showing this type of sediment transfer. Reclaimed 1:3 grade has not been without issues as seen in several areas of the many years old Highway 95 project. Spring thaw continues to bring more down every year." Bice mentioned that some of those slides are relevant to other applications and not this one. Charlotte Everson stated they are showing that even a highway which has a 1:3 slope, that has been set in place for many years, is eroding and the Highway Dept., luckily, still has to take care of that erosion and they keep reclaiming that. A site that is left by a mine would no longer have a steward of that land besides the land owner. Bice stated at this point letters and e-mails will be read into the record.

Jean Stenberg letter – I just wanted to share my opinion with the Board members. As a 30 year resident of the City of Blair, I am deeply troubled and opposed to the increase of traffic through our small town. Blair does not have the infrastructure or roads to handle upwards of 360 or more trucks parading through the center of town and through our residential area. Blair has only one main road that runs from the east to the west side of Blair. That road handles our children on their way to and from school, our fire, ambulance, police service on their way to emergencies, our elderly who are frequently at the dining service and the pharmacy on Broadway Ave. and our neighbors who enjoy a small town lifestyle walking and biking to the park. Along with the people and services listed above being affected, the Grand View Care Center residents' quality of life will be impacted with traffic, noise, jake breaks being used at the Highway 95/53 intersection. My home is right behind Grand View and I am disturbed by them as it currently is. Not to mention the current turning situation at the Highway 95/53 intersection is a major accident waiting to happen. Left turns from Highway 95 onto 53, historically have been hazardous with the bend in Highway 53 and the restaurant just south of the turn. I am very concerned about the

environmental impact of another mine in Trempealeau County and I am very concerned about the effects that the mine will have on the quality of life in Blair Wisconsin. Using County Road S, Broadway Ave., and Highway 95 for a sand mine truck route is dangerous to residents and will seriously affect the quality of life of our small city. I oppose this mine and its current transportation plans.

City of Blair letter – The City Council for the City of Blair have met and are in agreement that there are several issues concerning the proposed Conditional Use Permit and Reclamation Permit for nonmetallic mining submitted by Tom Johnson in the processing and mining of sand products and the transporting of sand. The City of Blair has several safety concerns that will impact our city regarding the proposed mining and the required transportation of product. 1). Safety issues with regard to pedestrians and vehicular traffic going to and from the new, united campus of the Blair-Taylor public school on the east end of the city. 2) Safety issues with regard to vehicle and pedestrian safety in the business district with increased heavy truck traffic. 3) Safety issues with regard to additional noise and pollution with the increase heavy truck traffic. 4) Safety concerns for potential damage to our water and sewer systems could be catastrophic to the city. With increased traffic there is great potential for the following; collapse of laterals to the business's, collapse of laterals to private homes. 5) Safety concerns regarding our streets and bridges within the proposed route. If there is a failure of any street or bridge within the proposed route, the City of Blair will be at risk. 6) Financial and liability concerns regarding any and all damages sustained from the proposed sand mine traffic. The City Counsel of Blair hereby expresses its' opposition to the granting of a Conditional Use Permit. Further we are of the opinion that no permit should be granted until the concerns and safety issues can be satisfactorily resolved. Thank you for your consideration.

Lien stated the following letter is to the County Board of Supervisors and to Jake Budish. (This was a type of form letter that persons had different selections that they could circle).

I am writing to you on behalf of the Conditional Use Permit and Reclamation Permit for a nonmetallic mine quarry located on the Tom Johnson property in Blair Wisconsin. Please read the following statement on my behalf. Lien stated there were many names that he would read off. Do not permit the Tom Johnson sand mine in Tappen Coulee. I live in the City of Blair or I live in the Town of Preston. I live in a home on Broadway – Lien noted these were all options that people could circle or sign. I have a home in Blair. I own a business on or near Broadway Street in Blair. I work in Blair on or near Broadway Street. I am a property taxpayer. I am raising or have raised a family in this community. I am an active member of this community. I am involved in..... Lien noted this particular form letter had a personal note which stated County S is not well maintained and is not suitable for truck traffic. Tappen Coulee bridge will not withstand truck traffic. I do not want 360 trucks traveling on County Road S and Broadway Street or I do not want 360 truck trailers passing every 2 minutes, 19 seconds, 14 hours from Monday through Friday – 9 hours Saturdays. This proposed route is unsafe for heavy hauling operations. Do not permit the Johnson sand mine in Tappen Coulee. Lien stated this letter was signed by (and noted they all circled different issues) Jean Wright, Katie Wright, David Wright, Leonard Abrahamson, Donald Litshke, Keith Hegenaur, Walt Fleishman, Barbara Gaddy, Virginia Running, Jerome Johnson, William Walls, Grant Mathson, Greg Mathson and Frances Pyka.

Letter signed by Gary Bixby, Paul Winey, Tim Zeglin, Mary Ann Bixby, Jayne Benedict, Nancy Horton, Cathy Kerska, Joyce Scholte, Travis Mossman, Jeanne Nutter and Mary Lee Hegenauer. While the submitted reclamation plan for the Tom Johnson/Global Sand Link, LLC mine site appears compliant with Trempealeau County's CUP submission requirements, we believe certain areas of the plan lack the necessary detail for adequate evaluation of this plan. No detail is given as topography of each individual phase. Without this detail we are unable to determine if the processing area and processing water ponds are adequately designed to be isolated from storm water and overland flow. Drainage patterns for each phase in the processing area are not specified. Based upon Trempealeau County's requirement to isolate processed water from the environment, i.e. lined ponds, etc., additional details should be provided to ensure that the design of the processing area and storm water systems accomplish this goal. Improper design of staging topography could result in surface water

being directed through these ponds causing overflow and contamination to storm water infiltration ponds and discharge of surface waters. It is our belief staging topography, additional processing plant and storm water pond details should be provided to allow the Board to determine if this plan provides adequate protection for the environment and public health, safety and welfare. Lien reiterated this was a common letter with multiple signatures. Charlotte Everson stated there was also more testimony.

Budish stated he received a lot of emails, comments and written requests since the flyer from the public was put out.

I am writing to you on behalf of the Conditional Use Permit and Reclamation Permit for a nonmetallic mining quarry located at Thomas M. Johnson property of Blair. Please play the following 2 minute, 58 second presentation on behalf of Ellen Everson, City of Blair Committee meeting, Wednesday, June 12th, 2013. Budish noted that the Committee had just watched that.

Linda and Virgil Dick e-mail – Because we are unable to attend the public hearing on June 12 concerning the Johnson sand mine, we wanted to let you know we are against another mine being permitted in Preston Township. Our county has already permitted more than enough mines and another mine in Preston Township would increase the number of trucks on our roads. Even if the mine adheres to county rules concerning noise levels and air quality, the noise from the trucks on our roads would still have a negative impact on our county. Trucks carrying sand are very noisy and do bother the residents of those areas they pass through. Also and just as important, unlike farming crops and livestock, sand is not a renewable resource. The mines remove our natural beauty and wildlife and will leave future generations with nothing. Please say no to this sand mine.

Nancy Bergman e-mail - Wendell Berry wrote an excellent article in ‘The Progressive Magazine’ in which he divided land owners into two groups—Boomers and Stickers. ‘Boomers’ are people who see land solely as a commodity for selling and exploiting for a quick buck. They then move along to the next money making gambit. ‘Stickers’ are those that have real affection and respect for their land and view their role on Earth as being one of stewardship. I had the recent privilege of visiting with Allen Lundberg who hosted the 2013 Trempealeau County Dairy Breakfast on his family farm north of Pigeon. Mr. Lundberg stated he felt ‘you don’t really own land, you take care of it, improve it and try to pass it along in better condition to the next generation.’ What a contrast to the land owner who felt that his family farm should ‘give more’ and become part of a cancerous sand mining project. I believe the Land Use Committee has some very thoughtful and intelligent members on its roster. I am hoping they view land not just as a commodity for extraction and exploitation but as a valuable resource that should be protected for the common good. To this end I hope the Committee is either working on a plan for dealing with frac sand mining or already has one and it will be revealed to the citizens of the County. As a confessed ‘Sticker’ I am very anxious to learn what this plan is and how our precious Trempealeau County land will be managed in a wise and fair manner that best serves the needs of the entire community.

Brian Schellinger e-mail - My name is Brian Schellinger. Until two years ago, last April, I lived near Blair, over on Sexe Lane, just off Bear Creek Rd. I have been kept informed of the sand mine conflict, which the beautiful Trempealeau county is in the center of. I also live very close to a sand mine up here in Pepin County, near Arkansaw. This abomination snuck up on the good people of this area, just like the underhanded ‘goings on’ down there. I know there probably isn’t anything I could say, by now, that you haven’t heard or read from concerned citizens on either side of this standoff. I’m not going to give you an opinion. I just want you to do the right thing... i.e., your job. Your job is to **protect, preserve, and enhance** the land and water resources of Trempealeau County. There is nothing more important in the long or the short run. There is no amount of money worth what sand mining is doing and will continue to do to your charge. Common sense tells any intelligent and clear thinking person, that if you take nature’s perfect toxin filter (sand) out of the equation, disaster to our already threatened water supply is inevitable. This is a bane on our land, our water, and in turn, our society. There will be nothing we can do to withstand the effects of sand mining. There will be no reclamation. It will be too late. The **health, safety, and the welfare** of the good citizens of Trempealeau

County are at stake, whether some of them know it or not. I don't have the solution to our energy issues. But for the sake of future generations, sand mining is not the answer! We're supposed to be stewards of the land. Here's your chance, Jake. Please sir, do everything in your power to stop anymore sand mining in Trempealeau County.

Jim Jenkins e-mail - Due to prior commitments I am unable to attend the public hearing regarding the proposed Johnson and Swanson sand mines. I would like to voice my concerns on behalf of all of the folks that live, work and travel along County S and Broadway Street. In my opinion, the increased truck traffic and it's associated noise, health risks, safety issues, and decreased property values will negatively impact the quality of life of the areas residents. I encourage the governing body, when weighing the pros and cons of expanding sand mining, to give a high value towards preserving the quality of life of the citizens that will be affected by their decision. Thank you.

Geraldine Blaha e-mail - Please address and consider the effects of silicosis on people from frac sand, and the drying up of wells due to the excessive use of water by frac sand mines, and the plan to use County Rd. S as a truck route for hauling sand. This is right through the main street of Blair. Could there be another route considered? Seems quite absurd to keep this route.

Terry Hopkins e-mail - I have some questions I would like brought forth at the public hearing coming up this Wednesday. Have the load limits, both seasonal and summer, been taken into account in the siting and permitting process for this mine. Our rural roads were not designed for this heavy traffic. Will the mine owners repave/rebuild these roads as they deteriorate? Additionally, will this truck traffic affect the normal rural agricultural traffic during planting and harvest which, may result in safety issues to the adjacent farmers? Also the school bus traffic will possibly need to share these congested roadways. The safety of the school children should be a paramount consideration. I do not have any information regarding the environmental impact for these mine sites. I do have some familiarity with power line easements and, the DNR is very concerned with the possible habitat disturbances to the plant and animal habitats that are disturbed in these easements. Have the DNR or Fish and Wildlife departments reviewed the impact to this and other sites? If not then there should be a review. Economic interest should NOT be the predominant reasons used in granting the permits to these mines.

Patty Hopkins e-mail - I am writing to you to show my opposition to the potential Johnson/Global Sand mine/wash in Trempealeau County. My question is...when is enough, enough? What happens to those residents and their property values when these mines become their neighbors? They have worked hard their entire life to have their homes and property be their next eggs for a comfortable retirement...but when the mines become their neighbors, there is little value for their property and fear for their futures. Why are county residents not able to vote on these mines coming into their communities...only a handful of council and board members can vote on the decision that affects so many futures? That is not fair...that is not the democratic way...of the people, by the people and for the people. Currently, there are 26 mines in Trempealeau County...again I ask, when is enough, enough? When will this end, when will our lovely land stop being raped by private enterprise? When will our environment and quality of life become more valuable than sand?

Romelle Subra letter - I am writing this letter in regard to the proposed permit to the property of Thomas M. Johnson land. We love the beautiful valley known as Tappen Coulee. I would like it to stay that way. It is also a safety issue with the many trucks that will drive on our narrow highway. Trempealeau County has enough mines already. When is it going to stop. Until the whole county is demolished and our beautiful landscape is gone for good. Many visitors have said Trempealeau County is so beautiful. Well people enjoy it now because soon it will be gone. Plus I have concerns on what is going to happen to our ground water supply. So much is going to be used to wash this sand. I want my grandchildren to enjoy what I have enjoyed in my life time. Please vote down this permit and all future permits. Vote no. I am a resident of Trempealeau County, Township of Preston and beautiful Tappen Coulee.

Linda Mossman e-mail - I apologize for the lateness of this email and hope that it will be accepted and read into the record. I may be unable to attend, but wanted the Committee to hear of the landmark legislation that was passed last night. The City of Whitehall during their normal council meeting unanimously denied the annexation request from Whitehall Rail & Sand for the purpose of erecting a trans load facility on the 226 acres, currently in the Town of Lincoln, on the NW border of Whitehall. The council then passed a resolution calling for the 226 acres to be placed into extra territorial zoning for up to two (2) years, with a possible one (1) year extension. Chair of the Town of Lincoln Board, was present and agreed to the terms of the zoning. I am not an attorney, but have asked several of the members as to the intent, and have been told that this is a mechanism that now the city and town can work together to determine the best use of this particular land for all of their residents. I believe that fulfills a resolution brought forth by the Trempealeau County Towns Association, in May 2013, as a place at the table. Both the City of Whitehall and the Town of Lincoln should be commended on their efforts to listen to the concerns of the residents, consider the economic-socio implications on our communities, and finding a mechanism that allows for compromise for the city and rural agricultural land use. Additionally, the City of Whitehall adopted a zoning ordinance that allows for mining districts to be created within our city limits if required, and worked well into the night on a licensor ordinance that gives protection to the citizens while allowing for the future possibility of mining within the City of Whitehall borders. The Committee of the Whole also spent a great deal of energy discussing with the Town of Lincoln operator's agreements. Once again, not an attorney but a potential mining operation would need to complete an independent agreement with the town, and the town residents prior to receiving a CUP from the city. My request to you members of the Land Use Committee; please show the same leadership, courage and vision to deny the request for the County Rd S mine in front of you today.

Amy & Scott Brown e-mail - My name is Amy Brown, my husband Scott and I, and our two children, live at W11745 Knutson Lane, Blair, WI 54616, just two miles from the proposed site. We just moved here two years ago, and plan to run an apple orchard. Just briefly, my concern is for my family and I as we go for our daily walks/ runs down on HWY S, where the proposed mine is to be put. I highly doubt that they will be watching for my kids or I. I work right in Blair at the Bank. How many windshields will I have broken from the rocks? The curvy roads are not cleared well in winter currently, what will happen then? What will happen to our customers when they can no longer go on the scenic roads and enjoy the quaintness of the area. Never mind what all of the blowing sand will do to the crop itself, and of course the contamination of the ground water. We moved here to get away from the traffic and the noise, and to enjoy the beauty of the area, with great hopes of building an orchard for many to enjoy for years to come. Our concerns are great, and unfortunately, since we were not informed, until just days ago, we have not been able to do the necessary research. Please vote note NO on this proposed permit, and do not allow them to disrupt the beauty of this area!

Heidi Anderson e-mail - My concern is all the truck traffic that will be mingling with the only road that goes to the school, and soon to be elementary school also. All of that truck traffic will be crossing the paths of buses and kids of all ages en route to school. Have all routes been considered with that in mind?

Kristin Anderson e-mail - My name is Kristen Anderson and I am a 1989 graduate of Blair High School. I left Blair in 1989 to go to college in Madison and lived away before returning to the area in 2000. My dream and long-term plan has always been to purchase some land around Blair and eventually retire and build my retirement home there. Last summer, in 2012, a part of the farm my grandmother (Isla Austad Berg) was born on came up for sale and I was very excited to begin investing in my home county and also begin making concrete plans for my future home. This land purchase, which was initially very exciting and promising, quickly became very tense and stressful as I realized there is large sand mine proposed across the road from the land I was considering purchasing. After many sleepless nights, I decided that I could not gamble my financial future and invest my savings in a piece of property in Trempealeau County, when so much is unknown about sand mining and there seems to be little regulation and limit on mining currently. It was a very difficult decision, but I walked away from this land purchase. I could not gamble my retirement on such an uncertain future. But I have not given up on my dreams of someday moving home to Trempealeau County, so am writing

to encourage consideration of more planning and study regarding mining, number of mines, location of mines, and study of the long-term effects of mining on current residents and possible future residents and taxpayers.

Mary Dubiel e-mail – I am opposed to additional mines or added road routes to existing mines. I live 50 ft. from the road. I need to know why it is legally and morally correct to take a county road and turn it into **an interstate like road.** **My interstate** - A mine running 150 loads of sand a day will make 300 trips a day. A 14 hr day is 840 minutes. 840 minutes divided by 300 trips comes out to a truck (**empty or full**) passing my house every 2.8 minutes a day. Does this at all resemble an interstate? **There are rules: Tarps on the trucks:** Hopefully tightly fitted. **Speed limits:** I believe the county doesn't have the manpower to enforce this. **Diesel exhaust: Any rules?** Diesel exhaust has prompted laws in California to limit the time a child can stand next to a running school bus while waiting to board. Diesel exhaust is not a good thing. **My Options!** Schedule my daylight hours to garden between truck runs. Remember a truck every 2.8 minutes. They only run 14 hours a day so that still gives me 10 hours, right? Well, if I sleep 8 hours I'm only left with 2 hours of diesel free air. But I do have a choice! I could sleep during the day and garden during the night **diesel free.** Does this sound like the retirement I was expecting? **YOU DECIDE!**

Elmer Everson e-mail – I am writing to you on behalf of the Conditional Use Permit/Reclamation Permit for the nonmetallic mining quarry located on the Thomas M. Johnson property in Blair. Please read the following statement on behalf of Elmer Everson, Blair at the Committee meeting June 12th, 2013. Do not permit sand mines in Tappen Coulee. My Norwegian family farmstaded in the 1850's. I lived in the coulee my whole life and created a healthy family community. My great grandfather, father, myself and son have tended crops, livestock, forestry's, springs, waterways and wildlife. Maintaining protecting and preserving the land for future generations. The high bluff land behind the Johnson farm was planted with black walnuts that my grandfather and father hauled up in gunny sacks. These trees needed rich deep soil to grow better in lower Wisconsin and Illinois. Reclaimed sand hills will not be enough for them to grow on or ever be good crop land. County Road S was not purchased by Trempealeau County. It was donated easements by the first homesteaders to allow a road to be built to town. County Road S is narrow, curvy road through Tappen Coulee. The roads shoulders there is a minimal and soft with no gravel. Ditches are deep. Highway signs warn of Amish buggy travel, narrow bridge, 30, 35, 40 mile per hour curves, dangerous driveways, school bus stop, and cattle crossing. There is a blind driveway that has no signage and an unmarked curve by Quarne Road which had an accident just last year. Accidents occur yearly due to the curviness and soft shoulder, farmers retrieving cattle and repairing pasture fences. Spring time washouts and culvert blockage is common as you can see at the Johnson farm. County Road S is unsafe for heavy hauling and operations. Do not permit sand mines in Tappen Coulee. P.S. Governed by the people for the people.

Rose Everson e-mail – I am writing to you on behalf of the Conditional Use Permit/Reclamation Permit for nonmetallic mining quarry located on the Thomas M. Johnson property in Blair. Please show the following three slide presentation on behalf of Rose Everson, Blair WI at the meeting. Budish noted that is what the Committee viewed earlier.

Emily Everson e-mail - I am writing to you on behalf of the Conditional Use Permit/Reclamation Permit for nonmetallic mining quarry located on the Thomas M. Johnson property in Blair. Please read the following statement on behalf of Emily Everson, Blair WI at the Committee meeting on Wednesday, June 12, 2013. What kind of life does mining invite? Mining is depleting, once sand is removed, taken away it cannot be taken away again. Sand is a commodity – the more there is available, the less that is paid for it. When the sand is gone, it cannot be replenished, it is a non-renewable activity. Farming and business can continue forever. If you create something that people need, there is no shelf life or to use by date for sand reserves. When in the ground it is saved for future use. The rush to make Trempealeau County dependent on this depleting or unsustainable mining economy is confounding to me. Short term greed will destroy the local economy. The investment in mines is short term, no real improvements follow. No one wants to live next to a mine. No one wants to vacation or sight see a sand mine. If we are lucky some sort of reclamation will follow but the land will be compromised and will never be what it was. I am not opposed to frac sand mining. I think it should be carried

out on lands that are already compromised and have little agriculture or recreational value. I do not want a sand mine in our lush valley – Tappen Coulee. I do not want to see the steep hillside opened up.

Terry Everson e-mail - I am writing to you on behalf of the Conditional Use Permit/Reclamation Permit for nonmetallic mining quarry located on the Thomas M. Johnson property in Blair. Please read the following statement on behalf of Terry Everson, Blair WI at the Committee meeting on Wednesday, June 12, 2013. I own 93 acres of crop land and wood land directly bordering the Tom Johnson proposed mine along the upper elevation toward Blair as well as the wetlands surrounding Tappen Coulee Creek that lay below the site. This site is deep in the valley where it narrows. This site is not flat and has significant runoff during the spring melt and heavy rain. The banks of the creeks swell several feet and while it is not gone over the bridges, it has come very close several times over the years. Tappen Coulee Creek is fed by many small springs throughout the valley and a small “finger” valleys that flows just yards from the proposed mine, past my house, past my fathers’ house, our neighbors’ houses and my sisters house before running through the middle of Blair. The steep hillsides of the narrow valley have never been completely stripped of their woody protection. The topsoil is heavy loam/clay that binds the land. When it is opened up and exposed to heavy rain or spring thaw, it rolls and creeps down the hillside. Roadside mud washes and culvert washouts are not uncommon in the valley. The prospect of the proposed mine worry’s me. The sand mine in the County has managed runoff well. Most sites in Trempealeau County are far less steep and fragile than this one. None are located so close to a stream and one that runs through town.

Budish stated he has a bunch of letters exactly like what Lien had read earlier – that were a form letter of which persons could make choices of the options presented. Budish read the headline of the form letter.

Darlene Lyngen letter - I am writing to you on behalf of the Conditional Use Permit/Reclamation Permit for nonmetallic mining quarry located on the Thomas M. Johnson property in Blair. Please read the following statement on behalf of Darlene Lyngen, Blair WI at the Committee meeting on Wednesday, June 12, 2013. I live in the City of Blair. I live in a home on Broadway. I have raised a family in the community. I do not want 360 semi trucks/trailers hauling on County Road S/Broadway Street. I do not want 360 trucks travelling past every 2 minutes, 19 seconds, 14 hours from Monday through Friday, 9 hours on Saturday. Do not permit the Johnson sand mine in Tappen Coulee. Budish stated the next few letters all have the same language but are signed by different people.

Charlotte Everson commented that they needed a voice and each of the things they personally circled should be read as their voice. They were allowed to submit up to 250 words and their words they wrote down and circled should be read. The entire form shouldn’t. Bice directed Budish to go ahead. Budish opted not to read the introduction as it was the same in every letter.

Marian Swenson letter – I live in the City of Blair. I live in an apartment that I own. I work in Blair on or near Broadway Street. I have raised a family in this community. I do not want 360 semi trucks/trailers hauling on County Road S/Broadway Street. I do not want 360 truck/trailers passing every 2 minutes, 19 seconds, 14 hours Monday thru Friday, 9 hours Saturdays. Do not permit the Johnson sand mine in Tappen Coulee.

Desa Coleman letter - Do not permit the Johnson sand mine in Tappen Coulee. I live in the Town of Preston. I work in Blair on Broadway Street. I am a property taxpayer. I have raised a family in this community. I do not want 360 trucks/trailers passing every 2 minutes, 19 seconds, 14 hours Monday thru Friday, 9 hours Saturdays.

Cathy Mathson letter – I live in the City of Blair. I have a home in Blair. I am a property taxpayer. I have raised a family in this community. I do not want 360 semi trucks/trailers hauling on County Road S/Broadway Street. I do not want 360 truck/trailers passing every 2 minutes, 19 seconds, 14 hours Monday thru Friday, 9 hours Saturdays. This proposed route is unsafe for heavy hauling operations. Do not permit the Johnson sand mine in Tappen Coulee.

Kathryn Hardie letter – Do not permit the Johnson sand mine in Tappen Coulee. I live in the City of Blair. I live in a home on Broadway. I work in Blair on or near Broadway Street. I am a property taxpayer. I am active member of this community involved. My husband and I enjoy walking and being outdoors. WE appreciate that we live in small and quiet community. We are totally opposed to having trucks driving down Broadway as a route to Highway 95. I do not want 360 semi trucks/trailers hauling on County Road S/Broadway Street. I do not want 360 truck/trailers passing every 2 minutes, 19 seconds, 14 hours Monday thru Friday, 9 hours Saturdays. This proposed route is unsafe for heavy hauling operations. Do not permit the Johnson sand mine in Tappen Coulee.

Kevin Hardie letter – Do not permit the Johnson sand mine in Tappen Coulee. I live in the City of Blair. I live in a home on Broadway. I work in Blair on or near Broadway Street. I am a property taxpayer. I do not want 360 semi trucks/trailers on County Road S/Broadway Street. I do not want 360 truck/trailers passing every 2 minutes, 19 seconds, 14 hours Monday thru Friday, 9 hours Saturdays. This proposed route is unsafe for heavy hauling operations. Do no permit the Johnson sand mine in Tappen Coulee.

Janette Williams letter – I work on or near Broadway Street. I do not want 360 semi trucks/trailers hauling on County Road S/Broadway Street. I do not want trucks/trailers passing every 2 minutes, 19 seconds, 14 hours Monday thru Friday, 9 hours Saturdays. This proposed route is unsafe for heavy hauling operations. Do not permit the Johnson sand mine in Tappen Coulee.

Carol Rittschof letter – I work in Blair on or near Broadway Street. There are too many children and elderly people, not to mention bars on Broadway for it to be a heavily travelled route for heavy equipment. Also, the wear on the road would mean more frequent construction on Broadway which hurts small business and the community.

Budish received a bunch of photos and pictures from Dorothy Burt. These are pictures of the Sunnyside 4-H Club which every year does a roadside clean up on County Road S. All the 4-H kids signed it. Charlotte Everson stated it was from the 4-H club and asked Budish to read the words. Budish read the letter which stated the ditches are steep, the road is curvy, a big orange sign is put on the road to warn people we are out there. We have to be careful of cars and wear yellow vests. We take good care of the road that we adopted. The sand mine with hundreds of trucks everyday would be bad. Do not make it a truck hauling route/hauling construction road. The letter was signed by Charlie Everson, Lois Everson, Emily Melby, Ben Nestingen, Lisa Nestingen, Hilde Everson, Geraldine Subra, Paige, Laura Janzen and Cami Subra. Budish had received photos of the following ; schoolhouse donated in the late 1800's, a community gathering in 1935 at the school, Dorothy Burt current owner of Sunnyside Home, Sunnyside formed in 1935, Dorothy Burt is an original member, picture from the Cheese Fest parade and the club honoring Miss Sunnyside in 2010. Budish stated that was all he had. Bice called for any other testimony.

Budish read a letter from the Town of Preston which was received by DLM on January 28th, 2013. The letter stated the Town of Preston 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 the Conditional Use Permit for Global Sand Link, LLC on the Tom Johnson site. Parcel numbers for this property are attached to this letter. A motion to approve the permit was made by Vernon Back and seconded by Gary Everson, all in favor. Also attached to this letter is a list of conditions of the Town of Preston.

Bice closed the public hearing at 12:26 PM and stated he would entertain a motion from the Committee. Nelson made a motion to table the permit until more information could be obtained. Nelson wanted to see a direct haul route that does not go through Blair. Ed Patzner seconded the motion. A voice vote was taken but was mixed so Bice called for a roll call vote; Bice – yes, Nelson – yes, Patzner – yes, Brandt – no, Zeglin – no, Bawek – no, motion failed on tie vote. Beers wanted to address everyone here and the opposition and the Committee. Beers stated that realistically we are seeing a lot of opposition on haul routes, hours of operation, school bus traffic. Beers thought there are a lot of things today that have been addressed. On the opposition side, as a

person that has been in the public speaking realm for many years, everyone did a great job. Beers really believed that. There are some things that need to be corrected. Beers didn't know where the toxic land fill situation comes in. Beers didn't know where 360 trucks per day, out of their mine, were coming from. Someone from the audience stated from the two mines. Beers thought the DOT approves that but Beers agreed that 360 trucks per day through the City of Blair on Broadway Street, he wouldn't want it either. With all that being said, as far as water contamination, runoff, air contamination, noise quality, Beers thought they had addressed that in their reclamation plan that they volunteered to put those things in place – monitors in place. If there needs to be something in there that public has access to those, Beers can do that. Right along with an issue that was raised earlier was the question that Beers had said that there was consideration or possibility of using alternate roads. Beers thought Scott Lee had addressed that consideration doesn't mean anything. You guys don't know me, I don't know you. Probably a lot of people have stood at the microphone and promised a lot of things and said yes we can try that and we'll try. We all know that doesn't get anything done. Beers recommendation would be to allow them, if it can be done, some time to prove that we can come up with a route that does not go through the City of Blair. That we can find optional haul routes and optional rail facilities that would work that would not infringe on the population of Broadway Street and increase the traffic on Highway 95 and County Road S. Beers stated for them to have that opportunity would be fair. Prior to this week they were under the assumption, because another mine had been permitted that the route was approved and it wouldn't be much of an issue. After listening to the public, Beers agreed it was an issue, but he would still like the ability to at least find an optional route that will work and that they are restricted to versus being able to use that route through Blair, Wisconsin. As far as the site distances out of their driveways, Beers had hired MSA Professional Services as a professional services company. They are not biased in Beers favor at all; they are more biased on professionalism and throughout about a four state area, a very reputable company. If they need to re-evaluate that or re-measure, they are willing to work with them and document and do things to make that mine accessible. If it is a decrease in the amount of trucks we move out of there a day that would work in that environment, they would be willing to work with that, but they need to know what those regulations are and what those things would be to see if they could meet them. If those things that are in place are something that they can't meet and still be financially profitable then they aren't going to mine there. Beers would like the opportunity to at least document, get DOT records of different routes that they could possibly use, talk to the town and talk to the city about some alternatives and move forward at that pace. Beers reiterated that if they had known prior that County Road S/Broadway Street intersection of Highway 95 was going to be an issue they certainly would have addressed that differently. Like Beers had stated, you folks don't know me from Adam and you have no reason to believe that but they did ask a lot of times. They asked the County, they asked the DOT to evaluate it. They said it was approximately 2,400 vehicles per day that go through that intersection and that 200 wasn't a problem. After listening to the public regarding your kids, your schools, definitely it is a problem. Beers reiterated that if they would have the time to maybe document and prove that they can find alternate routes and re-address it at that time Beers would appreciate that and at the same time maybe address the situation on the intersection and on visual things off of that road. That was Beers request to the County. Bice's stated his position is that he is still looking for a motion, three times. Corporation Counsel Radtke stated that since there is no motion being made, and it sounded like (from the applicant) that what Beers is asking for is not to have the County take this up today, but to have more time given to address some of the concerns that were raised today and come back with a different plan (and maybe he was reading that into what Beers said), but what he had asked the Chair was to maybe ask for clarification from the applicant that if the applicant is not asking the County to pursue it at this time then a motion would not necessarily be necessary. Radtke stated that is the clarification that he is asking for. Beers stated, if he is reading Radtke's question right, that is what they are requesting is more time to work on some alternate routes, work on verifying the sites entrances and the possibility of their storm water and erosion control plans. Beers knows that MSA Professional Services does a good job and they are up to the engineering specs but Beers thought maybe they need to be increased then and maybe put more retention ponds in and more water runoff stipulations. Beers doesn't want to see water runoff, problems in the streams; he doesn't want to see those things either. Beers has been in the gravel and excavation and construction business for several years and they have never had issues with the DNR in regard to runoffs and erosions. Beers does feel the concerns. He has seen a lot of companies that do and he has seen a lot of company's that have those issues and he does not believe they are regulated and

probably enforced the way that they should be. Yes, that is what Beers is requesting is to have more time to document different haul routes and get more information for the County before they would make a decision. Bice stated the Committee will do some additional research and talk to the Department and suggested Beers get back to the County when they think they have an application that will meet everyone's approval. Radtke felt it would be a good idea to give more of a time frame or just be clearer exactly what is happening here. Radtke asked if the applicant was withdrawing his application at this time, intending to make modifications and then re-submit it at a later time, whether it be another public hearing to voice any concerns about a modified permit. Also in addressing the Committee, Radtke asked if the Committee wanted a time frame put on this so that this is not hanging out there. If the applicant cannot put together a viable plan or in its' business plan it may never come back, alternatively sitting there. Does this Committee want to have this resolved one way or another at a certain point in time. Radtke stated he was throwing more questions out in order to clarify. To answer that, Beers stated the County and the Committee has the full right to determine that time frame and what it might be. Beers didn't know what the schedule was like for public hearings or when they could get back in or how that was addressed as he was not quite familiar with that whole side of it and how that would be addressed, but Beers would leave that up to the Committee and staff to determine the time frame that they would have to do that and if it is a public hearing setting or what kind of setting it would be. Bice asked the Committee if there should be another public hearing for this application or see if they can approach the Committee with the things that they are willing to modify to meet our goals. In his mind, Brandt thought the answer to both of those questions was yes. Bice asked if they would be required to pay for another public hearing. Lien responded yes. Brandt explained that any significant change to the plan would mean that they are coming with a different plan and that would require another public hearing. Beers asked if haul routes were considered a significant change. Brandt stated Beers had mentioned haul routes, water retention systems, line of sight and all those issues would. Beers stated he had said they would verify those to confirm as Beers has full confidence in MSA Professional Services that those engineering plans will meet the Wisconsin DNR. Beers biggest issue he thought they were looking at was verifying that, which they can do and at the same time try to find a different haul route. In the case that they cannot find a different haul route that would work, then they don't mine there. Lien commented that change in the haul route would be significant because it would have to go back through a TIA. Lien assumed (noting the Town of Preston Chairman, Bob Tenneson was present) that if they are going to go on any Town of Preston roads, the town board would want have some input on that. Tenneson commented there is no town road that they would be able to run on. Lien stated there was. Tenneson replied that County Road S is right there. Lien inquired if they went on Elland Road or Quarne Road, those would both be town roads. Tenneson stated Elland Road runs past the school and we wouldn't let them do that. Lien stated that would then be town input. Lien continued if they would vary from County S onto a town road, would the town want to take that issue up? Tenneson responded the other two members of the town board would have to take that up. Dick Miller stated it was interesting how this has proceeded. Miller stated he would like to share something with the Committee. Miller was thinking the Committee was probably going to act on this and have chosen not to, today, and Miller thinks that is wise. Miller wanted to remind all of them, whether you were elected or appointed, that you are in a role/position that you have to be concerned about the health, safety and welfare of the people of this County, so whatever decisions you make, these things have to be kept in your mind and at the top of your head in terms of the process. The concern Miller has, addressing Chairman Bice, is something that this Committee has to address and has to address perhaps before there is any further public hearings. That is we know that the DNR has had a cutback on staffing. A significant cutback over the last several years. They have not been able to gear up for the influx of requests for sand permits and their responsibility for monitoring. Miller knew they were responsible for water. Miller asked if they were responsible for air also. Lien responded they are. Bice commented on our last application we're responsible for those. Lien explained that when we make conditions (right now it is permitted under the DNR as they do air quality which is an annual test)to add additional air quality then we are taking that on. Bice asked if it was correct that we are forcing the miner to cover the cost of that. Lien responded that was correct. Miller stated the concern he has is that the DNR is not functioning in the role that they were assigned to, so what does that mean? It means that it leaves the County Board - those of us who are on the County Board and those who are appointed (you are part of this whole process). We have to be concerned about the health, safety and welfare of the community. Miller is not saying that he is opposing this mine; he is opposing the idea of not having the proper tools/staff to monitor the mines

that we have in operation. Air quality testing once a year, Miller stated that was totally ridiculous and he is glad to see that the County is taking a stand requiring, hopefully a neutral party, to review these samplings. We also have a responsibility as a County Board to look at other issues, like groundwater. If a mine is in operation, we should be able to inspect that mine, monitor that mine, on a regular basis. Not once a year, not once every six months, maybe monthly – maybe more so. We have to be able to assure our neighbors and our friends that the operation isn't detrimental to their health. Bice stated what the Committee will do is put that on an agenda and they will discuss that. Miller thought, that in addition to that, we may have to be looking at spending some money on staff to help Lien. If we are going to do the job we're assigned to do, we have to be willing to put some money in it and perhaps that money has to be gained through the permitting methods we have set up. Miller asked that as a Committee, prepare us for the future. People here in this room are asking for planning. One way to plan is to study what is going on in the communities. So Miller thinks we need to think, as a Committee you need to be looking at this. Miller thanked Chairman Bice for the time and he hopes they take it seriously. Radtke again asked for further clarification as he has not heard yet whether or not the applicant is formally withdrawing its' application for the Conditional Use Permit today or not. Beers asked Radtke to explain "formally withdrawing" and what that actually represents and if that meant it would be tabled until another date, etc. Radtke replied the reason why we are all here today is because Beers applied for a Conditional Use Permit. That is the only reason why there is discussion happening. If the applicant says we no longer wish the Committee to consider this, or make a decision with this regard, we're going to withdraw our application, and then this Committee has nothing further to do. Then it is on the applicant to decide whether to re-apply, modify, etc. on your own time. If Beers wishes to proceed today, Radtke stated then the question is more for the Committee as to if they want to postpone this to a later time or deal with it today so that is why Radtke is trying to seek some clarification so the Committee knows if they need to do something here. Bice asked if the Committee could postpone this? Radtke responded they could. Bice inquired what the third party review stated about this application. Budish, read aloud the 3rd party review summary, "This Conditional Use Permit is in compliance with the requirements of Chapter 13 of the Trempealeau County Comprehensive Zoning Ordinance. Town of Preston has placed additional conditions on the mine operator. The Township has stated that the operator shall place a paved tracking pad, in addition to the stone pad at the mine site, prior to exit to a public roadway. Westbrook concurs with this condition that, as it will be the single most important method to keep foreign material off the road. If operator follows all other requirements of the township and county, Westbrook has no outside concerns with this operation. If you have any questions on the review Westbrook has performed on the application, or require further explanation, feel free to contact Westbrook Associated Engineers – Aaron Palmer". Bice's question for Lien was, in a Conditional Use Permit, can we condition out the obstacles that have been brought forth by the public? Lien responded that the one haul route that they submitted comes through the downtown Blair area. Lien added we heard the Town Chairman state that he cannot speak on behalf of the town board, but an alternate route would be a town road. Lien stated Radtke has warned us in the past about making a condition contingent upon another body, so Lien wasn't sure that was something that would be advisable for the Committee to recommend another haul route without that body's interest/comments on it. Lien stated he and Budish had actually talked to the applicant about it. Lien added this has always been controversial, in the downtown area, even with the Swanson mine. Lien and Beers visited this morning and had talked about a couple of possible alternate routes, but they had no time to really research how feasible those are. Bice asked Lien what his recommendation would be regarding as to what the Committee should do. Lien responded that he took really good notes today while listening to all the public and there were a lot of really good highlights. Lien stated he heard planning, planning planning and democratic process. According to Lien's notes there were 3 people testified for information only, 9 testified in support and 73 (not counting the 4-H members) testified in opposition. Lien didn't think Bice needed his recommendation. Bice had interrupted as Radtke had given some direction and Beers was about to give some feedback. Bice stated he was hoping we could maybe clarify or simplify and apparently that is not going to happen. Beers hoped maybe he could clarify and simplify. Beers stated with everything that is being said here by the citizens, the people of Blair and Trempealeau County, if we are not going to postpone this or table it, Beers thought it was their responsibility (Beers came in here and talked about working with the people and he is trying to get things through), if he sits here and says lets get this mine through and try to push this route through, that would be totally going against everything Beers had told the people in this room today. So, if the Committee isn't willing

to postpone or table this, to give them some time to do that, then Beers thought it was their responsibility to the public to withdraw this application at this time and re-apply at a later date. Beers really felt that was the integrity that had to be withheld throughout the thing. If Beers doesn't say that then he has totally lied to everybody at the beginning of this meeting. That was Beers feeling and he couldn't go back on what he said. Lien added that staff would continue to work with Beers. Beers added they have been in business in a lot of different states and a lot of different areas. They are one of the first to call up the Army Corp. of Engineers for disaster relief because they have a reputation that they come in and do a good job, they clean up and they are a professional company and they want to uphold that everywhere. Beers stated if people have notes of what they said today, document it and that is what they will stick by. Beers knows there is lot of aggressiveness here and a lot of people really did a great job speaking today on behalf of their town and their county. Beers appreciates that and respects that. At this time the Committee convened for lunch. Bice announced that the meeting would reconvene at 1:45 PM.

Bice reconvened the meeting at 1:45PM

Rules on Manure Piles – Lien stated Bice had requested this be on the agenda. Lien wasn't sure what Bice was looking for so staff member Carla Doelle was present to answer any questions. Bice stated he was crossing the parking lot one day and one of the employees was heading out to measure a manure pile that someone had made a complaint about so Bice thought the Committee should address that issue, see how much time we spend on it and how much of a problem it is and what the rules are. Doelle stated with unconfined manure piles, people maybe ask where they can locate a pile or staff will get a complaint on a pile that someone in the public sees and they are questioning if it is in a suitable location. Doelle continued saying the criteria that is used to determine temporary unconfined manure stacks is out of the 313 NRCS Standards & Specifications and it is Table 10. All of the criteria is based off of the manure consistency on percent solids – greater than 32% solids or 16-32% solids, and if it is lesser than 16% solids then it would not be a stackable type of manure so then it would be required to be in a pit. Doelle stated all of our soils, setbacks and separation from groundwater and bedrock is all listed, as to what the requirement is, in Table 10. Bice asked how much of a problem do we have as far as how often do we get a call or complaint. Doelle responded there is no right or wrong answer to that – it is on a complaint basis mostly. Upon Bice's inquiry as to how many complaints we get a year, Doelle responded maybe staff gets a half a dozen a year. Bice asked if we then send somebody out. Doelle replied "always" and that every complaint that is received is verified. Bice asked what usually happens when we "go out", we obviously measure the area and see if it meets the criteria, etc. and then do we basically send them a letter saying that their pile is in compliance or it is not? Doelle stated that was correct. Brandt commented there is somewhat of a larger issue having to do with the feedlot permitting process. We have jurisdiction over all the feedlots that are permitted from 300 and greater animal units and as part of that there are the four prohibitions, one of them that relates specifically to stacking. But it is all comes down to the Nutrient Management plan. What is it that one is allowed to do or required to do with the manure. Upon Brandt's inquiry, Doelle listed the four prohibitions; overtopping of waste storage structures, unlimited livestock access, no direct runoff from your feedlot to the stream. Brandt added and no stacking within so many feet of the surface waters of the state. Doelle adjusted that saying no stacking within the surface water quality management areas. So if you see manure stacking, Brandt stated chances are good that they have a Nutrient Management plan and this is just one of the strategies they use to hold onto the manure before they can spread it. Doelle commented yes and no, just because you see a pile doesn't mean that they have a plan. Doelle added not every pile that staff gets called out to is in a safe location or meets the criteria listed in Table 10. Lien added there are times that Doelle has to send a letter and take corrective measures for someone to remove a manure pile because they didn't realize it is in an area that doesn't meet Table 10. Brandt stated we have been preoccupied for the last three years, but this gets back to one of the responsibilities that this Committee has as the successor of the Land Conservation Committee, to oversee the permitting and enforcement of our Feedlot Ordinance and nutrient management is what that is about. Bice stated they submit plans, etc. but inquired if staff actually goes out and measures the nutrient levels of what is applied? Doelle responded staff can calibrate their spreaders to tell them how much they are applying. Staff has that ability. Bice commented he was happy with that information and wanted to make sure we weren't spending too much time. Bice didn't think it sounded like it was a real significant

problem. Brandt stated that spreading is an issue. It was at the end of the 90's, Brandt said that Dennis Frame assured us that in a couple of years, the amount of manure that was being spread based on the amounts of feedlots that were coming "online" was going to exceed the crop needs in Trempealeau County. Brandt was wondering, if in the future, this Committee would want a presentation related to that. In other words, if we are creating more manure than the farmers can use to meet their nutrient needs then we have a problem because the nutrients have to go somewhere. Nelson questioned who was creating all the manure when the numbers of cattle are down drastically. Consensus was that perhaps chickens were increasing in the County but cattle numbers are going down. Brandt commented it has been three years and this is the first time we have talked on this subject. Upon Lien's inquiry if the numbers of cattle were really down or just more concentrated, Doelle responded she didn't have an answer for that. Lien wasn't sure of the answer either. Lien understood there weren't a lot of persons feeding cattle, but like in Lien's area, there are a couple of operations which have 600 or more head of cattle. Bice stated he is aware of the Nutrient Management requirements and believed every farmer has to have a plan or is supposed to have a plan. Doelle responded that was correct. Bice inquired if it was the County's responsibility to say perhaps "You have twice the amount of nutrients that you're supposed to have on that field?" Doelle responded that you would want to be sure that they have enough acres to handle the amount of manure that they are generating, so Doelle felt that would be part of staff's job. Lien added it is our job to make sure one is compliant with the prohibitions. Bice stated and we know that by knowing they have i.e. 1000 animals and 500 acres or whatever it takes? Lien responded by conservation plans, nutrient management plans, etc.

Discussion on Non-Ag Height Elevation Requirements. Bice stated he wanted this on the agenda because quite often this comes up for a mining company that wants to have a structure that is not directly agricultural related, if one wants to build a silo, grain leg, etc., Upon Bices's inquiry as to what the regulation was, Lien verified it was 200 maximum height (where FAA regulations would "kick in"). Lien explained that in the Comprehensive Zoning Ordinance, anything over 35 feet in height, with the exception of ag structures, would need a variance. Bice reiterated that as long as it is a silo or a grain leg and they are less than 200 feet, they are ok. Bice stated we hear constantly that we don't have time to deal with all the things that we have to do, so Bice's thoughts were let's eliminate that requirement and put that in a Conditional Use that if there is a reason to have some kind of height restriction in there, let's condition it rather than have it in the Ordinance which requires these people to go to the Board of Adjustment, and requires payment to the Board of Adjustment, adds additional work for the staff. Bice stated we accomplish nothing there, if we do not have a good reason to have that height elevation then we should put it in as a condition. But to just assume that they aren't using it to store something for farm related issues, and make them go through the Board of Adjustment, etc, seems to Bice to be very inefficient government. In an effort to follow the line of thinking, Brandt stated Bice had said we don't have time to do everything, so let's just make this part of the conditions, so what part of us, doesn't have time to do what, was Brandt's question. Bice replied we're wasting lots of time. Bice asked what we accomplish by having this requirement, if it was i.e. an 80 foot silo – no requirement. Brandt responded (he tried to make this same point at the last County Board meeting) our current ordinance in zoning is geared towards agriculture. At the time this County became incorporated, ag was the focus. When zoning/ordinances were written, they were written to favor agriculture including this exemption from height requirements. The concept, as Brandt understands it, is that anything that isn't agriculture, is going to be somehow intrusive on the landscape and to the people who live there. Brandt's point, at the last County Board meeting, and this is the thing Brandt knows Bice had problems with in the past and felt this is what Bice was talking about right now, was why do we have to do this? Brandt stated we have to do this because the zoning is written to favor agriculture. If we want to do what Bice is suggesting, which is to eliminate this requirement to go to the Board of Adjustment for a variance in relationship to the height, then we have to do something with the Ordinance/zoning. We have to address the change in land use in Trempealeau County and to either accept the fact that we are no longer an agricultural county and to potentially eliminate all the favored status that we give to agriculture and look at mining and to say "we're a mining county" and then favor mining in terms of our ordinances or to find some sort of in between. Are we agriculture mining in the sense that we are considered a manufacturing county, yet all our ordinances are related to agriculture? Brandt added the issue is not the ordinance per se, it is to say there is

nothing intrinsically wrong with the ordinance, the issue is that the ordinance favors one activity over another and there currently is another activity that is starting to take precedence in the County. To follow up on that, Bice stated he is trying to make government more efficient and more effective and common sense. Common sense is, if we have a (he couldn't think of any logical reason) reason not to allow that tower, we could put that in the Conditional Use Permit, but in most cases that is not going to happen so Bice thought we are spinning our wheels, wasting everybody's time, wasting staff time and it is our job to be efficient and work for the public rather than working for the government. Bice's logic is that he doesn't see any reason why we have to have that. (Bice understands some consider mining not to be agricultural, but it does happen and it is legal in area zoned agriculture) Bice doesn't understand why one can build a 90 foot silo but not a 60 foot whatever. Brandt commented in terms of agriculture, the State of Wisconsin does not consider industrial mining to be agricultural which is why the Farmland Preservation contracts have to be bought out if they go into that program. Brandt thought Lien maybe has a better idea as to what the rationale is. Bice stated in Trempealeau County it is a legal conforming use with a Conditional Use Permit. Bawek brought into the discussion, in regard to the minutes of May 8th, Page 16, it talks briefly how Lien and Radtke would review and discuss the Ordinance as to the height variance elevations. Bawek thought if the Committee were clear on that it would help this discussion along. Bawek asked what that discussion was and what Lien and Radtke came up with in that discussion. Lien stated he and Radtke reviewed the Ordinance and the intent of it and they determined if you have an existing topography, pre-construction, and one wanted to build something 70 feet tall, and one could lower that grade by 35 feet, then one could in reality be 35 feet above the existing grade and one would meet the Ordinance requirements. Lien continued that actually, if one forgets about agriculture and mining, this County has been zoned since 1972; the height restriction of 35 feet applies to all structures with the exemption of ag because we are predominantly ag. If one looks at the Black River in our County we have a special condition in that ordinance that says where the bluff line changes from 19-20% one has to be 50 feet back from that with a structure limited to 35 feet. Part of that was because of unstable slope and the scenic beauty of the Black River. If one is canoeing or boating on that river, and one sets something 50 feet back from that edge with a limitation of 35 feet one won't see it from the river. The uniqueness of that is sometimes that bluff line might be a half mile back from the river because there is a long wetland or forested area. Lien told a story stating the office used to subscribe to zoning case law and one of the case laws (Lien had explained this to Radtke and Bice) was that out in Colorado in a subdivision (in our County there could be two houses 20 feet apart because one only needs to be 10 feet from each lot line) someone built a residence with a very picturesque view of the mountains. The neighbor built a structure right below them and elevated the height completely cutting off their view. The person reviewed the ordinance; the neighbor had exceeded the height limitation, sued them and won, so the neighbor had to lower the house. That lowered house now has an eve vent on it that looks exactly like an obscene jester. Lien stated this is an example of why there are height limitations/ordinances/variances. It goes back to personal property rights. Lien stated we hear repeatedly, every month from certain Committee members that we pay taxes, we own this property, we should be able to do what we want with it. Lien would challenge anyone to go home this afternoon and shoot a deer to feed your family and then call the DNR up and say that is what you did because it is your property and you pay taxes on it. We all live in a civilized society where there are rules and regulations and what we do can affect our neighbors. That is why there is a variance process. No matter what ordinance the County has there is the variance process where everyone gets a say. Revisions can be made. It is not a hard and fast rule but it is something that needs to be discussed and that is why the variance process exists. Brandt asked if Lien would say then, that the applicants coming in the future with structures that are going to exceed 35 feet, that their strategy would be to lower the existing ground level in order to comply with the 35 foot requirement. Lien's opinion was that he certainly thought so because of all the excavation activity that is going on, Lien thought in reality if we would have looked at Winn Bay, at the time, they probably wouldn't have needed much there, but they kind of started with close to a floor elevation. Had they moved it a little bit into the side hill that they've dropped 80 feet there would be no need for a variance. Lien thought we would see better sight planning in the future. Lien thought Radtke agreed that is the intent of the ordinance. It is the existing topography because if someone built and is seeing a view shed currently and they are allowed to exceed that by 35 feet and one lowers that ground, that view shed doesn't change within that tolerance, Lien felt that met the intent of the ordinance. Bice's thoughts were this is just simplification, again. There isn't a meeting that happens that Brandt doesn't say we need more staff. Bice wasn't sure how

much time staff puts into those Board of Adjustment meetings, it is a little, but if we don't need it. Bice added if one of these structures is offensive to the neighbors or something he is not sure that is going to be approved but he would like to say let's throw the condition in there rather than having one whole other level of government having to look into this. In Bice's opinion it is a little bit difficult to get through that Board because one just never knows for sure. Bice just thinks it is common sense and simpler to leave it out and not require that height variance and condition it as a Committee if that is necessary – again we are saving lots of time, money, lots of the applicants money. Bice likes to ask who is harmed and no one will be harmed by leaving this out. If there is an issue, we have staff here that will say this is a place where elevation might be a problem and then we'll look at that, but in general this is a level of government that we can eliminate and one of our jobs is to spend taxpayer money wisely. The people that are applying to us, they are taxpayers; they are people of Trempealeau County. Bice would like for the Committee to simply say we'll condition that if necessary. We have the ability to do it. Right now we have this redundant program that doesn't seem to make common sense to Bice. Brandt interjected that the question seems to be that Bice doesn't see any harm in it. First of all Brandt didn't think the Committee had the ability to do that. The Ordinance would have to be changed in order to do that which requires public hearings and going before the County Board, etc. The other thing is the harm has to do with the balance that the Board of Adjustment brings to the process. Boards of Adjustment were created to avoid (wasn't sure of the exact language) the arbitrariness of zoning. In other words, we have zoning that says "you have to do this no matter what". If there is a hardship that is created by that zoning, the Board of Adjustment has the ability to say to those people, "yes, zoning is creating a hardship for you, you have no other option, we will allow you to go, i.e. within the right of way to build a shed". This happened recently with Hegge's as there was nowhere for them to build except in a flood plain so the Board of Adjustment gave them a setback variance. On the other hand is there is no hardship created or if it is a self created hardship, there is the balance. It is a way of enforcing, making sure that the applicant knows that the zoning is there and that the zoning is what they are required to abide by if they create their own hardship, they have no reason to apply for a variance. Brandt reiterated that is where the harm is. You eliminate basically the Board of Appeals to zoning because that is what most of the Board of Adjustment applications are about. They are appealing our Zoning Ordinance and without that there may not be any balance. Bice responded Brandt has made a great argument for Board of Adjustment. He didn't think this is relevant to that, he thought this is a requirement that, because of a technicality got entered in there. In Bice's opinion, common sense would say that if we need to have a restriction there it should be done through the conditional use process. Bice inquired of Lien if the Committee would take action on this. Lien responded no, it would be an amendment to the Comprehensive Zoning Ordinance because that is where the language exists, so there would have to be an amendment to that Ordinance. Bice asked if that could be reviewed without opening the entire Ordinance. Lien thought the one section could be addressed and an amendment made but that would have to go through a public hearing here and then on to full County Board because it is an Ordinance amendment. Radtke commented that Number 12 on the agenda, which the County Board has directed back to this Committee, is revisions to Chapter 13 of the Nonmetallic Mining Ordinance. That may be a good time, if this Committee deems it appropriate, to change the County's Ordinance with regard to height elevation requirements, that may be a good time to review it as a whole in harmony with nonmetallic mining, but it would have to come in the form of an Ordinance change. Zeglin asked how many times this particular scenario has come up? Is this, indeed a major problem and how many times has it come before the Board of Adjustment? Lien guessed about four times for height. Budish and Lien thought there was Winn Bay, Alpine and, Proppant/FTS International – who was denied. Lien assumed Highway 53 mine will be coming. Bice asked about the one that was denied as to what they were going to do. Lien wasn't sure if they were going to come back with a revised plan or what. Bice asked if they have a wash plant if that is why they need the elevated buildings. Lien responded not necessarily because the Guza mine has a wash plant but it is a much smaller one and they kept it under the 35 feet, so it is usually just the large scale ones. Upon Bice's inquiry if the discussion could be continued on in agenda item #12. Radtke responded it could so Bice moved on to agenda item #9.

Air Monitors for all Mine Sites – Lien stated this was brought up at the last meeting as the Committee had talked about air quality monitors whenever there is processing associated. Lien explained that some of the first applications that came through didn't necessarily have the right conditions put on them, i.e. two or three air

quality monitors. They weren't the type of monitors that have the right kind of filter or the type that did anyone any good. Lien stated we are really only monitoring air because the DNR does regulate it. If we would find things through our monitoring we could forward that to DNR but Lien didn't think statutorily the County has regulatory rights with air. We would just be monitoring it for the Committee, the County and the public. Things that we would learn from it, we could forward to DNR. Brandt commented, one of the things that Radtke points out, is that this Committee has evolved in terms of its' approach to regulating /permitting mining. A concern has been raised consistently about the quality of air, the safety of our wind blown dust and that sort of thing. In the last couple of applications we have had requirements for (the Highway 53 mine for instance) for one movable monitor, checked on a regular basis. The rationale is that if there is a problem we find out. If there is no problem we find that out too. Recently Paul Winey sent his own letter suggesting that monitoring is the only way we are going to know if this stuff is safe. Obviously, we can't shut somebody down but at least we will be able to tell the public that based on the information that we have, this is what we know about this stuff. Where it comes from and where it is at any give time. Brandt suggested the Committee just continue to do what they're doing which is requiring one movable, high quality, readable monitor at each site. Someone asked if the filter is sent to DNR. Lien responded there isn't a monitor up and running but the filter wouldn't go to DNR, it would probably go to a lab maybe in Madison. Lien read aloud from "Term of Conditional Use Permit- Permit Modifications" which stated "in the event that during the life of a permit, the operator seeks to have permit conditions modified or in the event that the County recommends further or additional permit conditions as being required, to meet with concerns of the County under this section or under the Ordinance in general upon request of either the operator or the zoning administrator, the County shall hold a public hearing in the matter of altering the original permit conditions for the remaining life of the permit. Upon the basis of the public hearing and information received and reviewed, the County shall have the discetion to either impose additional or further permit conditions to remove permit conditions or to allow the original permit conditions to stand". Lien's personal perspective on that is as these 20 odd mines get up and running, if we see problems and there are not air monitors permitted for that site, Budish and Lien (as acting Zoning Administrator) are going to recommend to bring the applicants back before this Committee to review those issues. Lien felt at every meeting that has been a public concern. It is Lien's personal concern for the County also as health, safety and welfare is still our charge so if we have complaints and issues with that we need to be monitoring. Lien added, not necessarily regulating but monitoring so that we can forward information to the regulatory agency because Lien can tell the Committee that they are not. DNR doesn't have the staff, time or the money to regulate air quality, erosion or storm water like they need to. Zeglin stated in order to properly monitor health issues for the public which is one of the missions of the Land Use Department and this Committee, she does feel that air monitors should be placed in each and every mine so that we can find out for sure what is going on. Bice responded that is what we have done in our last several Conditional Use Permits. Lien explained that whenever they have had processing and it has been outside of just raw extraction we have required a monitor, but in the raw extraction sites there were no monitors placed as conditions. Brandt thought in raw extraction there are the same issues with blasting and crushing. Zeglin added one is still disturbing the soil, the sand and it still has the potential to still have the particles down to the PM 2.5 which is an issue for silicosis. It is still there regardless of whether they are washing the sand or not. We need to find out for sure what is going on. Bice inquired if Zeglin was suggesting that every mine that opens should be monitored. Zeglin responded yes. Upon Bice's inquiry as to how that is done, Lien explained that the applicants could be brought back in as they open up or address the ones coming in for permitting from here going forward. Bice asked if they come back in would it require them to pay a fee. Lien responded it is a public hearing process, so there could be a fee but if the Committee wished and it is the wish of the County (them not coming in on their own will) we could probably waive that fee to add conditions, but it is a public hearing so there will be expenses to our department. Bice asked if the Committee could simply ask them to put in a monitor or tell them we're going to bring you back in and force you to put in a monitor. Lien stated things can always be negotiated. Bice didn't have a problem with that, he just didn't know if it paid to make them come in, take our time – everyone's time. If a monitor is going to be necessary then let's just skip the steps of the hearing. Upon Bice's inquiry if that made sense, Brandt commented if the monitor is the only issue –yes. Bice asked if any action needs to be taken or we could just take that approach. Lien thought that approach could be taken. If there is a raw extraction site and they want to have a water cannon on site and they are going to wet all the sand there is no point in doing air quality

monitoring for that type of operation but if they are stockpiling large amounts of sand and they are not wetting it down, we have prevailing winds, we are going to get complaints and there is going to be sand blowing around. Lien thought he and Budish should be able to work on that.

Review of County Reclamation Ordinance – Lien thought this agenda item came from the Towns Association. A question coming forward every month is what can we do about reclaiming these sites that are open and there is no activity. Lien stated, referencing the past Corporation Counsel, when we adopted the Ordinance, back in 1997, we kind of struck a deal that the mining industry (one has to overlook industrial sand and just say mining countywide – we had 58 permitted sites at one time prior to industrial sand that there may be no activity at a mine for 5 years because there isn't a project in that area), saying if you pay your annual fee, the unreclaimed acreage fee, we recognize that as a form of activity. If one reads NR-135 it states more specifically it has to be some kind of mining activity. If the site is stagnant for a period of 12 months, you should either initiate the bond or start reclamation. So we kind of overlooked that and Tom Portal from DNR allowed us to overlook it because it was our interpretation of a way we could continue them to be compliant by paying fees keeping a permit open or those permits would lapse, repeatedly. Lien explained that a lot of those small sites, in the life of the mine, have not exceeded 10 acres. Lien stated it was kind of a trade off with the industry. Now we have industrial scale sand mining and particularly a couple by Arcadia have been vacated for more than 12 months and the town and the public is asking what we are going to do about it as it is a huge scar on the landscape. Lien added NR-135 says get it reclaimed. We have bonds on them so we're not worried about that issue but it is just trying to keep it fair – the arbitrary and capricious decision making where we aren't picking on the industrial sand industry yet we allow the aggregate industry to continue to operate that way. Lien felt that is why the town brought this up and asked how we are going to address this issue and how are we going to do it in a fair manor. In Lien's opinion comparing the aggregate industry to the industrial sand industry is like comparing apples to oranges. The scale is much larger. Limestone, whether it is topsoil or the aggregate sand industry, there isn't the washing or erosion issues that one seems to have with industrial sand. With industrial sand one is separating into a fine material, taking out the coarseness of it, it blows and erodes easier, it runs off easier. Lien could make two lists why they are different yet he could make the same lists why they are similar so it is a fine line and we have to be very careful when we make rules that apply so as not to be arbitrary and capricious. In 21 years Lien couldn't remember any enforcement cases involving a storm runoff event from a limestone or aggregate mining site, now we had four on Monday involving industrial sand. The same thing goes back to reclamation. Lien has seen hundreds of borrow pits in our county where one opens up the topsoil site, one takes out the mineral, one puts the topsoil back and you have a good fertile field again. Now one opens the site up, stockpile it with 34 feet of fine sand, put topsoil on it, and good luck growing a crop. If one goes to Badger Mining which has done reclamation for 34 years, there are sand burs and some pine trees. Lien has been there. One isn't going to grow corn, alfalfa or anything else. Bice inquired if they have the same standards that Trempealeau County has as far as requirements. Lien responded probably not. Bice has worked hard to assure that the A and B horizons are protected and that we end up with real true reclamation and we have the bond. Bice believes that, and he could be naïve, especially if they follow the rules and they open up the areas of this operation that they are supposed to, take it out and start reclaiming that as they move on through the process. Lien thought Bice was forgetting that they are not just taking out and reclaiming, they are taking out and putting back all the washed fines with polyacrylamides, etc. in it, then they start reclamation - much later. So it is not just reclaiming on a subsoil or bedrock, you are reclaiming on top of a fine sand, now try to hold moisture in there, something that will hold roots and a crop. That is where it is really different. Bice thought that was really interested and he wanted to do some research on it. Upon Bice asking if Lien has seen any research on it, Lien stated that is why other counties have done what Lien suggested with the Highway 53 project. One of Lien's recommendations was that if there reclamation plan says they are going to be back in productive ag, it is not unreasonable that if they don't meet 70% of that crop production in two years, then it is not a productive ag field. Bice wanted to clarify something Lien had said. Lien had said that it is reclaimed on the sand that has polyacrylamides in. Bice continued that a huge amount of the reclamation material doesn't have any polyacrylamides. Lien asked what percentage and where that information was coming from. Bice responded if we have a mine that is operating and they are sorting out the sifted and the stuff that does not get passed through for washing, all of that goes directly back to the mine. Lien commented he didn't know of

anything that doesn't get processed for washing. Bice replied it is the sifted stuff. Lien stated all that goes through the wash plant – every ounce of sand that gets mined gets run through the crusher first, then the wash plant. At the wash plant, where it is mixed with polyacrylamides, the nonusable material goes one way, the other material goes to the dry plant. Bice stated after they dig into the bank, after the explosion of the dynamite, they dig in and they run it through a crusher and that gets screened right off the crusher. Lien explained that what typically what happens is, it gets screened and if there are boulders that don't get crushed, they drop on a conveyor that goes back into the crusher for second run, but most all of that material (a very small percentage of it) comes off that doesn't go to the wash plant and that would be if there is perhaps some shale in there or some other material which usually is stripped prior to them drilling or blasting the sand, so very little of that actually enters the crusher. Some of that material that is stripped, etc. that is the A and B horizons that will go back on top of reclamation. Typically where one is mining, something has to go back in or they have to go somewhere with it so that is where the fines and washed material (that is not usable) goes in, then it is reclaimed over the top. Brandt asked to get back to what he thought was the heart of this discussion is and that has to do with when it is that we require the operator to start cleaning up. Brandt felt Lien was “skirting” the obvious answer which is that we treat this industry different than we treat the aggregate industry which is to say “12 months means 12 months”. If there is no meaningful activity, that is to say if someone goes in with a dozer one day and pushes a pile from one place to another, that is not mining that is just something that comes under the 12 month time line. Brandt's language would say if staff determines there has been no meaningful mining activity for a year, reclamation will begin. Radtke commented that what he has to say may lead us into agenda item #12 – Ordinance revision. Radtke stated under NR-135 it requires that after 12 months of no activity that reclamation is to begin. Our Chapter 20 Ordinance which is our reclamation ordinance has a provision in it regarding annual fees which says, “There are reduced fees for inactive mines. Any site on which no nonmetallic mining activity has taken place in a calendar year and where no activity is planned for the following calendar year, shall be assessed at a reduced fee as specified in the permit fee schedule”. Radtke explained that our Chapter 20 is saying that “you didn't do anything this year or you're not going to do anything next year, you get a reduced fee”. To Radtke, that was not consistent with our current Chapter 13.03(5) regarding lapsing of permits which says basically, “if there is a condition of nonactivity exclusive what is required for ongoing reclamation that is continued for a period of twelve months in succession, the permit shall lapse as a matter of law”. It seemed to Radtke as though it should be lapsed and there is no more conditional use permit. Then it goes on to say that one has to re-apply as if there hadn't been one in the first place. Radtke understood this is conditional use permit versus the reclamation permit but they are not necessarily in harmony with each other and as Lien had mentioned the current approach, whether it is aggregate or industrial mining is that if the inactivity fee has been paid that that in itself is deemed “activity” keeping it open. Radtke has concerns with that and would like to see the Ordinance revised in some manner that addresses what is “non-activity”. It says “meaningful”. Brandt interjected “as determined by staff” and they could come up with a list of criteria as to what that would be. Radtke responded it can't just be “as determined by staff”. Similar to the discussion we had about amending Chapter 13 over the past several months, Radtke stated it has to be clear especially if we are going to enforce it from the County's perspective – what is activity and the mining industry also is going to want to know what they have to do to comply. Staff here is going to want to know what do they have to do so they know that when they didn't comply because that means they are going to have to start reclamation. If they don't start reclamation that means we are going to be calling bonds in and starting it for them which is a pretty significant undertaking. Radtke agreed there needs to be some revision but we have to put more thought into what is non-activity and what is meaningful non-activity that lists the criteria mentioned. Brandt stated we have heard this a number of time from the public, the DLM gets calls as to what is going on with this local pit, this is something that needs to be addressed because this is significantly different activity than the aggregate industry. Bice suggested that perhaps when they are operating they could let us know that they are going to move a certain amount of material out of the mine rather than from one place to the other. Bice felt that should be a fairly simple definition to come up with. Brandt, in addressing Radtke, commented we have two Chapters 13 and 20 in our Ordinance that are at odds. We are looking at discussing Chapter 13 revision which is the stricter of the two, does this mean that we, at some point have to open up Chapter 20 as well. Radtke responded it is possible to make them in harmony. On the agenda item here we are talking about review of the County Reclamation Ordinance and further on we are talking about Chapter 13- Nonmetallic Mining Ordinance. Obviously we want

to have those consistent with each other and if we can't revise Chapter 13 in a way that we wouldn't have to also revise Chapter 20, then we are looking at two different chapters which may be the outcome, but until we can assemble either the Advisory Committee again or have some meaningful discussion including all sides here as to what is going to be the best course of action. There are issues with aggregate mining where if there is no particular job in a particular area they may go some time without it, but industrial sand is different. The question is how do we treat it differently and how do we do it in a way that it is going to deal with the issues. Lien added that was discussed quite extensively in the Advisory Committee and Lien felt the conclusion was (they kind of left things alone) maybe as an incentive what this Committee should look at doing is possibly increasing the annual fee per acre thus giving more incentive for reclamation. There is a non-active sight right now and it will one opening up soon. It is an aggregate site, it was permitted in the early 2000's and they paid \$75.00 each year for a non-activity site but they didn't want to go through the permit process in the future. So we've allowed them to pay \$75.00, for a site in Caledonia, and now they are going to finally open it up. They have a few conditions to meet, we need a current bond, etc. from them and they are going to open it up. Lien stated that site was a minimal one but now we have sites that are open and as an incentive (we have talked about staff and revenue generating at the meeting today) the only fee that we get out of this whole program is the reclamation fee. One can only charge a fee related to what the administration costs are at the County level, so if the reclamation fee is increased as a larger incentive for the mining company's to reclaim (once again it has to be looked at across the board because when we are talking that fee it applies to all mining not just industrial sand) or a push for reclamation. Bawek inquired in regard to the wording, if one could be called a quarry and one a mine because a quarry under definition is "a pit to excavate building stone or slate or the like". A mine is somewhat similar in the description except a mine can involve washing where a quarry does not. Bice thought the Committee could certainly look at that and the two should be clearly separated. Bawek stated some of them call themselves "quarries" and at the same time they interject "mine" and he wonders if they do that for the reason of blasting requirements. Lien didn't think so. Lien commented that at the first meeting of the Advisory Committee we separated out industrial sand from aggregate mine – clear definitions, they stayed until one of the last meetings, when we asked what are we doing as this is really the same thing, so we ended up putting them back together. Lien reiterated we had separated them by good definitions, originally, and the more we went along through this process we said no it is really the same. It is larger scale but they came back to leaving the language just as it was. We didn't want to put ourselves in a liability situation where we were treating one industry completely separate than another when they have so many similarities. Lien thought it came down again to that fee as an incentive because there should be some kind of incentive to reclaim. Reclaiming would reduce the meeting that Lien had Monday with DNR as far as storm water events/run off issues and it would also help with the aesthetics in the County. Who wants to look at all these open pits? Bice stated every application that he has seen shows the phases. Does it specifically say in our Ordinance that one needs to be reclaimed by the time they get to Phase 3 or 4, etc. Lien responded not at all. One of the sites Budish and Lien are working with, they had a 20 phase mine plan and three years into it, 19 of the 20 phases were disturbed, there was only one phase that had no activity. Bice specifically remembers one of the earlier ones that we did, very clearly that was the plan. Lien thought that was the same plan that included no runoff events, no soil going on neighboring property's or waters from the state. Bice commented that was the one that didn't follow the rules. Bice added we need to make sure they follow the rules if we can keep them in County zoning. Bice asked if the Committee can make amendments to the Ordinances and then move forward to County Board with that. Lien replied yes but it has to be through a public hearing process. We have to publicize it by a Class II notification, the Committee can make amendments here taking public input into account and then forward those amendments on to full County Board for adoption. At this point, Brandt stated the only suggestion that seems to be favorable to Lien and his department is that we raise the fees for the open acreage in order to make it possible or an incentive for operators to begin reclamation, as opposed to, where Bawek, Brandt and Bice were leaning, separating the kind of activity and dealing with them differently. Brandt understands why it would be difficult to do that. In order to bring something to public hearing, we have to have made a decision as to what that change is going to be; Brandt asked if we are in a position to do that now. Lien is recommending increasing the fee for unreclaimed acres. Lien added one of the things for a future meeting date, perhaps July or August for sure, when we had the Chapter 13 revision, we had discussed during the public hearing that night about fines and fees however Lien and Radtke agreed that wasn't the place to discuss it that

we have a citation ordinance through the DLM and we should amend that. Fees can be set by this Committee without public hearing as far as fees to the Department, but we have a Citation Ordinance through which the DLM addresses citations. That is another subject that needs to be discussed. Radtke and Lien thought rather than have it included in this Ordinance that it should be amended through the Citation Ordinance and fees could be discussed at that time. Bice asked if on the next agenda, we should list issues that we want to discuss so that we can start working in that direction. If it is the Committees wish to make an amendment to the Ordinance, Lien stated we would have to come up with some draft language and then hold a public hearing to review that draft language with the public. Brandt asked Lien to clarify which Ordinance he was talking about. Lien replied it depended upon which items the Committee wanted to address as to which ordinance needs to be reviewed. Brandt reiterated, in terms of however it is to make an incentive for operators to begin the reclamation process, Lien's suggestion is to change the fee schedule. Lien replied the fee schedule for reclamation can be done by this Committee without any public hearing and it does not have to be through an Ordinance revision. If we want to amend the Citation Ordinance, that has to be done through public hearing process through the Committee. Brandt stated the other thing that Radtke is talking about is changing the language of Chapter 20 to make it come more in line with Chapter 13 and that would require opening up Chapter 20 for a public hearing with language to bring before the public. Radtke added we would also have to have DNR approval of any change to our Reclamation Ordinance since they have to make sure that it is consistent with NR-135 because ultimately DNR is the NR-135 authority but the County can adopt an ordinance but the DNR would oversee that, so Radtke made a note to contact DNR, Tom Portal to talk about how our past practice was ok under NR-135. Perhaps the discussion can start right there and he can see if, since that time, there is any issues with that or how this language is consistent or could be modified to be consistent with NR-135. Brandt commented he has been trying to get a sense of how we move this forward and he thought what we are finding out that we are not going to be moving this forward right now. Lien interjected saying the problem is how we have treated this industry in the past and we're looking at trying to change from that now to meet a evolving industry and the Ordinance is very clear. We have several sights out there that were permitted two or three years ago and absolutely no activity has taken place. If one reads the Ordinance verbatim, if no activity has taken place for a period of 12 months in succession, the permit lapses by matter of law and they would have to re-apply. Now, if we have allowed those people to pay that non-activity fee which in the past we had recognized. If one reads any of our Ordinances, they are an interpretation and sometimes they are meant to be that way and sometimes by default. If Radtke's interpretation is different than previous Corporation Counsel than we administer Radtke's interpretation. If we would decide that this language is correct and how it had been interpreted in the past is not correct, there is no need to change, they would just lapse in 12 months. We would notify people, saying as of this date there is no activity in twelve months, your permit lapses and we will start reclamation. Lien added the language is already there, it has been our interpretation in the past, and sometimes interpretations can change. Zeglin asked if the non-activity fee could be eliminated as that would eliminate part of the problem. Lien responded it could but then are we going to require reclamation of all the aggregate mines that haven't had activity and also the industrial sites, because the majority of them that do not have activity are aggregate mines. Nelson commented there are shale pits that have been open for years but occasionally someone goes in and takes a load out, but now with the sand mines they start up and then quit. Lien jestfully commented it took the Advisory Committee seven months to reach the conclusions that Nelson just summed up. Zeglin thought it would be ideal if the two could be separated as there has to be some way of defining each. Brandt stated Lien had said there is but then one realizes the similarities are almost as great and the end result is that you end up favoring one over the other. Bice commented the world is not fair and we definitely have a dilemma here. Upon Bice's inquiry as to what Lien would say the difference is, Lien replied he would raise the fee high enough up because the small aggregate mines will deal with it and the people that have a lot of acres are going to have to spend a lot of money or they are going to want to reclaim. Lien added we struggle with revenues and budgets every year and that would solve two problems. Bawek asked if there was any way to tie this to runoff because industrial sand mines will probably have tendencies to have run off whereas a rock pit is not going to. Lien wasn't picking on them, but one of the sites that has been discussed frequently about reclamation is the Soppa site. The Soppa site is pretty much internally drained. When one drives up to it, everything is imploded in. Part of their problem is now they have the high wall to deal with. That site may never have discharge because everything is internally drained, so that site then wouldn't require reclamation.

Bawek asked what about the side wall as the side wall must have some erosion to it versus a rock wall. Bice interjected saying the side wall is illegal and they can't have it. Lien stated they have it because it is an active mine so they have that open face but it drains internally so there really isn't runoff from that site which is a good thing. It is managed well. In regard to runoff, Bice thought there was so much room for interpretation, etc. Lien added the DNR definition of a reclaimed site is that one must have 70% sod cover so until that is reached that doesn't mean it is reclaimed. One can put topsoil on and throw seed on it but it is not reclaimed until one has 70% vegetation on that site and the County follows the same requirement. Lien stated we don't relinquish the bond or call it reclaimed unless it is either 70% sod cover or if for some reason we would have allowed a 3:1 rock face or something like that, that will never grow but is considered stable. Zeglin asked what the current fee was and what did Lien propose for an increased fee? Lien responded we would have to give that some serious thought but right now the fee is \$170 per open acre (that has been the fee since the inception of Chapter 20 – around 1998) and last year, as an estimate, Lien wanted to say that county wide, with every mine that is permitted, we roughly took in \$90,000 and we have to justify to the penny how that money is brought in and what it is used for/spent. Radtke voiced a concern with raising these to encourage behavior or a certain action. Radtke stated, while it may be effective, we have to justify our fees based off of our costs, i.e. what it is used for and why it is needed. If we all of a sudden double the fees, are our costs doubled and that is the question? Radtke didn't feel we should just throw a number out there and ask what we are going to have to set it at to get them to comply. Radtke didn't think that was the right approach to setting fees. It is rather what is our costs and then work back from there. Radtke agreed the situation is a difficult one and how to resolve it. Radtke didn't have any proposed solutions to get it resolved today but he didn't think just changing the fees to change their behavior is appropriate or Radtke thought we should be looking at whether we should be changing our ordinances and is there a way to separate them. If not there may have to be a tough decision made of do we not enforce this at all (the 12 months) or do we do it for everybody. It might come down to that. Radtke was just letting everyone know that is a decision that may have to be made at some point. Lien agreed with Radtke and that was why he didn't really answer Zeglin's question right away because what he was thinking in his mind that right now his time is spent about 99% in the office – he gets no field time. Budish probably spends 80-90% in the office because we have such a work load with permits, etc. coming in. We don't have staff and time to be out there enforcing things on the industry. When Lien was talking about fees, we would probably be looking at additional staff or something to be able to implement those fees. Lien agreed with Radtke that we shouldn't just be charging to get a behavior but if we are going to charge a fee we have to be able to do the work. Lien added right now it is pretty much Lien and Budish because VerKuilen took over Carlson's old position and Carlson is the new Sanitarian. Lien stated Budish has a huge work load and Lien keeps telling him, "Warn me before you get burned out. If you have too much on your plate, let me know because we don't want to lose more staff". Lien continued that turnover with staff is such a huge cost and a lot of work for other staff. Upon Nelson's suggestion that another person is needed, Lien replied it is if we are going to do an adequate job. Lien reminded the Committee that right now we only have six of these permits that are up and running (actually two of them aren't even running this year). Lien commented every month the applicants are pushing and pushing that they have to get those permits but out of all the permits issued only four are running and two of them aren't even operating yet this year. Budish commented the only one that is operational right now, under the County jurisdiction, is the Guza site and Guza's have been fixing their BMP and erosion control issues. Lien commented they are still hauling to Winona. Lien added Taylor Frac, in Jackson County has a rail load out that isn't being used to capacity and they are hauling to Winona. Lien reiterated we've issued 26 permits and only six are operational and two of them have done nothing and we're in the middle of June yet every month the applicants push and want to pay the expedited fee, etc. Lien felt we really need to look closer at what is happening county wide and try to get a better handle on it. If all 26 mines were up and operating we do not have staff. Bawek asked what was stopping the Committee from simply changing the words – quarry versus mine? Lien replied one needs a good definition and one needs to be able to support the definition and why they are different. In Radtke's opinion, to do it right, it would require a thorough analysis of Chapter 13 and Chapter 20 and how a simple definition change can kind of have a ripple effect all the way through the Ordinance. Meaning, what language do we need to change, where does it all effect. It can just be done by an ordinance amendment but we need to make sure that it is done right so we don't have to come back and change it again because we didn't look into this or we didn't think about that, which is where a lot of time is involved. While it

could just be a simple word change, it could have a lot affect. Bawek asked if Radtke was recommending an amendment change. Radtke recommended that we take a look at it; either this Committee can set aside some time during a meeting to really try to brainstorm as to what are some ideas, i.e. a simple word change, changing fees, etc., as to how we address this. That is kind of what the Advisory Committee did which is another option. This Committee could assemble the Advisory Committee to look at this ordinance, give them the issue that we have, and say to them, can you assemble folks from the mining, agriculture, aggregate and all the different parties and bring them together, and see if there is a way that they can brainstorm and come up with some ideas as well. Obviously one thing Radtke does, either for the Advisory Committee or this Committee, is go through it and make sure it is consistent with everything. First, we identify the problem that we need to address and then from there how do we address it. Radtke recommended the Committee setting aside some time at an upcoming meeting to try to brainstorm and throw out some ideas that might work or assemble the Advisory Committee to study this, review it and bring a proposal back to the Committee to address it. Bice commented he would like to see this Committee do that and he would also like to see a written guide to what our goal actually is. So in other words, when we get here, we know what our goals are, because it is a little bit confusing. Brandt stated we have used Advisory Committee's in the past and obviously the Advisory Committee has done a slug of work on Chapter 13. Another approach we have taken to Ordinance writing is to have staff go out into the State and find what county's/departments zoning ordinances look like and come back with some options and then that becomes the beginning point for the discussion. Bice was talking about goals, but Brandt would suggest just options that the Committee can choose from as a beginning point for the discussion so that we don't have to recreate the wheel. Other people have dealt with this, there is other language we would look at as to what other counties or townships have done as a starting point. Bice would agree with all that, that we don't need to re-create the wheel but Bice didn't think we had enough issues on hand that we need to go back to the Advisory Committee with this. That is what Brandt was saying – there are two options and the Advisory Committee is kind of “burned out” by now so Brandt was suggesting going with the other option of looking at what other people have done and use that language as the starting point and adapt it to our needs. Kurt Johnson asked if a quarry could be where the product is actually used within the County and the mine is where the product leaves the County – could it be differentiated that way? Bice commented that was another interesting comment. Upon Bice's inquiry to Radtke as to whether some action should be taken, Radtke felt the general consensus of the Committee was that it was something the Committee would like to spend some time going through but wants to get some feed back so Radtke suggested putting it on the next months meeting agenda and in the meantime, Lien has some time to check on other county's and Radtke would try to do the same and also contact DNR and the Counties' Association which just put out a best practices manual regarding sand mining. Radtke added just tapping into our resources to see what else could be the starting point of our discussion. Bice stated that would be on the next agenda. Gamroth asked for clarification of what would be on the next agenda. Brandt stated it would be a discussion on issues relating to Chapter 13 and Chapter 20 – reclamation specifically and non-activity. Radtke added it could be stated as Chapter 13 and Chapter 20 revisions relating to reclamation and non-activity because that is ultimately what the discussion is.

Mary Gullicksrud, Trempealeau County Health Care Center Director introduced herself. Gullicksrud introduced Kurt Johnson who is the one of the Health Care Center Administrators and the Financial Officer. Gullicksrud stated Doug Winters, who is the Chairman of the Health Care Center Board of Trustees was going to be here today but had some other appointments so was unable to be here. Winters is on the County Board and also the Chairman for the Board of Trustees. Gullicksrud explained they are in the middle of doing a strategic planning exercise for the Health Care Center. As you can imagine as they have had some committee meetings, and meetings happening, some issues have come up in regards to the environment and how the environment affects what happens at the Health Care Center. Gullicksrud stated they are a health systems agency and they have been for many years in this part of the County. Each of the Committee members have a copy that Gullicksrud provided today of a statement that is a position statement on environmental issues. Gullicksrud added that Brandt immediately told her that it really doesn't say much and on purpose it says what it does say. Gullicksrud read the statement aloud, “The Trempealeau County Health Care Center has been in business since 1898. During those years, the mission and vision has stayed on a very constant course. To provide an environment that promotes healthy recovery and living whether medical or mental health issues are present. Currently there are

about 350 employees and 260 people living with us or using our programs. As an organization, we continue to look at the future and how we will be part of the long term care industry in Trempealeau County as well as in Wisconsin. The beauty and tranquility of the TCHCC property is instrumental in the programs' successes whether at the site of the main center or others in the County. This is important to all living and work here. Therefore, issues such as water and air quality, noise levels, noise pollution and transportation patterns can have a negative impact on the well being of these groups and programs. As changes on property surrounding us happen, these concerns are foremost in our thoughts. Gullickrud stated that is the statement as such. Gullickrud continued that they have been part of conversations. Anybody that knows what is happening around our property (their property is on State Road 121) and there is conversation happening that surrounds them on about three sides right now. They have had conversation with one of those. Gullickrud explained they called us and wanted to have some conversation. They try to be good neighbors and to listen as to how things are presented to them and affect their campus. A third or another property – a group home in Blair – also has the possibility of a mine on the side of that property also. So as Brandt says, it doesn't say much, it does say that we are concerned, but we want to also be good neighbors and we want to be part of the process. We are a county facility, therefore we need to be part of that process as the County develops its' policies and procedures, how do we fit into that? How does that whole thing affect us? We are a 22 1/2 million dollar enterprise of Trempealeau County. We bring a lot of dollars into Trempealeau County that are spent in Trempealeau County, but our program is based upon healthy lifestyle and that means that what happens around us does affect those living and working with us. Therefore we want to know that the water we're using is good water, the air quality is good, that those with mental health have serenity in their surroundings that noise is at a level that will promote recovery and just like with physical wellness, with mental wellness we all need those things that help us to maintain that. Gullicksrud added we heard several people testify today to that as well. Gullicksrud isn't here to testify she just wants the Committee to know that the Health Care Center is concerned about what is happening and how it will affect them long term. Gullicksrud asked "Do you want us to be part of Trempealeau County? Do you still want us to be where we are and do what we're doing?" Gullicksrud continued that this is the statement. We want to be good partners, but we also want to be part of that planning process. That is something else that Gullicksrud heard over and over today is that the plan is the important thing. That is what Gullicksrud wanted the Committee to know. She was requested by some members of the County Board as well as her Board of Trustees, the member that has been on their Strategic Planning Committee to try let to out how they feel. So they have been attending different meetings that are going on within the communities on the issues that surround us on the land that's involved there too. If the Committee has any questions, call her and she would be glad to talk to anyone. Bawek asked what the average length of stay for a patient was. Gullicksrud stated overall in the whole facility it is probably out 18 month to 2 years. Gullicksrud commented that less than 5% - 7% of the population there is from Trempealeau County. They currently have active contracts with 68 of the other county's in Wisconsin as well as many of the MCO's to provide care. Johnson added it is a diverse set of programs as some people stay with them forever and for some it is a very short stay as they have a quick recovery so length of stay is a hard measure because some are very, very long term. Gullicksrud stated the main campus has the most number of beds and that is the campus that is being surrounded almost (on three sides) by things that have a possibility of happening. Of that unit, 102 or most of those beds are for chronic, mentally ill which the environment does greatly affect their recovery. Upon Bawek commenting that serenity is an issue for those people, Gullicksrud responded "yes, that is one of their program strengths". Gullicksrud reiterated there are 102 on the main campus and then there is an additional 34 beds and another 10 bed unit out there and then some other houses on that site also. So it does affect them, they are part of the County and they want to be part of that process. Brandt commented there have been suggestions during the public hearings about distances from hospitals, schools, the Health Care facility and things like that. Brandt asked if Gullicksrud was looking for buffer zones as part of the discussion. Gullicksrud responded yes. She toyed with the fact that if you want to build them a new building, away from this site they do have land available, but they didn't "bite" on that, but they have talked about buffer zones, tree planting (which take time to grow), berms, all those types of things have been brought up in discussion. The discussion that it came up in was about the rail load out between Whitehall and the Health Care Center. The other one Gullicksrud has not had conversation with and they have not invited her to. Brandt appreciated Gullicksrud starting the conversation with the Committee and bringing up the issues. Bice commented that he loves trees so if Gullicksrud has property where she could plant some

trees near your property line that she could probably work out some kind of deal with the County as we have a Forester and buy trees, etc. Gullicksrud commented their (meaning the rail load out) plan was actually to remove some of the trees between the Health Care Center and their own site.

Lien stated a while back the Committee had decided that there would only be two “mining” hearings per month at a meeting. Lien continued that there are a couple of aggregate mines that are less than one acre that Lien didn’t consider an “industrial” sand mine. Lien noted the original motion from the Committee wasn’t very clear. Lien personally didn’t have a problem with having two “industrial” sand mining public hearings plus a small “aggregate” mine public hearing because he didn’t think they were the same, but staff wanted clarification on that because Budish has a pending application. Budish had someone approach him and state that he has the intention of developing three lots and the fill that this person was going to receive was from a relative and it was free. This person was going to do the CUP application in order to take that material and use it. The person would just take out the fill necessary and then reclaim it immediately. Since this falls into the category of nonmetallic mining and the Committee had stated there would only be two public hearings for mining per meeting, Budish and Lien wanted some clarification – noting the hearings on small sites are usually pretty short. Upon Bice verifying that preparation time and discussion is usually pretty minimal, Bice stated we usually work with the public as best we can and didn’t feel that was an issue. For clarification, Brandt stated if one transports anything that falls in the list of nonmetallic mining it requires a permit. Lien clarified that further if one transports nonmetallic material from property not owned by them, then they need a CUP. Bawek asked if the Committee would be subject to any kind of scrutiny because of doing three now and two before. Lien felt the intent of the motion at the previous meeting was for “industrial” sand. Bice commented we aren’t really taking away anyone’s rights. Travis Mossman that was in the audience didn’t think there would be any public outcry with these one acre mine sites. Bice stated the policy is considered as changed. Gamroth suggested perhaps listing those small one acre sites as “borrow” sites on the agenda.

Trempealeau County Zoning Ordinance Revision - Chapter 13 (Nonmetallic Mining) Lien stated on June 20th, Chapter 13 with the proposed revisions was presented to the County Board. There was a lot of public at that meeting. There was a lot of discussion from Board members and ultimately it was turned back to this Committee for some amendments. Some of the items that were discussed that night were an overlay district (having the Advisory Committee or this Committee look at that), a moratorium in depth and voted on, and the revision was sent back to this Committee for review. Lien thought the Committee had started the discussion when they talked earlier about possible changes. Lien noted that Jack Speerstra, Town of Lincoln Chairman was present to listen in and also talk about some of those issues. Lien and Radtke know there are some things in the Ordinance revision that need clarification/revision as no matter how many ordinances one has revised when one gets done there is always something which seems to be forgotten or needs to be changed. Lien added he heard today when someone spoke of mining that it is a legal, conforming use, Lien clarified that it is not, it is a conditional use. There is nothing illegal or legal about it, it just means it is only permitted in certain districts by condition only. Lien thought there was room for improvement on the Ordinance revision but noted that the Advisory Committee did an outstanding job. At the first meeting of the Advisory Committee, Ron Garrison came forward with two really good definitions of “industrial” and “aggregate” mining and those stayed in the discussion up until the six month, then all of a sudden the Advisory Committee questioned why they had separated them as everything that was talked about applied to both. Part of the discussion on these two types of mining came about when Kramer Company questioned that if one can process sand 24/7 below 45 decibels, why can’t lime be crushed 24/7 below 45 decibels. Lien thought in the Advisory Committee meetings those discussions came “full circle”. Lien commented we could also up the fee greatly and there will still be company’s that will choose to pay and not reclaim and we won’t be able to stop that. Lien stated when one looks at all the different scenarios involved with the types of nonmetallic mining it make it very complex and this Ordinance has to cover all of them. Bice commented that one of the reasons that the Ordinance revision was returned to this Committee was that the Towns’ Association wanted the Committee to consider a little change as far as the noise levels. Lien stated that was correct. Lien explained that the original Advisory Committee (because we had a lot of people that said, “I don’t have a residence on my property – maybe I camp, hunt or use the land for recreation, why should I have to listen to this noise all hours of the day and night.”). set the 45

decibels was at the property line. The reality is the noise level “kicks in” from 8:00 PM until 6:00 AM. The Towns’ argument was let’s make it receptor based and at the residence. Lien understood that and thought it would be an easier way to regulate it. It would be easier for the industry because now you’re not just talking about a border you’re talking about a physical structure. Lien had proposed some language that the Advisory Committee wasn’t really receptive to which had been used for the Feedlot Ordinance. With the Feedlot Ordinance one had to jump through all these hoops and be a certain distance from all these things and once you became permitted you had double that setback around you for protection. Lien’s concern, with receptor based, is, i.e., we permit a mine site, and it is for the receptors (the residence around there) and then someone new moves in, Lien asked if that gives them a legitimate right to complain. If someone had to move into that perimeter, the way it was addressed in the Feedlot Ordinance was, they had to get a CUP from the DLM. Basically, they were told they could build their house there, but there is going to be noises, odors, lights and other things associated with that farm that you really can’t complain about in the future, so if you are alright with that it would require a CUP to build your house there, otherwise they were denied. It was on land the applicant owned but the farmer with the feedlot did not. This is very complex and it didn’t catch on with the Advisory Committee. Lien’s only reservation to receptor based is how one deal does with the future landowners because when discussing noise, noise has no boundaries. Paul Winey’s case was a really good example where a set distance does not work. If we were a flat county a certain distance could just be set because one could do a series of studies and with certain degree winds and certain distances your going to have a given amount of noise, but in our County, leaf on, leaf off, topography and the density of the air all changes greatly how that noise travels. That is where the Advisory Committee came up with the property line measurement. The Towns’ Association requested the receptor base and Lien understood that. Lien noted there are a couple representatives from the Advisory Committee here perhaps they would be acceptable to that as well because some of the property boundary argument would only apply after 8:00 PM. Right now in the existing Ordinance or in the proposed ordinance there is no noise limitation from 6:00 AM until 8:00 PM – they can be as loud as they want. After 8:00 PM they are required to be 45 decibels measured at either the property line or the receptor until 6:00 AM in the morning, so that is the window we are talking about. Lien reiterated that either one will be a nightmare to administer – regulating noise from 8:00 PM until 6:00 AM is going to be difficult to regulate. Bawek asked if there were options given to the potential mines for the noise issues such as berms or building, etc. Lien responded the gamut was wide open or, worse case scenario, if they can’t meet it, they can sign a waiver. Lien stated if it were him in the position, going forward, he would go with the waivers. Lien would get the waivers signed by all the people that were going to be affected so that it wasn’t an issue. Bice commented that what Lien was telling the Committee is that a majority of the people, one way or another, they would be able to work out an agreement through the waiver. But if somebody doesn’t want to sign that waiver, then we still have (as a Committee, the ability to say, “well, they came to you and they agreed to do this, etc.”) some level of a problem at the end. If everyone doesn’t say I can live with this under these circumstances and sign a waiver (as some will but some may not) it still leaves us open for some issues there. Lien agreed with that. What Lien has told company’s, i.e. you have six people, you do your noise study, you believe there are going to be six people above 45 decibels, you go to negotiate with them to sign that waiver. Five of them sign, the last one you offer them a number of options and they just won’t sign, so at that point you come to the Committee and there will be a winner and a loser there. If the company has made the offers and no agreement could be met, this Committee is going to have to make the decision as to what will happen then. Brandt stated he didn’t see the logic there because the Ordinance is the ordinance – 45 decibels at the receptor. Radtke added there is no where in the revised Ordinance draft that was presented to the Board that says if there is one party that is not willing to sign a waiver that it comes back to the Committee. That company then needs to comply with the Ordinance; they just didn’t get a waiver, so Radtke didn’t agree that the Committee would be making that decision. Lien stated there are going to be cases like that especially if that is how we interpret it. Lien’s opinion was if we are going to interpret it that way then there are going to be people who are going to stand hard and strong and the company will just have to meet the 45 decibels. Lien felt as long as that was made clear to the mining company, up front, when we do the permitting process/public hearing so they know that if there isn’t 100% waivers signed, then they are stuck at 45 decibels. Lien didn’t want to get into a scenario, at a later date, where someone was believed to be compliant and all of a sudden, we go out there, and we do a noise study, and the average decibel level is perhaps 50, the company will immediately be cut back to

the hours of operation, unless there are waivers signed, because the Ordinance states that they can't exceed that. Bawek had attended some of the meetings and he thought some of this was talked about extensively and both sides have already discussed it so they brought this forward to us as the best solution at this time and Bawek thought it was a good solution. It has merit, both sides' issues have been talked about extensively and this has gone on for 9 months. Lien interjected saying it gives the industry tools i.e. building berms, insulating the buildings and proper siting. Bice commented the mining industry has pretty much said they can make this work – no problem, but they are kind of fearful to come in and invest a lot of money when they aren't 100 % sure. It is kind of like when one buys a lottery ticket, one might not win but if you do that's going to be great, if you do one can live with it. In their case, they are spending a lot of money, (we don't really care about that) but what we do care about is they are approaching the Towns' Association saying, "we're going to annex (Bice isn't supposed to talk about this but he is going to anyway) because we aren't sure where this Ordinance is going to take us" and so the Town said we don't want to see these annexations as they are very destructive and that is why the towns' approached the County and said please change this reception. Bice believes the towns are saying we want to stop industry from annexing to this community's, which is causing them to lose their area, revenue and their way of life. In talking about getting the waivers signed, etc. Jack Speerstra stated the company that is working with the Town of Lincoln says ok that is fine, but how far do we need to go. This Committee had already talked about noise going into different areas. They are spending \$80 million and they need to run the hours of operation that would be approved under the new recommendations and now all of sudden because they didn't get a waiver signed by a person, that could get knocked back and that is their concern. Speerstra commented the 45 decibels at the property line is pretty hard to achieve. You said they could measure to the receptor so now they can measure to the receptor which is different structures, so now they have a definition as to what they need to mitigate to. Speerstra didn't know if that was perfect or not or if it will stop annexation. The Towns' Association wanted to honor the 45 decibels that the Committee came up with because they felt that was something that a lot of time had been spent on and compromised to and they didn't want to violate that, but they thought perhaps changing it from the property line to receptor based may allow the company's some sort of measurement to where they would know what they had to deal with. Speerstra added the annexation, of course, is the issue and by not changing the Ordinance and the hours of operation and kind of clarifying this, we're looking at two annexations of about 1500 acres. Speerstra stated it is not just the loss of land and revenue, it is now the city's encroaching onto the township and now our land use plan is kind of becoming obsolete. The other issue is that the city can only condition or cause any kind of things to happen for that company within their corporate boundary's so we've got people on the edge of the mine who would be much closer to the mine than anyone in either city (Whitehall or Independence) who would not be covered by any conditions in the CUP. If the company stays under county zoning, the Committee working with the Town of Lincoln, would condition them. In the other scenario, that doesn't happen and those neighbors lose all that protection. So we're doing all this stuff, building this Ordinance to protect those folks that are out there, and by not getting it done and getting an Ordinance which these company's can live with, we're sending them to the city so the folks we're supposed to be trying to protect are no longer protected. Being hard at fast with the 45 decibels at the property line is like "throwing the baby out with the bathwater". Speerstra was just asking for a little bit of compromise here. Bawek quoted from the May 8th meeting on Page 32 of the minutes, when asked about annexation, "Bawek had asked if the Committee had to take into account the possibility of the property annexing to the City and placing an undo burden on the township residents that lose that property value. Bice had answered that was not part of the Committees' decision. Radtke had commented also that there is nothing in our Ordinance that would ask this Committee to consider that fact or potential fact. Lien went on to tell us that even though there are changes taking place at the time with the Advisory Committee, annexations are still taking place". Bawek stated his understanding was we were advised not to take this into consideration. Bice responded that was correct. Radtke stated also that was correct. He didn't mean to discount the towns' position. For all the towns in Trempealeau County, the County can revise its Ordinance based off of the health, safety and welfare of the citizens. To make a revision for the reason of helping towns' to avoid annexation from city's, in Radtke's opinion, would potentially put any revision at risk for challenge in the future that it wasn't based on proper ground that we weren't looking at health, safety and welfare of the community rather we were looking out for the towns interests. Radtke didn't mean to say that the reason Speerstra had mentioned, looking at the interests of other individuals and making a ordinance that works better for the community and for

the industry – certainly those are good reasons to revise a zoning ordinance, but to simply say we’re doing this because we want to help stop annexations, it is not proper grounds to change or establish an ordinance and Radtke thought that would open it up for challenge. Radtke just wanted to reiterate to this Committee that, that is not appropriate grounds to change the Ordinance, but that doesn’t mean the Committee can’t listen to what is being said and that it still can’t be related to health, safety and welfare. Bice stated that was hard because we all heard what we heard; the problem is that we, as a county, have been asked to make an exception here to this Ordinance, to let them accomplish their goal. Bice doesn’t have an answer to it but he does know that we represent the people that live in those towns’. They did come to use with what appeared to be a unanimous agreement but they didn’t hide the fact that they are trying to stop annexation. Annexations would appear to be not good things especially for what they are trying to accomplish. Bice didn’t really have an answer for it but as a Committee we may have to take a position. Upon Bice asking Lien if the Committee needs to take a position on this, Lien replied we need to amend the Ordinance as we need to bring it back to County Board at some point in time and this is one of the reasons why it was sent back. Lien couldn’t speak for the Advisory Committee; Lien had listened very closely and sided with the property boundary as being the point of measurement. After Lien gave it more thought (Lien and Speerstra have also talked about it quite a bit) he understands life is about trade-offs. If it were at the receptor and with the dream of maybe slowing or stopping annexation as there is no guarantee, Lien stated he would be good with that. Nelson felt if we can hang on to them at the County level we have more control because everything is in place for controlling all of this, but when they annex to the city’s there is no control – they do what they want. Bice commented, that at the Towns’ Association meeting, it didn’t get a lot of discussion, but it did get clearly re-stated that there is some discussion about some of the towns actually withdrawing from County zoning. Bice was sure the Committee wasn’t supposed to take that into consideration, but he just wanted to mention that is something that has been discussed. Zeglin personally thought that might be a little bit of “sour grapes” but added that is a whole other topic. Zeglin continued that since we do have two Advisory Committee members that lived through this process for nine months, can we ask their opinion on this matter. Paul Winey responded we have to go back to the question of how far out does this need to go. Winey stated that was part of the building on the sound study and Lien and Radtke came up with some good language on that. On pre-construction sound study’s the question is where is going to be the greatest impact and how far out will they need to reach. Winey added that question is answerable at least with the scientific studies as Lien and Winey had a conversation with a sound engineer. Lien explained that through the Advisory Committee, they had met with a private sound engineer. The engineer had stated what they do is, if they have a proposed mine site where the applicant knows where the processing part of the nonmetallic mine site will be, they can duplicate from that point a 45 decibel noise and then one can go out to every resident and/or property line and physical measurements can be taken, and if the level is 35-40 no problem, if it is 45-50 one makes a little note that this is probably a site that should be wavered. The point being that sound can be duplicated and then the mining company knows exactly where/who they need to mitigate with. It is a little bit of work and it costs money, but the reward for that is then they can process 24/7, if they wish. Speerstra stated you are actually arguing for the receptor based because you are going to each of those spots and measuring at the receptor. Speerstra would argue that if they would have done that and mitigated to the receptor, Winey wouldn’t have a problem with the house that he has versus out at the property line which is a kind of hum but at his house it is a loud roar. If there would have been a receptor based measurement at that time they could have moved it around the bend and then Winey wouldn’t have that noise. Winey responded with the pre-construction study, they would have to pick a site to determine where their greatest impact is going to be, be that the residence or the property line, but it gives them an idea of how far they are going to have to be to reach out. Speerstra commented if they were ok at the property line on the site that Winey is at, had they gone to the receptor the probably would have changed their plan a little bit. Speerstra argues that receptor based is actually better for the residents as well as the company. Winey stated that he didn’t know that when this was coming along, he felt that situations like his and he knew there would be others, that going to the property line would be more protective. As we’ve also come to see, coming to that decision would probably force some of these larger operations to annex to void that, which would then have a greater negative impact on more people, so now one is at a plan of compromise. Winey thought, in looking at the receptor based, and he couldn’t speak for the Committee, that for him receptor based is not intolerable. Winey thought it was something that definitely has some merit. After finally being able to track down the public service commission, the PSC -128 (he invited the

Committee to take a quick look at that one) is a receptor based sound limit. Not only did they have the sound limits as night, but they had the sound limits during the day and that is a huge step above what the Advisory Committee was asking. He wasn't sure if it becomes that much more manageable, but what happens is one sacrifices that bit of property between your house (primary residence) and your property line if you want to maintain that area of quiet. As Lien was pointing out it is primarily going to be between the hours of 8:00 PM and 6:00 AM. Winey would like to see some consistency and if the state has come up with some solid language that they feel is enforceable, maybe that is something that the Committee would look at. Winey thought it was something that was probably best dealt with here at this Committee as his opinion was the Advisory Committee is pretty burned out. As far as the industry they appeared to be at the meeting with one goal and that was the expansion of hours, not to add any other regulations. If we were to kick it back to them, it would be another full year. Winey reiterated he is not against the receptor based however he is only one person on the Committee. Donna Brogan stated she didn't have a lot to add to what Winey said. She didn't have a problem with receptor based and thought in some ways it might be superior to what we have now because we do have such crazy topography here that you could get people that are, i.e. more than half a mile away and might have a real problem. This would encourage the mines to pinpoint where their problems are going to be. Brogan's concern is more with not raising the decibel level at all because the Advisory Committee went over that so carefully. Brogan thought it was a good level and it shows up again and again in regulations. Brogan stated that Advisory Committee was told by several of the miners that this was workable and that they could do it, that they would be forced to do it either with berms, screens or enclosing the plants, but that they could do it and that is how they came up with the 45 decibel level. Brandt stated it seems that the issue is not the receptor versus property line. Brandt had a pretty good sense that everybody in this room is willing, based on the communications from the townships, that making that receptor based change to the Ordinance would be a "go" here in this Committee. Brandt thinks the thing we are not supposed to talk about is, and Speerstra has put it in terms to throwback the responsibility to us, and that has to do with, when you deal with someone who doesn't want to play by the rules, or claims that they can't play by the rules, how many rules do you change before there aren't any rules at all. Brandt thought that Radtke is advising the Committee not to deal with them on the annexation issue. Brandt agrees with Speerstra but if one is dealing with an entity that isn't willing to compromise themselves, we can't take their requests into consideration. The applicant today made a very good point when he said, "I would be lying if I didn't say I am listening to what you're saying and didn't take that into consideration". Brandt has been at meetings where people have said if you don't want us here we won't be here and proceeded to plow on through after being told they weren't wanted. Brandt stated deal with the good actors; the bad actors are going to be bad actors no matter what you do. Brandt supports the receptor based idea and all the work the Advisory Committee put into it. Speerstra didn't feel he could compromise off the 45 decibels, but he did ask for receptor based as opposed to property line and he thought that was compromise because it would actually protect a residence more. Bawek asked why would receptor based be better as opposed to at the property line. Speerstra replied because if one looks at Winey's situation, he is up over the top of the berm. If one gets next to the top of the berm near the property line, it is kind of a hum, but with the receptor based, the receptor is his home so he gets mitigated at the receptor as opposed to the property line. Upon Bawek's inquiry about boundary, Winey responded the receptor has no boundary, because the further you are from the source, for every doubling of the distance you are losing about six decibels so typically unless there is an odd situation, which again the pre-construction modeling should show that, post construction testing may identify an area where there is a problem and that is going to be a difficult one to sort out but there may be ways to take care of it. Then again the situation we are trying to "skirt", in this situation is the people who live close to the road from it they could deal with 60 decibels, 24/7 or 45 decibels at their property line during the night time. Bice state we are running short of time so he inquired if the Committee should take a vote if receptor based is acceptable and tell them the wording is going to be worked out in detail by Radtke and Lien. Radtke stated what he had mentioned to Bice a few minutes ago is that it sounds like, from just the discussion here, that the Committee is leaning toward looking at a draft that would include receptor based versus property lines and if that is the case, it is going to take some time for he and Lien to draft up some language so he suggested that the Committee could just direct Lien and Radtke to go through the revised Ordinance and change the language so that it is consistent with receptor based. If that is the case, then they could do that and bring it back to the next meeting. Radtke wasn't sure so he would have to research the law as to if another public hearing would need to be held on the

Ordinance amendment. He would have to check the law since the County Board sent it back to this Committee, if it changes, if we would have to have another hearing. Brandt made a motion to direct Radtke and Lien to make a draft of the Ordinance incorporating the receptor based 45 decibels. Bice seconded the motion. Bawek asked if a distance was going to be set to that. Consensus in the room was no. Upon Bawek's inquiry about distance, Brandt stated it can be any site related to housing or animal. Radtke commented that basically what this revision says is that the noise level that is exceeding 45 has to be from the sand mine and what we're talking about is a Phase 1 study where they are going to put this sound out and then when you turn it off, is it under 45 decibels and when you turn it on, is it above 45. It may be above 45 with the sand mine on or off too so the way it is written is that the noise has to be from the processing noise so it doesn't matter if it is 100 feet or 1000 feet, it is just whether or not the noise is coming from the mine. Bawek commented there were other points brought up such as location of mine distances established for schools, public buildings, playgrounds and parks. Upon Bawek's inquiry as to whether the Committee was going to talk about that, Lien stated they had some draft language that came from the Town's Association that he and Radtke will look at when preparing the draft for the Committee for next month. Bice felt those are conditional use type things that the Committee would enter in. Radtke felt there could be a condition that it has to be so many feet from a school, etc. or it could be something that is in an ordinance change. Lien stated he would add it to items to be brought back next month. Another item Lien mentioned, but there wasn't time for discussion was that Bice had sent him an email which stated Buffalo, Dunn and Eau Claire Counties all had moratoriums and asked what was learned during those moratoriums. Lien stated Eau Claire and Dunn both put in mining overlay districts for planning. Lien continued that we heard multiple people today say, "What is your plan? Do you have a plan?". Lien stated we don't have a plan when talking industrial sand. Lien added a mining overlay district would be kind of a plan and that would be one thing that we can look at and that is not a short discussion. Bice's comment was that he actually does have a plan because we have an Ordinance, we have the zoning regulations that says, with a Conditional Use Permit, mining is legal in agricultural zoned areas, so we do kind of have a plan and that is his argument to Lien's comment. Gamroth restated the motion and the second on the table, which was for Radtke and Lien to incorporate the receptor based, 45 decibels into the Ordinance language for consideration at the next meeting. Bice stated a yes vote will be to change from property line to receptor based. Motion carried unopposed. At this point, Brandt excused himself from the meeting.

Board of Adjustment Appointments – Lien stated it was discussed last month that the Committee members would come forward with names for appointment to the Board. Bice commented he had contacted three people and no one wanted to do it. Nelson stated he was in contact with Robert Lunde who might still be interested. Lien stated James Andre's term expires June 30th and he wishes to serve again, he is from Arcadia. Lien stated he does an outstanding job as Chairman. Robert Lunde's term expires June 30th and he has told Lien he wasn't interested in serving another term, but now Nelson has said he might reconsider. Lunde is from Osseo. Randy Severson's term as an alternate also expires June 30th and he stated he would serve another term. Severson is from Trempealeau. Lien thought that for now, so that we don't end up short, perhaps action should be taken on the two persons who have expressed an interest in serving. Upon Patzner bringing up issues the Town of Arcadia had with Andre, Lien stated that is a whole different issue, but as far as Board of Adjustment, he has been Chair of that Board for a number of years and he does an excellent job. Upon Bice asking if County Board Chair, Ernie Vold had recommended anyone, Lien stated he hadn't heard anything. Lien explained the way it has worked in the past is that this Committee makes recommendations to Vold. Last time, Vold interviewed persons outside of the Committees' recommendations and made a selection. Lien thought that was great. Lien would like to see this Committee forward something/ someone to Vold because these terms are going to expire before the next meeting. State Statue requires the Board to have five standing members and right now we are in jeopardy of losing three of them so we may not have a quorum. Bice made a motion that the names of James Andre and Randy Severson be forwarded to Vold, Nelson seconded, motion carried unopposed.

LWRM and TRM Requests and Payment Approval – Lien presented payments for approval.

Notice of Discharge

Perry Kujak \$176,840.00 Roofed barnyard, access road, waste transfer system, and riprap.

Bice made a motion to approve the payments as presented, Nelson seconded, motion carried unopposed.

Surveying Update and Payment Approval – County Surveyor Joe Nelsen was present for the meeting.

Nelson stated that in the Committee packets there is a report of the surveying activities for last month. Nelson explained there is a map for Town 20, Range 9 that shows their progress. The dark circles are corners that they have actually monumented and have finalized. The triangles on the map are positions that they have GPS control of, at the corners. There is an invoice with the report. Nelson stated currently they are looking at having 102 of the corners in this township GPS'd and they have 42 of the corners monumented and finalized. Nelson mentioned that perhaps two weeks ago, Bice had stopped upstairs to see Nelson and expressed concern about Nelson's time frame of completion for the countywide remonumentation project and Nelson suspected that is why Lien had asked Nelson to come down to today's meeting to basically answer any questions anyone may have. Nelson did have just a small Smartphone video of a couple of corners that they have recently restored. Just to give the Committee an idea of what goes on, on a typical corner, Nelson showed a video of activity during the last two weeks. Nelson also showed another video which was a little different type of situation but has some similarities. Nelson noted the video was fairly typical of the area he is working in right now. Nelson stated in one of the plans that was initially put together the goal was to be done by 2012. That was put together for planning purposes for a 10 year long range plan. Probably about November of 2010 he realized, when he started working in Town 20, Ranges 7, 8 9 and 10 that, that whole area is quite a bit different than the northern half of the County. The biggest difference is the terrain, vertical relief and the second issue is they had some windstorms in here in the late 90's that some of the Committee may remember. Nelson commented that lot of people have a tendency to forget about that, but Nelson was reminded quite quickly because it seems whenever they want to go corner searching, the tops of the one of those oak trees is laying right in the search area so actually before they can do any of the searching, they have to get in there and clean it out, scrape down the ground and then they start looking for the corner. The severe terrain affects them because it affected the original government surveyors. When they measured this by hand, it was much more difficult to measure accurately up over a 600 foot drop and back down again. The end result is that their measurements aren't as accurate as they would be on flat ground. More inaccurate measurements lead to bigger search areas for us, as one could see in the video about a 40 foot north/south area there. Had that been say like the Town of Hale, that probably would have been reduced to maybe 8-10 feet instead of 35-40, so if they have to search an area that is much bigger, it is going to take them more time. In Nelsens' reports probably since November 2010, he has been forewarning of this. It has taken them longer to do their corner searches. Once Nelson saw they weren't going to be done in 2010 that is when he started forewarning about it. Nelson stated Bice came to him and was concerned about the timeframe, he had asked when Nelson thought he would be done. Nelson is looking at sometime next year that they will be complete. Bice had a couple of questions. Bice stated Nelson said that about 2010 Nelson started putting that in the report, Bice has been missing that. Nelson directed Bice to the report for this month. Nelson read aloud from the report, "Our time this month was spent on PLSS (Public Land Survey System) corner searching, setting reference monuments and computation. Our excavation areas for this project have been larger than many of the public land survey corners. This is due in part to more severe terrain which is most likely responsible for larger disparities in record measurements between PLSS corners. We have also encountered numerous areas that have tree windfalls that have increased the amount of time for clearing corner areas for searching. These larger excavation areas and tree windfalls are contributed to, on average, more time expended per corner than previous projects." Nelson continued that if one looks at the map, the sheet on Page 2, look over in Sections 7, 8, 17, 18, 19, 20, in that area you will see kind of a void there, where there are no dark circles. In that area there are thirteen government corners that all hinge on each other, so before they can set one in that area, they have to basically go back and search many others because of the lack of evidence in this area as compared with the Town of Hale. Nelson stated if we were talking about the Town of Hale right now, a few years ago one wouldn't see a void simply because there was much more evidence found on a regular basis. The Town of Hale had, Nelson thought, back in the 1800's a lot more reasons for surveys because there was a lot more tillable farm land. People had to know where the lines were when they first started breaking land. Here a lot of this is in severe terrain up in the woods and quite frankly back then, if you couldn't

farm it, they didn't really care too much about it. It is not likely Buffalo County now, where the deer hunting has shown a purpose for knowing where the land and the lines are up in the woods. Nelsen thought those were some of the things that lead to this. Bice stated one of his main issues here is that, in talking to Nelsen and other members of the Committee, somehow we missed the fact that this wasn't going to wrap up this year. Exec/Finance last year has already planned for a lot of the money in Nelsen's budget and so now we're going to have to deal with that. Bice stated he would take as much blame as anybody. He should have been looking closer, but we kind of missed that. Bice expressed that Nelsen was a great guy and does a great job. Bice's question was what if we don't find the old marks – what is the relevance/importance to finding those? Nelsen responded it was a good question and that yesterday morning they were at a corner where they found the old mark. They found it about 33 feet east of a mark that another surveyor had set. If one looks at the thirty some feet that is in a forty that is nearly one acre of land that was improperly assumed to be somebody else's because the marker is in the wrong spot. So the impact of not setting those markers correctly is, basically every survey from that point, doesn't have a basis, doesn't have validity. It is like building a multi-million dollar house on a two dollar foundation. Without that foundation of the Public Land Survey System, other surveys, parcel mapping, taxation, future divisions, improvements through structures and improving the property, they don't have a basis for foundation/taxation. One can kind of see the domino effect here without the proper markers in place. Bice sees and understands all that and commented that in his own personal issues it was determined that he should get a new survey because so many things don't quite line up. Bice asked how things would be different if Nelsen hadn't found the original corner close to Bice's house. Upon Bice's inquiry if it was section corners that they were looking at, Nelsen replied section corners and quarter corners. Lien commented maybe Nelsen wanted to reference when going out on State Highway 54 (when one makes the hard turn) that there was a false monument there where someone had not found the original one and set a false one. Then all of a sudden there was a housing spurt and all those lots got developed and other surveys were done based off that false monument. Those are the kind of things that can happen. In order to fix these things, additional field work had to be done, deeds had to be exchanged between adjoiners so that what they thought they owned was actually what they owned. Nelsen stated if they would have had the proper corners to start with, all of that could have been prevented. Bice understood that completely, but his question was still, with GPS equipment one can go out there and say where it should be, because when you're all done, that is what Nelsen does and put up a marker of where it should be. Nelsen responded no that is not what he does, that his mandate by state and federal law is to find the old marker and that is why he is searching like he is and the new marker is set where the old one is/was. If for some reason, the old marker has been obliterated past the point where they can recover it, then there are certain procedures that they have to follow, based on measurement and that is where the GPS comes in. Nelsen gives presentations to town boards, sometimes, and they ask him to bring some of his fancy GPS equipment and his other survey tools also. One of the first things Nelsen does is to walk in with his shovel because that is what finds the corners - Nelsen, his crew and the shovels. The GPS gives Nelsen a refined area to search but if the government survey says it is going to be 2,640 feet and because of severe terrain it is actually 100 feet more than that, well all of a sudden Nelsen has a 100 foot area, a search area, where like Nelsen said that in a town like Hale, Chimney Rock or some of these other areas, it was much more refined. Had Nelsen done Arcadia first and he predicted how long it would take to get the rest of Trempealeau County done up on the north end, we probably would have finished early because his prediction would have been based on windfalls, severe terrain and things of that nature. The only issue Bice has, and he is willing to take part of the blame, is that (and he can say that for Nelson, Thompson and Quarne also) for whatever reason they thought Nelsen was going to be wrapped up by this Christmas, so that is part of Bice's mistake. Nelsen commented he is available every Wednesday to come down here and tell the Committee what he is doing. Bice admitted that a year and a half ago, he suggested that since Nelsen is a busy guy and would go through the paper work, that it was a waste of Nelsen's time but maybe Bice was wrong. Nelsen responded his time is sometimes more wasted by not setting the corner and by having set corners that are not proper, then he has to go back out and fix it and make it right. If Nelsen can get the County Board and his Committee to understand that, on a monthly basis, Nelsen is more than happy to. Nelsen doesn't consider it a waste of his time. Nelson asked if when Nelsen finds a corner if it was cement or rock. Nelsen replied that actually most of the original corners that he has found are nothing more than shadows of a wood stake and that is what makes it pretty hard as there are no locators that will electronically find it for you - it takes a shovel. One of Nelsen's dilemmas is actually

quite ridiculous as no one makes a good shovel anymore that lasts more than a few months. Nelson asked what Nelsen does when he finds the marker/rock, does Nelsen bury it again? Nelsen replied they measure into it and then remark it with a current/standard monument and there may not have been a stone there. Predominantly in Trempealeau County they set wood stakes. The stakes were originally 3-4 inches in diameter, 4 feet long, they would axe point them and then they would drive them, usually, half way into the ground which would point 2 feet into the ground. What Nelsen finds is a 3-4 inch dark circle, 2 feet deep with a point on it (Nelsen referenced a picture that was shown of a point in the field). Nelsen added obviously the wood is gone and probably has been for a hundred years or better, but it leaves a nice, dark mark if one looks for it and it was typically oak wood. Nelsen stated there is one situation where an original county government surveyor, apparently took his stakes and put them in the campfire at night and coated them with charcoal because what they find is a nice charcoaled mark. Nelsen made a motion to approve the surveyors report and payment as presented, Bice seconded, motion carried unopposed.

The Committee set the next regular meeting date for July 10th, 2013. A short discussion took place on items for next months' agenda. Lien informed the Committee of a free meeting to be held in Augusta on June 19th by Crispin Piece, PHD titled "Effects of Frac Sand Mining on Air Quality and Your Health".

At 4:27 PM Chairman Bice adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary