

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
July 10th, 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.

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Jake Budish, Corporation Counsel Rian Radtke, Keith VerKuilen and DATCP Engineer Pete Wurzer were present for part of the meeting.

Others present: Emery Palmer, Keith Kulig, Aaron Kidd, Richard Jones, Fred Kulig, Chad Tanya Kulig, Nicole Kulig, Carol Sather, Dennis Sather, Kendall Kulig, Don Thompson, Jane Pittman, Norval Pittman, Brian Flynn, Jodeen Flaten, Jayne Benedict, Richard Angelo, Glen Gibbons, Janet Gibbons, Noreen Haines, Roger Haines, Dave Tschanz, Gwen Tschanz, Susan Faber, Bobby Gronemus, Anthony Myers, David Schaefer, Michelle Maslowski, Gene Kindschy, Tammy Kindschy, Elsa Kulig, Karrie Bowman, Fred Bowman, Travis Armitage, Eugene Simmons, Carl Axness, Tom Wik, Jeff Woychik, Lee Henschel, Charlotte Everson, Shawn Tschanz, Gordon Gibbons, Deb Klaeser, Donna Brogan, Andy Thompson, Harold Tenneson, Stephen Doerr, Daryl Kramer, Tim Zeglin, Elizabeth McDougall-Saxe, James P. Woychik, Margaret Backes, Nancy Schultz, Kent Syverson, Carol Puchalla, Fred Bowman, Nancy Horton.

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

Adoption of Minutes – Zeglin made a motion to adopt the June 12th, 2013 regular meeting minutes, Brandt seconded, motion to approve carried unopposed.

Survey Equipment and Computer Purchase – Lien stated that DATCP Engineer Pete Wurzer and DLM staff member Keith VerKuilen were present to talk about the equipment, how it is utilized and why we need it. Wurzer stated he works out of the DATCP-NRCS area office in Altoona and they serve 12 -15 counties in the northwest with engineering needs, planning, etc. What Wurzer has seen with this equipment is that they are getting three benefits out of it. First and most obvious is the time savings that one will see when they use it because one will go from a two man survey crew (total station with a tripod and transit type head and then a rod man with a prism) to a one man survey crew where the person sets this equipment up, puts a data collector on the pole and one walks around by himself and take the shots. When one factors everything in – going from two people for a day of surveying down to one person for about half a day, that is the time savings that can be realized regarding personnel. It sets up a lot faster. It is also a tremendous benefit when one is instructing. Now they survey projects, put them into the computer and work in AutoCAD. One puts all the points into the AutoCAD system, a topographic map with the shots and then things are created on it like manure pits, waterways, etc. where one actually has elevations – you know you're cuts and fills in the computer. While this equipment allows one to go out there after creating the bottom of a manure pit, you can create a point on each corner of this pit in the computer environment, know that elevation, upload it into the data collector, then go out into the field and this equipment will walk one over to that point and then it will instantaneously tell a person the cut or fill at that point. So you can mark the stake and the contractor is ready to go. Wurzer explained that in the old days we've used tapes and all types of ways to find these points and lay things out so this is one of the

biggest savings. Wurzer pointed out the second benefit of this new equipment is it increases accuracy with the surveys. With the total station we would take the shots where we could get them (around buildings, trees and the cross sections tended to be ok and one would like to have more shots but it is harder to get them). With this equipment it is so easy to take a shot and because one isn't relying on a line of site, horizontally (it is all above); one can get a lot more shots a lot more accurately. Wurzer stated at the area office they really like it because the survey people are a lot more accurate and there are better details of a site. The third benefit is that if one wants to keep up with contractors out there, they are going to with these GPS systems on their equipment and with their layouts. Wurzer's opinion was that we look fairly primitive out there with a laser level and a total station "fumbling" around. We want to keep up. Wurzer added a lot of the time we are asked to share data and it is not easy to share our old data with their newer methodology. Lien explained the funding sources/programs (LWRM and TRM) where we would utilize this equipment. VerKuilen stated the survey equipment would cost \$9,995.00 plus \$1,285 for computer software. Lien added this would update the computer program that we have now. Bice inquired as to how long/often Wurzer has been coming to the DLM office? Lien explained that when Budish and VerKuilen were hired, Mark Carlson transitioned from being the Ag Technician into the Sanitarian position, so VerKuilen took over the Ag Technician role. Carlson and Wurzer have both been working with VerKuilen to train him. Wurzer explained the goal is to train VerKuilen "up to speed" on everything and then Wurzer's visits would be less than one day per week. We are striving for independence of personnel but Wurzer is more than happy to come down for as long as it takes. Lien added one gets "job approval" but it has to be earned so VerKuilen is working with Wurzer, designing practices, installing them and as Wurzer feels that VerKuilen is competent, he starts granting "job approval" to him and giving VerKuilen the authority to work on his own, but until that time VerKuilen has to work under someone that has "job approval and the credentials". Bice inquired how many times staff has used this piece of equipment or something like it. Wurzer responded probably 10-15 times. VerKuilen provided a graphic for the Committee which showed they have done roughly eight surveys so far. Discussion took place on "coverage" in which Wurzer recommended the Department keep the total station for back-up. Lien stated this equipment would be more efficient and one of the biggest benefits would be that it would be the same equipment that the area office has so if there are problems/breakdowns they can help troubleshoot or perhaps even use some of their equipment if needed during repairs. Upon Bice's inquiry as to how often staff has to do a survey of this type, Lien responded every single practice that goes in has to be surveyed first and our staff has been doing that. Lien stated the Department has the money but anything of this nature requires Committee approval. Brandt made a motion to approve the amount of money necessary for the computer upgrading and the station, Zeglin seconded. Upon Bawek's inquiry as to life expectancy of the equipment- Brandt interjected and Wurzer agreed probably until technology passes it. Bawek asked if it could be upgraded at that point. Wurzer thought one could but he wasn't sure on that answer because the data collector does have components to it that could be changed. Bice questioned if in 98% of Trempealeau County could a person pinpoint a point within a few feet with this? Wurzer wasn't sure it was 98%; his estimate was probably in the 80's because Trempealeau County has some pretty steep hills - at least now. VerKuilen commented what they have seen while working in the Newcomb Valley area is that the equipment has been right on every time - accuracy has been within 2 centimeters. Upon Bice's inquiry as to who they are buying the equipment from, VerKuilen stated Turning Point in Milwaukee. Bice asked if there was anyone else who sells this equipment. VerKuilen responded they were directed to this company by Todd Boehne, DATCP State Conservationist in Madison, as this is where the other Land Conservation Departments are trying to get a bulk order with other county's in order to get the best/bulk price. Bice questioned if Lien thought that this would basically make the Department more efficient and this was a good way to go, Lien responded he thought so. Bice understood the Department has been borrowing this equipment. Wurzer stated he has always brought it to this Department as they do not lend the equipment out. Bice asked if the Department couldn't continue to work with Wurzer. Wurzer responded he would try to come down once a week, but the Department would probably be using the equipment more than that. Upon Bice inquiring if this was something that needed to be decided today, Lien responded yes. Bawek asked what the durability of the equipment was, if one needs to be really careful with it? Wurzer stated he hasn't had any trouble that way, it is not like the old equipment where there were knobs and things spinning around and different pieces working together. Bice asked if we had access to military satellite equipment. Wurzer thought a few of them had been opened up. Bice asked, if that happens, is this the same technology that we would use. Wurzer thought it

would be the same. Upon Bawek's inquiry as to trade in value, Wurzer thought they would give a trade in on the total station but Wurzer didn't recommend sending that back and added they do work with people. Motion to approve the purchases carried unopposed.

Public Hearing – Land Use Change/Rezone – Rural Residential (RR) to Institutional (I) David S. and Lovina J. Eicher, Landowner/Applicant -Town of Pigeon Chairman Bice opened the public hearing at 9:23 AM. Nelson read the public hearing notice aloud. Lien directed the Committee to the above overhead aerial photo and stated north off of County Road S off of Lambright Road is the proposed school house site. The Zoning Ordinance requires a zoning change from Rural Residential to Institutional to allow the school house to be constructed. Approximate dimensions of the school house is to be 24' X 36' located on the property. Lien stated this has been publicized in the newspaper and letters were sent to all adjoining property owners. Lien received no calls for or against the rezone request. The applicant commented they have too many kids in the area and therefore they need another school. Bice called for any public testimony. Lien read a letter dated May 3rd, 2013 from the Town of Pigeon which stated at its monthly meeting, April 3rd, 2013, the town board of Pigeon approved the plan proposed by Perry Lambright to rezone property owned by David Eicher off of Lambright Road and County Road S in order to build a schoolhouse. Pending the applicant obtaining a proper legal description and there are no concerns at the public hearing, the Pigeon Town Board has no objections to this rezone. At 9:27 AM, Bice closed the public hearing. Nelson made a motion to approve the rezone as presented, Brandt seconded. Upon Brandt's inquiry about a survey description, Lien stated we do have that on file already. Motion carried unopposed. Lien noted this will need to go to full County Board for final approval.

Public Hearing – Land Use Change/Rezone - Transitional Agriculture (TA) to Commercial (C) Jacob E. and Beth M. Wadewitz, Landowner/Applicant – Town of Arcadia Chairman Bice opened the public hearing at 9:28 AM. Nelson read the public hearing notice aloud. Lien referred the Committee to the overhead aerial photo of the site which is located off of River Valley Road in the Town of Arcadia. Lien stated he and Wadewitz have been working for almost a year on this because the Town of Arcadia is currently going through a land use revision process right now. The town supported the rezone. Had the town adopted their revised plan then Wadewitz wouldn't have had to come for the rezone because it would have been included in the revision. However, the town is still in the process of adopting that plan so because of time, Wadewitz decided to go through with the rezone hearing. Lien explained the site is 1.07 acres and the zoning is being changed from Transitional Ag to Commercial for the purpose of a landscaping business. Wadewitz wants to put up some landscape bins to hold materials and for outside storage. It is the outside storage that triggers the rezone requirement. Lien noted the hearing was publicized in the newspaper and letters were sent to adjoining landowners. Lien received no responses for or against the request. Jake Wadewitz was present. Upon Bice inquiring if Wadewitz had anything to add, he responded he wants to put up landscape bins, bring in product in bulk and sell it to customers. A lot of customers don't want to go to LaCrosse or Eau Claire so he can have it on hand and sell it for retail. Lien read a letter from the Town of Arcadia which stated the board of supervisors passed a motion at their May 6th, 2013 board meeting stating they have no objection to the County E & LU Committee issuing a rezone for the expansion to J & B Landscaping. Bice called for any other public testimony three times. Lien stated any flood plain issues have been worked out. In reality Lien didn't feel it was flood plain at all but it is mapped that way. Wadewitz has re-designed his plan moving the structures out of the flood plain so it is not an issue. Bice closed the public hearing at 9:32 AM. Vold made a motion to approve the rezone as requested, Low seconded. Upon Bawek's inquiry if there was going to be mulch for sale and if that had to be mentioned, Lien replied it is all part of the landscaping business and as long as Wadewitz keeps it on the 1.07 acres he will be fine. Brandt asked if there would be employees and sufficient space for parking, etc. Wadewitz responded he already has employees and there is parking available. Lien commented he had already been doing the business inside a building on the property (in home-accessory occupation), but now since it is expanding beyond that building and the expansion requires the rezone. He has the one structure he is already utilizing and then it would be the storage bins. Motion to approve the rezone carried unopposed.

Public Hearing – Land Use Change/Rezone - Rural Residential (RR) and Exclusive Agriculture 2

(EA2) to Residential 20 (R-20) Janet E. Gibbons, Landowner/Applicant - Town of Arcadia Chairman Bice opened the public hearing at 9:36 AM. Nelson read the public hearing notice aloud. Lien referred Committee members to the overhead aerial photo which showed the site off of Glodowski Road. For clarification Lien mentioned there are two different kinds of zoning that exist on the property today; Rural Residential and Exclusive Agriculture 2 with the number of acres to be rezoned as 7.79. To create the proposed four lots the land requires a rezone to R-20 (Residential-20) to meet density requirements of the Comprehensive Zoning Ordinance. Janet Gibbons and Glen Gibbons were present to answer any questions that the Committee had. Lien noted this has been published in the newspaper and letters were sent to all adjoining landowners. Lien had a letter from the town supporting the rezone. Bice stated he is a friend of the family so he wouldn't be voting on the issue. Upon Bice inquiring if Gibbons' had any comments, Glen Gibbons stated that his mother wants to sell the upper part (where she lives). Glen Gibbons explained on another parcel there is an old house, triplex and an old corn crib and a piece of the land nearby needs to be rezoned in order for Janet Gibbons to sell it to Glen so that he can fix up the old buildings and take care of it. It makes it worth more to his mother doing it that way plus it will be more convenient for Glen Gibbons. Glen pointed out there is a corn crib with some woods along side of it. Glen pointed out the access where the people come in and work the land behind the buildings. In the center there is in excess of 100 feet left for access if they ever want to change the access to the land. Bice called for any public testimony.

Gordon Gibbons – Registered to appear and testify for information only. Gibbons asked if there was to be a life time right-of-way for the farming equipment. Janet Gibbons responded as long as she owned it that is what it would be. Gordon Gibbons asked if that would continue if it is sold to Glen, if the easement was permanent with the remaining portion of the farm. Janet Gibbons responded yes it has to be, because that is the only way they can get into the field. Glen Gibbons commented there is another way but they would have to work the property a little bit and turn it into a better access road. It is steep, but where the access is that is the most convenient right at that point. Glen Gibbons stated Attorney Bruce Brovold has it wrote in the contract that it is an access to get into the property. For clarification, Lien stated on his map, it would be Lot 4 on the CSM which is going to have recorded easement language. Glen Gibbons stated that was correct. Gordon Gibbons reiterated that Brovold will have it written, that no matter what, an easement is going to be allowed between the corn crib and the pine trees or down the existing road. Glen Gibbons stated between the corn crib and the pine trees. Gordon Gibbons added that is what he has been using for the last few years. Gordon Gibbons inquired if the reason for leaving the spot between his mothers' and the Sobotta house was because that is part of the legal description for not land locking the property. Glen Gibbons replied that is the 100 foot frontage requirement. Gordon Gibbons asked if it was Glen Gibbons' intent to fix up the old house that they lived in. Glen Gibbons stated the intent it to clean the property up, fix up the old house. The other side is to be turned into residential and enable building a house right in the corner there and bring more revenue into the County and Town of Dodge. Janet Gibbons stated Glen Gibbons plans on making a downstairs apartment for her. Gordon Gibbons asked Janet Gibbons if her intent was to sell Glen all the property with the existing buildings – in his name. Glen Gibbons inquired what exactly Gordon Gibbons was asking – if he meant the farm? Glen Gibbons responded it was 7 acres and the parcel that was on the end of the property is Janet's. Gordon Gibbons asked if the Sobotta house, the apartment house and the one by the apple orchard and the corn crib are what Glen Gibbons was purchasing. Glen Gibbons stated that was correct. Gordon Gibbons questioned if Glen Gibbons was purchasing them, how Glen can be fixing them up for their mother. Glen Gibbons responded their mother wants to live in the apartment and questioned if this was family argument, etc. Chairman Bice intervened stating the Committee needs to move on with the public hearing and some of those things are not relevant. Gordon Gibbons stated as long as there is an access; he has no problem with it. Glen Gibbons stated there will be access. Gordon Gibbons added that as long as there is a legal description in there that there is access allowed. Gibbons didn't care if it was him or a nephew, etc., but if that access was being closed off, the feasible access that they would have in between Lot 1 and Lot 2, Gordon Gibbons wouldn't be able to drive up that with a bulldozer much less any farm equipment. Gordon Gibbons reiterated that as long as there was an easement he was ok. Bice stated it appeared Glen Gibbons and Janet Gibbons have stated that would be an easement access. Gordon Gibbons added as long as Attorney Bruce Brovold has that in the deed he is ok with it. Janet Gibbons added she has a house that she lives in now that she will probably rent out. Lien read a letter from the Town of

Dodge which stated they support the change in Land Use/Zoning as requested by Glen Gibbons on behalf of Janet Gibbons. Bice called for any other public testimony. Bice closed the public hearing at 9:48AM. Patzner made a motion to approve the rezone as presented, Low seconded, motion carried unopposed. Upon Brandt inquiring if everyone has the road frontage that they need, Lien responded yes. Zeglin asked for clarification as to what is now on each lot or what will be? Glen Gibbons responded Lot 1 has an old house on it that he is going to remodel and that belongs to Janet Gibbons. It is an old house with an upstairs and downstairs apartment in it. At this point, Janet Gibbons would like Glen Gibbons to put some windows in it and clean it up so that it is more efficient. Lot 2 has an old house on it that Glen Gibbons is going to fix up to live in. Lot 3 has a triplex with an open downstairs that Glen Gibbons is going to turn into another apartment so that it is all usable. Lot 4 has an old corncrib that he is just going to use for storage, etc. and in the future, when it is affordable he would like to build a house on the corner of Lot 4. Motion to approve the rezone carried with no opposition. Bice abstained from the vote.

Public Hearing – Conditional Use Permit and Reclamation Permit –Nonmetallic Mine – Hwy 53 Group, LLC, ThompSand, LLC, Kermit E. Pederson, Eugene W. & Tammy Kindschy, Osgood Family, LLP, John P. Plachecki, Thompson Bros. Farm Partnership, Roger V. and Donald Thompson, Kimarie Lynn Kulig Estenson, Kendall J. Kulig, Keith F. Kulig, Fred & Linda Kulig, Kevin J. & Tanya M. Kulig, Richard Y. and Helen A. Jones Revocable Trust, Green Acre Investments, LLC, Blair, WI, Property Owner/Applicants and Sand Products of Wisconsin, LLC, Muskegon, MI, Operator – Town of Preston

Chairman Bice opened the public hearing at 9:50AM. Nelson read the public hearing notice aloud. Lien passed out the criteria information sheet on which the Committee should be taking notes while listening to comments. Budish stated this is an amendment to the CUP for the Highway 53 Group, Sand Products, WI which was first seen March 28th, 2013. That CUP was to develop the west side of Highway 53 – which was the mine and the wash plant location. This CUP is now to look at 262 acres on the east side of Highway 53 and the development of the watering facility and the rail spur load out. Currently this has been a pretty big project. The idea was to develop the wash plant on the west side and then run slurry lines from the wash plant under Highway 53 and under the Trempealeau River to the watering facility on the east side of the Trempealeau River. Budish stated the applicant has diagrams and overviews. Budish turned the meeting over to the applicants. Chuck Canestraight introduced himself as the President of Sand Products of Wisconsin and also the President of Sand Products Corporation out of Muskegon, Michigan which for a century has been an industrial sand miner within the United States. Canestraight stated he is here before the Committee as a sand miner in this County now having permitted the wet plant and mine along Highway 53. When permitting that site he presented the entire parcel as a project and gave some indication that they would come back before this Committee to talk about additional transportation alternatives when the engineering and design was complete. Canestraight gave a brief history on his Michigan company. In viewing the present site on the overhead, Canestraight wanted to clarify that the development of the Highway 53 site as currently permitted under its' CUP is actively working through the list of conditions presented to them and that they have to fulfill for the County in order to meet the standards to break ground for construction. They look forward to doing that and in promoting this mode of transportation and the means of moving the material for this mode of transportation, they are well schooled in the use of materials they are going to see, promote and ask for permission to use to transfer these materials. They switched over to what is termed as a “slurry” pipeline or an HDPE which is a polyethylene pipe. It is well used and practiced in the industry from very large mining operations down to simple municipal waters, etc. It is kind of the new pipe instead of using the old concretes or wood, if you will, back in the oldest days. Canestraight asked Emery Palmer to give a brief description of the site and what their requests are. Canestraight added we can talk more specifically about those systems and having the slurry pipe system and the rail spur itself. Emery Palmer introduced himself stating he is with High Cliff Consulting, Galesville and has been working with Cooper Engineering, Rice Lake in preparing this application for Sand Products. As Budish had previously mentioned, Palmer stated the site is located east of Highway 53, north of Carpenter’s bridge road and to the west of Schansberg Road. There are a number of goals the applicant had in the development of this site. Palmer explained they were looking to develop a system which would allow them to minimize truck traffic and increase efficiency within the operation. As part of that, it required a rail load out and spurs for loading the finished sand product. In doing so there is a transfer mechanism of the sand that needed to be obtained from the wash plant

west of the highway to the rail load out facility east of the highway. As Canestraight had touched on, Palmer stated they will get into additional details later. What is being proposed is actually pumping a sand slurry through pipelines in order to avoid trucking across the highway. Throughout the design process, it was very important to the operator to make sure that all of these plans would gain compliance with applicable environmental regulations and that additional precautions could be taken in protecting the environment and minimizing the impact on the neighbors. In that Commitment to the neighbors there are a number of things that were considered. With that there is full intent, as is evidenced in the plan, of meeting or exceeding all operation/reclamation standards as set forth by county, state and federal regulations. Part of the things that go along with that are addressing air quality concerns, surface water quality concerns, groundwater and the final reclamation of the site itself. Palmer showed another view of the site and how it sits between the cities of Blair and Whitehall. There are a number of property owners that are involved with this site. They have gotten together and formed a group that is a cooperative working for the development of this site. Those groups were touched on in the public notice as far as the applicants along with Sand Products Corp. for this permit. In viewing the site photo, if one looks at the purple buffer on the sides of the site, that is showing the extent of the 300 foot setback from the waterway, wetlands and flood plain on the site. That was the starting point for this entire development – identifying those areas and avoiding them. The only place that there is an encroachment required is where the rail spur will actually cross the unnamed tributary on the site that feeds into the Trempealeau River. There are a number of facilities that Palmer pointed out on the site photo. In the middle of the slide, moving from east to west, there is a line that is the slurry line that is being proposed that will travel under all of the sensitive areas and staying outside any of those zones that we talked about from flood plain to wetland to 300 foot setbacks and will terminate on the west side of the highway. That will all be a pipe that will be installed by directional boring. The product will come from the wash plant (where there is a dewatering station that will be placed). That product will then be de-watered, conveyors will carry it and place it in stockpiles. There is going to also be a lined pond that will take any process water – any runoff that comes from these stockpiles will be directed into that lined pond. Any of the other runoff that is coming from the site will be directed to one of the two infiltration ponds that are designed on site. These ponds are all designed to infiltrate the 25 year storms and to contain a 100 year storm event. Along with this there is going to be berms that will be constructed specifically on the south portion of the project near Schansberg Road. These berms (there is a cross section above) will be a minimum of 10 feet high and vegetated on top which will provide not only a buffer visually but will also provide a buffer from the sound. There is actually two berms as there is another berm that is closer to the operation which is designed specifically to prevent any fugitive sound leaving the site. The stockpiles are evidenced in the site photo as well as the dewatering station. The storm water ponds are viewed on the northwest and in the middle of the photo a processing water pond is next to the stockpiles. This also shows how the pipeline runs from the west side of the highway to the east. The product will be arriving by HDPE pipe in a slurry form. It will be coming to a dewatering facility. From that dewatering facility, the product is no longer a slurry form. It is essentially a dewatered product, it is not fully dry, and it is approximately 8-10% moisture at the point in time and will be moved by conveyors to stacking conveyors. What that does is eliminate a lot of equipment movement on the site and noise from front end loaders handling the sand at every step of the process and eliminates back-up alarms. It is really done to minimize the vehicle traffic on this site. There will be employees coming to this site daily. There is a service drive that will be constructed off of Schansberg Road and cross the rail spur and that service road will run directly along the rail spur. As previously mentioned, they do have the sealed retention ponds so any of the water that runs off of these processed piles, from rain fall events or the natural dewatering of the product as it sits, will be traveling across this impervious surface and making its way to a sealed pond. This sealed pond will collect any processing water. From that pond, it will be pumped back to a portion of the dewatering station where it will be re-introduced into a conduit that will carry it back to the wash plant for recycling, so that water will be reused. It is functioning as a sealed system where no water actually leaves the processing stream. Other than that, the overland flow on the site will be directed to infiltration ponds on site. Emery Palmer turned the meeting over to Canestraight. Canestraight wanted to clearly express how this transfer system would work because using very general terms like “slurry pipe” and “pumping”, etc. is probably a foreign concept to most people in the room. Canestraight brought some pieces of the pipe from their current plant, just to give the Committee an idea of the size of the pipes that he is talking about. Canestraight also brought a cross section piece to note that when he

talks about how they are going to run this pipe and make it seamless (even though one pipe fits in the other) that when one fuses this pipe thermally, there isn't a seam in it. It isn't as though one is screwing a piece of pipe together or gluing it or whatnot, one physically melts this pipe together and it causes a seamless connection. Canestraight showed a "caricature" from the plant over to the other side of the river and pointed out the "vaults" and explained that the plant itself has a dewatering system on it. All the wet plants that are operating, process the sand and at the end they try to take it from a 60% slurry to about a 92% slurry. It has about 8% retained moisture in it and that is usually the best a mechanical system is going to do when the sand is done. Generally it would go to a stockpile at that point. Some of that moisture, down to about 5%, would probably leave that naturally. By nature, sand holds on to about 5% of its' moisture except at the surface where the sun may dry it or whatever. What they would do is make a redundant portion of that plant – the plant will still have the plant on the west side of Highway 53 and it will still have its' dewatering segment in it. They will make a redundant system on the other side that is the same as it would have been on that plant. Imagine taking the corner of that plant and stretching it across this system we're talking about which happens to be a roadway and a river. Canestraight noted they currently do travel under a federal highway at their current plant so they understand air space lease and the interactions with the DOT, etc. to accomplish this. The vaults and the reason they are important is because these are depictions of the slurry lines. What they intend to do is pull a larger diameter casing for a great enough distance that it will enter the ground on one side of the entire system and exit on the other side (that includes wetlands, river beds, flood plain, highway easements, etc.) It goes underground and stays underground and then come back up. Canestraight stated Bruce Markgren is going to comment after Canestraight is done on the frequency that this is done within the state whether it be for sewage, petroleum, natural gas, cable TV or whatever. It is somewhat of a common practice to pull these utilities underground. The concern comes from, if one has a pipeline, as we have all heard of pipeline failures. Here we are talking about a washed sand that has had its' fines removed in a wash process, so we are talking about the coarse fraction which happens to be the product in the sand, which is essentially and inert (99 and some 9's glass) substance. Because of the concern of any ill effect on the highway bed or the river bed, etc. and for a secondary concern that we may have to replace these slurry lines at some point, depending on the longevity of the project, they decided they would promote pulling casings through. These casings are the large diameter, the slurry lines are the small diameter. There will be redundant lines where two of them are utilized to pump the slurry over, two are used to pull the processed water back. The vaults are where the hydraulic control points are. Canestraight explained that the dewatering system stating that as the slurry comes over it is literally pumping along in a tube/pipe and it gets pumped up to hydra-cyclones which is just a mechanical way to spin it (centrifugal effect) and break some of the moisture out of the sand slurry. It then drops on to screens and these screens do little more than kind of bounce the sand (they are perforated so the water drives through the bottom of them). This is really a mechanical type process that goes on to dewater the sand. The sand would then drop onto the conveyor and get conveyed to stockpiles (on a damp basis so we are talking about a material that one can still grab and make a ball out of it). The water that drops through the screens, and any water that is collected from the impervious pad, just comes out to the sump that would send the process water back over. It is a separate pumping system. It is not one closed loop system where the water whips through it, dewateres the sand and it goes back. One breaks that hydraulically, the puts it into its' own sump system to send it back. In talking about the vault, a good example of a place where people go underground to work on hydraulic piping or transfer systems would be a lift station/sewage system where there is a need to watch for high levels or a need to collect and have things run into. Canestraight continued the casings will end at these vaults. There, one will have access to inspect a slurry line. One will use what is called a clamp system to adjoin the slurry pipe there so that is where one could naturally make a break to inspect the cross section of the pipe to make sure you're checking for its' wear characteristics. Pipe will wear out in a 15 year period and part of placing casing systems in there are to make sure that one is protected against it but also that one is watching for it because it is a burden to replace them if one is trying to get sand out of that interface zone. In Canestraight's opinion, if a pipe of this nature were to leak, it certainly isn't going to be because water is running through it. It is much harder than one would suspect – it is pretty dense. Canestraight thought it was proposed as a potential draft condition that there be annual inspection. They are going to go much further because there won't be any way for water to enter the casing. The casing will itself be a pipe system so that if for any reason the slurry pipe line starts pin holing or getting a leaking effect it will come back to the vault, it will flood into the vault. The vault will be designed

with its' own pump system and its' own eye level alarm to save a plant shut down. If pumps shut down, water will be coming back through the casings. Importantly, that effectively gives one minute by minute inspection, more so than annual, monthly or quarterly. There will be a vault on both sides of this system, one designed to collect from the slurry lines from the plant and one from the de-watering zone. Canestraight asked Bruce Markgren, Cooper Engineering, to speak about the technique that they utilize to pull this through. Markgren explained the technique to be used to install this casing pipe is called horizontal directional drilling which is a trenchless technology meaning there isn't going to be an excavator "walking" across the wetland, river, etc. The trench will be installed from the ends. Horizontal directional drilling is kind of a three step process. The first part involves drilling a pilot hole with a steerable bit and drill rods that are controlled very accurately. In fact, they have installed gravity sanitary sewer lines with a slope of less than 1% using this technology very successfully. This bit can be steered through the ground, underground. It is tracked as it is going across the land and under water making sure that the adequate depths are achieved. Once the pilot hole is drilled through, then the hole is expanded to the size of the casing pipe. Basically, by pumping the soil out of that hole and replacing it with a clay slurry, the clay slurry holds the hole open and the third step is that the pre-assembled pipe that is all welded together is pulled back through that hole, displacing the clay and creating a seamless conduit as was described, from one "mouth" to the other. They have pretty extensive experience with this technology, including sewer and water lines underneath the Red Cedar River in Rice Lake. Markgren noted that they are going to be pumping an inert substance through this line and are having the safety of a casing pipe. DNR does not require a casing pipe for using this technology with sewage and this is used all over the country for sewer, water, electric and communication lines. Last year they were involved in a gas line extension project that went under several wetlands and the river in Chetek, WI, so this is very common material, common technology and very robust material. Canestraight asked Markgren to comment on what Canestraight anticipated would be the biggest concern with directional drilling, that being the proximity to the Trempealeau River and passing underneath. Markgren remarked that in the letter they received from DNR discussing crossing the river, the only concern was is that the pipe be deep enough to not be affected by scour. By scour, DNR means when the river shifts/changes and causes holes. In example, if they were putting a bridge across the Trempealeau River, the depth that the foundation covering the piling would have to go below the bottom of the river to prevent scour is only about two feet. If one talks to directional drillers, there is no way that they would go only two feet below the bottom of the river. Suggestions that Markgren has had from contractors they have talked to is that they wanted at least eight feet of cover below the bottom of the river and that will depend on exactly what sort of pipes are there – it could be deeper than eight feet below the river bed. Canestraight wanted to make sure that they attempted to describe the pipeline accurately because again it is probably the most foreign topic to the room. Canestraight noted that the amendment request that they have made here is not making a request to truck this material into this property and that is why they are favoring this pipeline system. Effectively it is a low impact way to move the material. Canestraight noted that they did reiterate at the City Center, and to the Mayor that to the north of the project that they do not intend to and will abide by the pledge that they made in the original application to not bring trucked sand through the community of Whitehall. Canestraight referred the presentation to Emery Palmer. Palmer stated in regard to the final reclamation of this site, the rail spur is going to remain. The existence of that rail spur represents a significant investment and potential opportunity for the landowners involved and they have requested that the rail spur be maintained on that site. When that reclamation occurs, all of the processing facilities, with the exception of the spur itself on the east side of the highway will be fully removed. The question that has also been asked is what about these pipelines that we have been talking about and how are they abandoned? Palmer explained that basically the inner sleeve of the pipeline will be removed and the outer casing will be pumped full of sand, which will basically resemble the material that is currently underground, and they will be abandoned in place. Along with that, the storm water retention ponds on site and the processing water ponds on site will be fully removed and the drainage patterns will be restored to pre-existing conditions on that site as far as flow direction and slopes on those fields (if anything will be minimized to result in a slower runoff velocity reducing the ability of runoff to carry sediment into the streams and rivers). Canestraight noted that their part of requesting to truck the product from the sand processing into the site, he wanted to be clear to mention that there is a net fill requirement, on a cut and fill basis, to level the property appropriately for the rail spur and of course, the berms, they want to make sure that they utilize and properly store the A and B soils and the subsoil's, etc. Canestraight

anticipated that on the final designs that were given to the Class I rail system that serves that had to be somewhere in the 15,000 cubic yards range to create that base. In the correspondence that Canestraight received from DOT Regional Planning Department, it is their preference that we utilize a system to go under the highway and not over it. Canestraight wanted to be clear that they considered alternative measures and talked to the authorities as to what they saw as feasible or desirable and there were a lot of concerns with going over a highway and also over a wetland/floodplain/or an environmental system. Canestraight felt this will have less effect on the local ecosystem. Upon Canestraight offering to answer any questions, it was agreed questions would be answered after the public testimony. Bice called for any public testimony. Lien reiterated that the testimony would be limited to three minutes.

Margaret Backes, Arcadia – Registered to testify in opposition. Backes lives at the end of Trout Run Road. Backes had two brief questions; what is the bonding rate that the County will use for the roads (Backes would like a formula using linear measurements). At this point Bice explained that in a public hearing, the Committee takes testimony and will listen to questions/comments but they won't respond back necessarily to answer her questions right now, but they will write them down and they will try to respond back at some point. Bice instructed Backes to ask her other questions. Backes inquired what the bonding rate is that the County will use in the reclamation process. Also, if these companies or subsidiaries of these companies go bankrupt then who is left "holding the bag?"

Steven Doerr, Blair – Registered to appear and testify for information only. Doerr stated he lives in Blair, WI which is on the southern side of this operation. Doerr lived, worked and volunteered for the fire and rescue in south Texas for 7 years and in that time had lots of training on response to pipelines (predominantly petroleum). Doerr would like to see two questions answered today, if possible. One is, being in Blair; he recently learned that they do not process their own sewage they send it over to Whitehall and then Whitehall profits from processing Blair's sewage. If one knows what types of pipes are moving sewage from the City of Blair to Whitehall then one could possibly relate to the size of the pipes here today. Also, Doerr was wondering about an estimate on the initial operational investment in the community. Also, over a 15 year period, what would be the estimated investment the company would make in terms of equipment and labor?

Susan Faber, Blair – Registered to testify in opposition – Faber stated she is from the Town of Preston. Faber stated this is a really bad idea. A terrible use of our Trempealeau County farm land. It has never been brought up in this Committee, as far as Faber knew, at any of these public hearings, any discussion about other ways of using our land. Faber would like to make some suggestions. In referencing the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Faber stated they provide annual statistics on top Wisconsin export markets and products. DATCP obtains their statistics from global trade information services. Overall Wisconsin agricultural exports totaled 2.94 billion in 2012. Wisconsin ranked 13th among all the states for value of agricultural exports. Top exports markets – the top five countries to which Wisconsin exported agricultural products in 2012 were Canada – 1.45 billion, Mexico – 217 million, China – 177 million, South Korea – 134 million, Japan – 106 million. Wisconsin's top agriculture exports for 2012 – beverages, ethanol-400 million, miscellaneous edible preparations – processed food ingredients - \$290 million, dairy, egg, honey, etc. -\$282 million, and it goes on to list many. In 2012 Wisconsin lead the nation in the export of cranberries – 36%, flaxseed -41.1%, durum wheat – 43%, ginseng roots – 37.07%, sweet corn (prepared or preserved – not frozen) – 36.99%. We have the potential in Trempealeau County to be feeding our own nation and other nations. When we go into mining, we arrest that possibility for the County. This land will not be returned to farmland. Reclamation is a lie. We have never seen one and yet we continue to permit this land on the basis of returning it to ag. We have never seen this happen. We are not going to continue to produce the way we are if we continue to sell our land out to outside investments. Grant County sold 9,800 acres in southwestern Wisconsin. It was sold to a Swiss company for \$67 million - \$7,000 per acre. What do you think they are going to do with it? They are going to lease it back to us. We are going to be working for them or working for China. They are going to buy our land and we are going to be working for them. Is that what we want for our county? This is a dairy state not a mining state. Let's keep it that way.

Andy Thompson, Whitehall –Registered in favor but not testify.

Charlotte Everson, Blair – Registered to testify in opposition. Everson was here last month because there was a mine proposed next to her property. A mine that was not a good mining location, yet somehow it was tabled. They finally withdrew their application because they were coming through our community and they had the chance to come back. Everson wasn't going to speak today because her property is not next door, but she started receiving calls. Calls of people who were scared to have a voice. Her kids, when she left today, were scared for her to use her voice. These community people were scared to use their voice because they don't want their neighbors or their friends to be mad at them. Business people are basically hand cuffed. They cannot use their voice to say, "Not in my community". We elected this board to use their voice for us. Everson's mother came from Germany. She escaped three weeks before the wall went up in East Berlin. She came to this country and she was so proud to vote because she had a voice. She left Germany because she didn't want to become a communist. She was scared for Everson today, to use her voice. Everson was talking to people on this board and they wanted proof that our air is in jeopardy, our water is in jeopardy. That is the same type of mentality that the tobacco industry used. Prove that cigarettes are bad then we'll pull them off the market. Let's turn this around. I want the Committee to prove to our Trempealeau County that all of this is safe before they allow any more mining opportunities through. Prove to me that (silicosis – totally different, big animal) Preferred Sand is not having a lot of debris going away. We have pictures showing spills and what do we do with these pictures? You guys are not responsible. You're responsible to say "yes, you can come in here and have a mine", but then when there was six runoffs that happened, nobody got a fine. Not one of those companies, approximately two months ago, even self reported it. This Committee needs to prove to this County that they are serious about our health and our welfare. What good is my land if I cannot live on it? What good is my neighbor's land if I cannot live near it? Everson had a question that somebody asked her to ask. Why would the farmers in this specific location want to keep a rail spur when the mines close? So that other mines can go in there? So other loading can go in there? Everson just talked to this gentleman and he said that they have enough sand that they would not open up their facility, perhaps, to any other locations. All the rest of the locations – going all the way up that hillside, where are they taking their sand? Do you not think that they are all going to want to truck it to this rail spur – to the next rail spur? Just because one company is going underneath the road does that not mean that the rest of this County is going to be trucking sand? Everson is asking what type of proof you need to say no to these. Do you need video of blowing sand? Would that help? Do you need photographs of spills? We've provided that. Do you need tainted drinking water? There is an elderly resident that will not go to their neighbor mine, even though when you turn on her tap water it comes out sandy. Do you need my kids to be sick? Do you need any of these board members kids, grandkids, neighbors to be sick? There is a lot of lapse in here because how can we all prove it? You are our neighbors we should be able to trust in you. Don't make the entire properties of Trempealeau County unlivable for the rest of us who are really paying a lot of taxes to wake up every morning, look out our window and see this beautiful land because we don't live here for the winters. We live here for our beautiful, beautiful land.

Roger Flaten, Eau Claire– Registered in favors but not testify.

Carl Axness, Blair – Registered in favor but not testify.

Daryl Kramer, Trempealeau – Registered in opposition but not testify.

Donna Brogan, Blair – Registered in opposition but not testify.

Elizabeth McDougal-Saxe, Blair – Registered in opposition but not testify.

Brad Hegge, Osseo – Registered in opposition but not testify.

Michelle Maslowski, Ettrick - Registered in opposition but not testify.

Debra Flaten, Eau Claire - Registered in favor but not testify.

Bud Brommer, Eau Claire – Registered in favor but not testify.

Tucker Flaten, Eau Claire – Registered in favor but not testify.

Christopher Flaten, Eau Claire - Registered in favor but not testify.

Rodney K. Schultz, Eau Claire - Registered in favor but not testify.

Abby L. Weber, Eau Claire - Registered in favor but not testify.

Mark A. Miller, Eau Claire - Registered in favor but not testify.

Theresa M. Brommer, Eau Claire - Registered in favor but not testify.

Tom Dillon, Eau Claire - Registered in favor but not testify.

Noel Smith, Eau Claire - Registered in favor but not testify.

Jeffrey N. Smith, Eleva - Registered in favor but not testify.
Michelle Smith, Eleva - Registered in favor but not testify.
Donnie F. Ames, Whitehall - Registered in favor but not testify.
Jenassa Ames, Whitehall - Registered in favor but not testify.
Kayla K. Ames, Whitehall - Registered in favor but not testify.
Eileen S. Back, Blair - Registered in favor but not testify.
Vernon Back, Blair - Registered in favor but not testify.
Danny Bettesworth, Ettrick - Registered in favor but not testify.
Belah Boe, Blair - Registered in favor but not testify.
Chris Boe, Taylor - Registered in favor but not testify.
Brian Brost, Blair - Registered in favor but not testify.
DeAnn Brost, Blair - Registered in favor but not testify.
Peter Blown, Bloomer - Registered in favor but not testify.
Shaun Buisse, Independence - Registered in favor but not testify.
DeVere Dahl, Blair - Registered in favor but not testify.
Erva Jo Dahl, Blair - Registered in favor but not testify.
Hanna Dahl, Blair - Registered in favor but not testify.
Nathan Dahl, Blair - Registered in favor but not testify.
Jill Duxbury, Osseo - Registered in favor but not testify.
John Eckel, Blair - Registered in favor but not testify.
Chris Ekern, Blair - Registered in favor but not testify.
Jolene Ekern, Blair - Registered in favor but not testify.
Carrie Folkedahl, Melrose - Registered in favor but not testify.
Sever R. Folkedahl, Ettrick - Registered in favor but not testify.
Brandon Giebel, Whitehall - Registered in favor but not testify.
Aaron Greenwold, Whitehall - Registered in favor but not testify.
David N. Greenwold, Waukesha - Registered in favor but not testify.
Jeff Guza, Taylor - Registered in favor but not testify.
Laurie Guza, Taylor - Registered in favor but not testify.
Bill Hamble, Blair - Registered in favor but not testify.
Lori Hamble, Blair - Registered in favor but not testify.
Jorgen Haug, Whitehall - Registered in favor but not testify.
Justin Haug, Whitehall - Registered in favor but not testify.
Kristy Haug, Trempealeau - Registered in favor but not testify.
Nathaniel Holeva, Whitehall - Registered in favor but not testify.
Cody Iverson, Hixton - Registered in favor but not testify.
Donald Jahr, Blair - Registered in favor but not testify.
Brent Janzen, Blair - Registered in favor but not testify.
Lisa Janzen, Blair - Registered in favor but not testify.
Amy Johnson, Blair - Registered in favor but not testify.
Andrew Johnson, Whitehall - Registered in favor but not testify.
Art Johnson, Ettrick - Registered in favor but not testify.
Dan Johnson, Blair - Registered in favor but not testify.
Joey Johnson, Blair - Registered in favor but not testify.
Julie Johnson, Blair - Registered in favor but not testify.
Philip Johnson, Blair - Registered in favor but not testify.
Gwen Kidd, Blair - Registered in favor but not testify.
Andy Kindschy, Blair - Registered in favor but not testify.
David Kindschy, Whitehall - Registered in favor but not testify.
Essie M. Kindschy, Whitehall - Registered in favor but not testify.
Eugene Kindschy, Whitehall - Registered in favor but not testify.

Tammie Kindschy, Whitehall – Registered in favor and testify. Kindschy lives at N33232 US Hwy 53, Whitehall, WI. My husband and I own land that is part of the Sand Products, WI project. I am a life long resident of the area and I support this amendment. My husband and I have farmed our land for decades. Our land has been productive farm land, however now our land can help us and many others in another way. We cherish our land and our community. Being a life long resident, we have seen many changes to our community. We have watched friends come and go looking for work and sand prospectors looking to move in quickly with no plan and no concern for our community and our environment. Now we have a sand company willing to work diligently to help decrease traffic, bring in jobs, hire local workers and protect the environment. Sand Products, WI has been a pro-active partner working with our landowner group, direct neighbors and community members. Today Sand Products, WI is asking to amend their plan in order to lessen their impact on community traffic. Sand Products, WI has a proven track record of working with communities to minimize impacts and to be a leader in the sand industry. Gene and I think Sand Products’ plan to put sand directly into railways instead of on our roadways benefits everyone. I ask you to grant this amendment.

Jessica Kindschy, Blair - Registered in favor but not testify.

Heidi Kube, Galesville - Registered in favor but not testify. Kube had a note on her letter which stated, “Please read at meeting. We need additional tax base to compensate for stated federal tax cuts”.

Robert Kube, Galesville - Registered in favor but not testify.

Roland Kube, Galesville - Registered in favor but not testify.

Ashley N. Kurth, Whitehall - Registered in favor but not testify.

Perry Lambright, Jr., Blair - Registered in favor but not testify.

Charles A. Larson, Whitehall - Registered in favor but not testify.

Deb Larson, Osseo - Registered in favor but not testify.

Ron Larson, Osseo - Registered in favor but not testify.

Janice L. Larson, Whitehall - Registered in favor but not testify.

Todd A. Larson, Pigeon Falls - Registered in favor but not testify.

Michael Muldonado, Blair - Registered in favor but not testify.

LeRoy Marsolek, Whitehall - Registered in favor but not testify.

Marilyn Martin, Blair - Registered in favor but not testify.

Roger Melby, Osseo - Registered in favor but not testify.

Shirley Melby, Osseo - Registered in favor but not testify.

Jeanette Moen, Blair - Registered in favor but not testify.

Keith Mosier, Trempealeau - Registered in favor but not testify.

Eugene Simmons, Blair - Registered in favor but not testify.

Eau Claire – Unreadable - Registered in favor but not testify.

Jake Nadolny, Eau Claire - Registered in favor but not testify.

Ken Schroeder, Elk Mound - Registered in favor but not testify.

Patrick Thoney, Eau Claire - Registered in favor but not testify.

Mackenzie Koerner, Eau Claire - Registered in favor but not testify.

Jodeen Flaten, Eau Claire - Registered in favor but not testify.

Jean M. Running, Eau Claire - Registered in favor but not testify.

David Sagstetter, Elmwood - Registered in favor but not testify.

Tanya Kulig, Independence - Registered in favor but not testify.

Kevin Kulig, Independence - Registered in favor but not testify.

Joann A. Blaeser, Eau Claire - Registered in favor but not testify.

Robert B. Polden, Eau Claire - Registered in favor but not testify.

Dennis Blaeser, Eau Claire - Registered in favor but not testify.

Joanne M. Flaten, Eau Claire - Registered in favor but not testify.

Mark F. Gagnon, Eau Claire - Registered in favor but not testify.

Kathleen S. Koerner, Eau Claire - Registered in favor but not testify.

Lyle N. Koerner, Jr., Eau Claire - Registered in favor but not testify.

Yvonne Clements, Eau Claire - Registered in favor but not testify.

H. Lee Minton, III, Eau Claire - Registered in favor but not testify.

Robert S. Houser, Eau Claire - Registered in favor but not testify.

Steve Flaten, Eau Claire - Registered in favor but not testify.

Brian P. Flynn, Chippewa Falls – Registered to testify in favor. Flynn stated he is a former City Council member for the City of Chippewa Falls where we went through some of the same things that Trempealeau County is going through now with companies such as this. Flynn is also a former Eau Claire County Board Supervisor so he has sat through many meetings just like this Committee so he appreciates all that you do. The company that we have in our community is the EOG processing plant but we had a lot of the same concerns. Flynn has come down to a meeting before and first of all, he is not compensated by anybody, he has no vested interest in this other than he has been what this Committee is going through in your community right now. You guys can co-exist. It has worked out well for Flynn’s community. EOG employs 62 people with wages in excess of \$17.00/hour. They were promised roughly 38 jobs, ended up with more. Basically, they have also had other business’ come into their community because of that, which have in excess of 100 employees and definitely this has added to the tax base for our community. Basically, when the plant was built it was \$100 million and also it is generating about 1.5 million in tax revenue per year going back to our TIF district right now (which they had to use to get the program going). You guys can co-exist. Flynn heard some of the same complaints. Some people were confused about some of the things going on. They have not had any illnesses. People haven’t died or had respiratory issues yet and their plants been going on for roughly 3-3 ½ years. They do test, in their community, the air with several different entities and they have not had any issues with that as well.

Nels Nelson, Blair - Registered in favor but not testify.

Roger Nelson, Blair - Registered in favor but not testify.

Kristin Pfaff, Alma Center - Registered in favor but not testify.

Steve Pfaff, Alma Center - Registered in favor but not testify.

Michael J. Price, Arcadia - Registered in favor but not testify.

Monica Rose, Independence - Registered in favor but not testify.

Larry A. Schindler, Colfax - Registered in favor but not testify.

Rosemary C. Schindler, Colfax - Registered in favor but not testify.

Todd Seemann, Rice Lake - Registered in favor but not testify.

Shane Slaby, Ettrick - Registered in favor but not testify.

Jake Sluga, Eau Claire - Registered in favor but not testify.

Elizabaeth Soto, Blair - Registered in favor but not testify.

Robert Speerstra, Whitehall - Registered in favor but not testify.

Sam Speerstra, Whitehall - Registered in favor but not testify.

Rebekah Spencer, Bloomer - Registered in favor but not testify.

Justyn F. Sprinkle, Whitehall - Registered in favor but not testify.

Harold Tenneson, Ettrick - Registered in favor but not testify.

Jordan Tenneson, Arcadia - Registered in favor but not testify.

Lorna Tenneson, Blair - Registered in favor but not testify.

Mary Tenneson, Ettrick - Registered in favor but not testify.

Todd Tenneson, Ettrick - Registered in favor but not testify.

Trent Tenneson, Ettrick - Registered in favor but not testify.

Troy Tenneson, Ettrick - Registered in favor but not testify.

Travis Thompson, Ettrick - Registered in favor but not testify.

Kari Tollefson, Osseo - Registered in favor but not testify.

Robin Jones, New Auburn - Registered in favor but not testify.

Kris Newman, Thorp - Registered in favor but not testify.

Trevor Frei, Whitehall - Registered in favor but not testify.

David A. Haug, Whitehall - Registered in favor but not testify.

Dale Schlessor, Galesville - Registered in favor but not testify.

George W. Jacobson, Trempealeau - Registered in favor but not testify.

Dennis Schlessor, Galesville - Registered in favor but not testify.

Greg Moga, Arcadia - Registered in favor but not testify.

Paul Walske, Arcadia - Registered in favor but not testify.

Gary L. Klein, Galesville - Registered in favor but not testify.

Bibiana Klein, Galesville - Registered in opposition and testify. Klein was not present.

Matt Klein, Galesville - Registered in favor but not testify.

Kimarie Estenson, Whitehall - Registered in favor but not testify.

Gwen Tschanz, Blair - Registered in favor but not testify.

Donald Thompson, Whitehall - Registered to testify in favor. Thompson and his brother Roger have farmed all their lives on the land as long as he can remember. Our land is part of this application. We love farming, we work hard, and we have been rewarded with resources over the years. Our family has been part of this community for decades. We continue to work in our community and farming. We decided to mine in our land because we plan to stay in the community for the rest of our lives. Sand Products, WI has been proven in reclaiming mines over the years and we feel they will do the best. The amendment before the Committee today helps to lessen the traffic and congestion on roads. We feel it is an excellent solution. We like how well this company has worked with us and our neighbors. We ask you to grant this amendment because we think it is good for the community.

Richard Angelo, Westboro, WI – Registered to testify in favor. Angelo views himself as an environmentalist. The definition of environmentalist is that he is concerned about the environment and about our waterways. He is a director at a year around camp which is a resident camp and wilderness camping. We serve about 14,000 people in a given year. In our wilderness program we use the Flambeau River extensively. We use the Brule River extensively. We use the Namekagon River, we use the Interstate Park in St. Croix-Taylor Falls. We use Devil’s Lake climbing area at the Wisconsin Dells area. We use the Porcupine Mountains in upper Michigan. With that in mind, Angelo is very concerned about the environment. He is concerned about our waterways. He is concerned about the future. He is also concerned about the Trempealeau River project because that is where his children (his two sons) and he hunt. They ask that the mining company guarantee that the bucks stay along the Trempealeau River (a little bit of humor). He is extremely impressed with what he has heard today of the care and concern that he senses the mining company has and the diligence which he senses there is. Angelo is encouraged, as someone concerned about the environment and someone concerned about caring for the environment and concerned about clean water. He likes what the gentleman from Chippewa Falls said that we can exist together. He is grateful for the people who have taken the steps to exist together. He appreciates the ability to drive a car today on rubber. He knows there has probably been some discussion as to a hearing for the rubber trees. He has also appreciated driving on blacktop roads which he knows is oil based. He and his wife are fortunate, in the small community we live in, that natural gas has been piped in. He knows that didn’t come from a garden, but we can exist together in the environment. We need to exist together and do things in a proper way. If this isn’t proof, thank you to the many people for your desire to be careful. He encouraged the County Board (he doesn’t know how this process works) to make sure that things are in place (as the different concerns have been mentioned) that yes the mining company is responsible and at the end does a proper reclamation of that property and whatever needs to be done. Angelo would say vote for this, the economy needs it; we need it as a country. Addressing the board, make sure that what they do is done properly, have the large company out of Michigan clean things up properly and whatever needs to be done at the end, that this is followed through.

Bruce Markgren, Rice Lake - Registered in favor but not testify.

Luke Kramer, Trempealeau - Registered in favor but not testify.

Scott Musselman, Muskegon, MI - Registered in favor but not testify.

David Tschanz, Blair - Registered in favor but not testify.

Norval Pittman, Whitehall - Registered in favor but not testify.

Jane Pittman, Whitehall - Registered in favor but not testify.

Linda Kulig, Whitehall - Registered in favor but not testify.

Michelle Maslowski, Ettrick – Maslowski stated Bice had already read her registration as “not testifying” but she would like to. Bice allowed her to testify. Maslowski had stated originally she had registered in opposition to this amendment and had chosen not to testify but after hearing some of the other registrations, she would like to make a point. When she attends these meetings, she signs in as attending. Then she registers on the

registration form to favor or not depending on the issue. Her concern here is that she would like to know when a registrant is actually in attendance. These are important issues and she hears enough about them to show up. Exactly what is the issue that a registrant in favor or in opposition is registering for? Maslowlski requests this information for herself as a resident of Trempealeau County. She is concerned about Trempealeau County and these issues are important, but also for the benefit of this Committee. She knows for a fact, that the Committee can see that all of these people are not here (the ones that have registered in favor or against). Maslowski wants it on the record that she knows it too, as a resident of the County. These are registrants who don't even live in the County, in some cases, so she is not sure how we would weigh their concerns as well as our own, who live next door to these mines, and have really serious concerns. How easy is it to simply sign a form? It doesn't cost anything, but showing up does. A lot of us work; some of us have time off, whatever. We make the sacrifice to show up when we care about something. Maslowski thanked the Committee for giving her this opportunity, giving all of us this opportunity to be here and to state our positions. Maslowski really appreciates everybody here, who showed up today, regardless of what your concerns are on either side of the issue. You are here and she thinks that is so great.

Bice commented that on all these forms there is a box that is checked. Bice stated he hasn't been paying a lot of attention because this takes a great deal of time. For example, the one Bice has in front of him does have a box checked that says, "I am unable to attend today's meeting, but I request my name be read into the record". They give their address and their name. Bice stated our policy is to, when the public notice is given and people can offer their opinions and submit it, read it into the record. Bice can make a note of that, but in general there are a lot of people that are voicing concern over this particular application and we read that into the record. Bice asked the Committee if they want him to read into the record their situations because they can say I am present today, but Bice does have a lot of material to go through and felt we would be here a long time today. Brandt stated the Committee dealt with the issue that Maslowski stated in the meeting after the last hearing that this applicant was at. We came to the conclusion that any way any one wants to communicate to us, they can do it. Brandt noted that since then Nelson has been reading something slightly different in terms of the call, so we have kind of dealt with that. What we agreed is that the Committee has a pretty good idea who feels what and why. Bice inquired if the Committee wanted to take the time to note that they are unable to be here. Brandt commented that he thought that was understood. Zeglin commented that when Bice reads the form that says, "Registered in favor, but not testify", we expect those people to be here that they have registered and that they are present. Zeglin continued that all of these people are obviously not here. She has over 100 people that have been read into the record and there are not a hundred people in this room. Bice responded they are not required to be here. Zeglin stated when Bice says "register in favor and not testify" it is somewhat misleading, so Zeglin would like to know, indeed, if those people are here or not, everyone has (as Bice stated) a right to weigh in, but if they are not here it should be an e-mail or letter to let us know for sure that they are not here. Zeglin personally finds the misuse of those forms offensive. Bice stated the Committee could discuss that a little later but at this time would move on with the public hearing.

Felty Lambright, Blair, Not present – Registered in favor but not testify.

Gary Armitage, Blair, Not present - Registered in favor but not testify.

Alan Grass, Blair, Not Present - Registered in favor but not testify.

Linda Lusk, Hixton – Not Present - Registered in favor but not testify.

Stacy Armitage, Blair – Not Present - Registered in favor but not testify.

Rhonda Kidd, Hixton – Not present - Registered in favor but not testify.

Brian Kidd, Taylor – Not present - Registered in favor but not testify.

Travis Armitage, Blair - Registered in favor but not testify.

Elsa Kulig, Whitehall - Registered in favor but not testify.

Aaron Kidd, Blair - Registered to testify in favor. Kidd lives at 1022 E. Taft St., Blair, WI. I've lived in the Jackson, Trempealeau County area my whole life. My business partner Travis Armitage and I graduated from Blair-Taylor High School and have worked together for 15 plus years. We currently own Green Acre Investment, LLC and Trinity Farms, LLC. and we have been able to stay in the area. We have seen many high school kids leave the area because the opportunities haven't existed here like in other parts of the country. But now they do. Industrial sand mining is not new to the area. I grew up in Taylor, home of Badger Mining.

Badger Mining has been operating here since the 1970's. Badger Mining has been the life blood of Taylor since it opened 40 plus years ago and continues to provide stability to the community. From my time growing up near a sand mining operation and having friends that have worked there for decades I know sand mining can be done safely. We have been approached by various sand company's but we chose to work with Sand Products because they are a 75 plus, year old company and have extensive mining and reclamation experience. We are fortunate that they want to come to Trempealeau County. I firmly believe they will add significant value with the least amount of impact to our community. We are seeing this today by their attempt to remove trucks from township and county roads. I ask you, the Committee, to grant the amendment to their application.

Keith Kulig, Whitehall, Present - Registered in favor but not testify.

Dennis Sather, Strum, Not Present - Registered in favor but not testify.

Tim Zeglin, from the audience, commented that the County public hearing registration form is different than the particular form Bice was reading and that anyone who showed up here, signed that form with the little seal on the top. Bice requested that Zeglin bring him the form.

Chad Narva, Trempealeau, Present but left - Registered in favor but not testify.

At this point Bice stated he was not going to ask anymore if someone was present or not as he didn't want to take up any more time.

Nicole Kulig, Whitehall - Registered in favor but not testify.

Carol Sather, Strum - Registered in favor but not testify.

Kendall Kulig, Whitehall – Registered to testify in favor. I live at W17024 Meadowbrook Lane, Whitehall. I own Kulig Contracting. Most of my immediate family has land affected by the amendment that you are reviewing today. As a small business owner directly impacted by sand mining, I would like to share my experience of the economic impact to my business. Kulig Contracting provides erosion and storm water control for all types of industries including sand company's that have been safely mining sand in Wisconsin for decades. As a business owner, I understand that every business activity leaves an impression on the environment. Kulig Contracting helps minimize negative impacts. While working with Sand Products, WI, I have learned they share the same goals to minimize negative environmental and community impacts. I believe allowing a rail facility helps the environment and the community because it allows the company to reduce the amount of truck traffic on Highway 53. I believe a company like Sand Products, WI can make a difference in Trempealeau County by helping build a stronger local community and being a responsible business owner. Sand Products has already reclaimed four mines in Michigan, two of which are now state parks. I believe this demonstrates them as a corporate neighbor who can help create jobs, decrease the environmental impact and improve traffic safety if this application amendment is approved today.

Neal Kolb, Whitewater - Registered in favor but not testify.

Tamara Sully, Algonquin, IL - Registered in favor but not testify.

Mike Noble, Cedar Hill, TN - Registered in favor but not testify.

Peggy Noble, Cedar Hill, TN - Registered in favor but not testify.

Tim Otterbacher, Whitewater - Registered in favor but not testify.

Lisa Otterbacher, Whitewater - Registered in favor but not testify.

Patrick Yeager, New Richmond - Registered in favor but not testify.

John E. Yeager, Onalaska - Registered in favor but not testify.

Fred Kulig, Whitehall - Registered in favor but not testify.

Richard Y. Jones, Whitehall - Registered in favor but not testify.

Kathy Hogue, Whitewater - Registered in favor but not testify.

Holly Haug, Trempealeau - Registered in favor.

Daniel C. Olson, Whitehall - Registered in favor but not testify.

Richard Y. Jones, Whitehall - Registered in favor but not testify. (Registered on two different forms)

Valerie Ferdon, Whitehall - Registered in favor but not testify.

Helen Jones, Whitehall - Registered in favor but not testify.

Jayne Benedict, Blair – Registered to testify in opposition. I live up by Fagernes church. As I am listening to all these comments here, this is a real tough question for me. I oppose all mines in communities. Badger Mining is all by itself and has done good for people, but when you have, in a little community, my house, I don't even know how many mines are in a ten mile radius around my house any more – perhaps 14 or 18, 20, I

am not sure how many more are going to be and how many people. Benedict doesn't believe that mines belong in cities, so in that regard I oppose, but as for this, I was told that I had two choices here at today's meeting. The mine is already said and done. I have two choices I can either oppose it and have 750 trucks on the road or I can approve it and have it go underground so we don't have to look at it and so that so many people don't have to be in danger when they are driving down the highway. I have lived here for almost 30 years. I know people that have gotten tickets on Highway 53 for going too slow. I know there are farmers, and there is so much traffic on Highway 53 now, that the elderly have to find a way to get through. So, do I oppose what is happening here today? Time will tell. I listen to your talks and about how safe it is going to be and the piping and the first thing that came to my mind was the movie Titanic. Everybody sat back and everybody wasn't worried and they didn't have enough life boats and why? - because it was unsinkable. As safe as this seems, time will tell. Do you have a back-up plan for this perfect plan? Time will tell for the people who stay here. Are we going to be in danger? Is the water going to be in danger? I just feel, when I think about the Titanic being unsinkable, that this is what it reminds me of. Time will tell and I just hope that when we are dealing with the Trempealeau River and a lot of people in the community - do I want my mother in law to be on the road with 750 trucks on the road, no I don't, so I guess I don't oppose this, but for the record I do oppose mines in towns.

Mary Ann Bixby, Blair - Registered in opposition but not testify.

Gary Bixby, Blair - Registered in opposition but not testify.

Kent Syverson, Eau Claire - Registered in favor but not testify.

Nancy Horton, Ettrick - Registered to testify in opposition. I live in the Town of Ettrick. I am in opposition to this particular expansion because of where it is located and also the increasing number of rail load facilities that we now have coming up in lieu of all the sand mine permits that we have. I don't see a plan for the rail loading either. Trempealeau County now houses four mining operations that are currently under enforcement action by the Wisconsin DNR for failure to contain runoff from recent storms. These were not 100 year storms. It seems prudent to examine the containment methods required to handle this runoff specific to silica sand mines before proceeding with expansions. The DNR has acknowledged serious problems at this site with runoff to streams. Horton quoted Deb Dix, "it can damage small micro-organisms within the stream as it goes through, it can settle on the streambed as it goes through. It settles down and it will destroy habitat". In light of these determinations by the DNR it would seem prudent to proceed with caution regarding any development on the banks of the Trempealeau River. This spring the area around this Trempealeau River, where this is proposed was under water almost everywhere. The roads were closed to traffic. Horton didn't know what would happen if these piles of sand were sitting around. It is not good for the industry, it is not good for the environment and it is not good for the public. I would urge you to slow down on all of this. Anything around these wetlands, when you look at this culvert, we're going to have water from different waterways coming in here, into this area where these are contained. I don't believe in 100% containment goals because it doesn't happen. It is like she just said the Titanic. The technology cannot be 100% effective - it just isn't. Things come up and things happen. They put one of these pipelines under Lake Marinuka for the sewage in Galesville. It has failed twice in two years. They're not perfect. Horton thinks it is very dangerous. There are too many wetlands here. This whole map is way too close to these wetlands along this river. This river is one of the best that we have in Trempealeau County. Horton stated she is having a hard time speaking because she is so upset about the reading of these pieces of paper. If you're going to allow that at these Committee meetings, that form that you're reading from should be available to the public, they should know that they are allowed to do that. Horton thanked Lien. Horton finished by saying she is too upset about that and she doesn't even think it is legal. When Horton goes to hearings at the State level, you always have to sign that you were there and forms like that are not available.

Roger Thompson, Whitehall - Registered in favor but not testify.

Scott Moyer, Mondovi - Registered in favor but not testify.

Beverly Nelson, Blair - Registered in favor but not testify.

David Wolfe, Arcadia - Registered in favor but not testify.

Cory Zwiefelhofer, Bloomer - Registered in favor but not testify.

Tim Zeglin - I owned the property I live on for 40 years. I live in rural Independence and I've live there for 30 years. I hadn't plan on testifying but the events that have transpired have demanded that I say something. I would like to point that I was just standing there counting signatures. There are 49 names on those yellow legal pads of people who actually registered as being here. There must be three times as many papers. Zeglin

suggested that the Committee simply disregard all these people who have not shown up and yet still want to be noticed. Zeglin noticed (he hasn't been keeping count, that a large percentage of the people are not residents of the County, so he asked the Committee to simply disregard them and not let people talk who are not residents of the County. Zeglin again suggested to the Committee that those people have very low credibility if somebody from Bloomer is signing a piece of paper saying we should put in a rail spur here in Whitehall. If the situations where reversed, I certainly wouldn't say that somebody in Bloomer could certainly disregard mining so why should my opinion count. There was a gentleman that was sitting over here and he said his name was Brian Flynn and he said he has no connection nor is anyone paying him to testify in favor. He has left or Zeglin would have talked to him directly. Zeglin stated he made the same sales pitch at the meeting for the Whitehall Sand and Rail about three weeks ago. Zeglin thought he was from Chippewa Falls. Zeglin suggested that he was not a disinterested party as he stated. Another point someone brought up earlier regarding reclamation is that there has been no reclamation of sand mine properties. The Badger Mine in Taylor which everyone brings up is a "poster child" for a good mine company. Zeglin knows a gentleman that works there and has told Zeglin (and they have had long conversations) that Badger Mine brings in truckloads of topsoil (they have a demonstration plot and that is what they show people, they brought in all these truckloads of soil and that's where they can grow something but otherwise there is no claimed vegetation, they aren't doing any reclaiming and all the other mining company's throughout the area also have no claim to actually or one cannot verify a claim to return the land to agriculture production so Zeglin suggested it is false. Every acre that a sand mine has stripped it will never be in farm use again. In regard to pulling the pipes under the river, it sounds very technical. His main objection is to a third rail spur in this area. If the citizens of this area want to turn this into a mining district, this is the way to do it, is to put in more rail spurs. Zeglin wasn't aware that the owners want that rail spur to exist after the mine has finished. The mine may be finished but the rail spur will be there, it will be a stimulus for any other mines in the area.

Bice called for any other testimony.

Tom Wik, Altoona – Registered to testify in opposition. I am here today and I am in opposition to all this mining that has been going on. We're handing them out just like candy at Halloween because of all these people here. There are a lot of things with the sand mines. They will say anything and do anything in order to get their permits and go about. There have been violations at some of these sand mines. Ok, so they get a fine –big deal, it doesn't mean a thing to them. They just pay the fine and go on. I am speaking up today. We're having all these forums and I do believe that people should have to sign in on the yellow sheet over there in order for that to actually be a valid registration form. Apparently we have a whole pile of people that are not here today. Where is their presence? They need to speak up. We need to know who everybody is. I am from Altoona, Wisconsin. I am a landowner in Trempealeau County. My great grandpa homesteaded in the Town of Chimney Rock. The farm has been in the family for 133 years and I own this farm today. You don't need to keep destroying and raping these hills. Just take everything into consideration. In regard to the forms, I don't think that a lot of them should probably be acknowledged. He is not saying that the people didn't sign them or whatever, but I don't know how it all came about, but these people are not here today.

Steven Doerr, Blair – Doerr insisted on speaking the balance of his 3 minutes. Doerr wanted to quickly respond to the large attack on the Committee, based on allowing the input of the people of Wisconsin. I put in two applications for mining permits back in July 2011. Now I'm not happy with everything that was done in Trempealeau County, but one thing I can speak to, is they have historically, at all the meetings Doerr has gone to (in excess of a year and a half) they have received both sides via e-mail and many other methods. People speaking from the Town of Dodge and the Town of Trempealeau, they actually had protested coming to the meeting, but they sent a notice of a moratorium in the Township of Trempealeau. Trempealeau did not attend here but yet Lien spoke as to what he understood their intent was, had they come here, even though they did not come. In the Town of Dodge they chose to not respond in a letter form via their municipality requirement and Lien spoke on behalf of the Town of Dodge from his correspondence with them. There has definitely been open communication for both sides whether one is in favor or not. For someone to allege that this Committee is not open to both sides, he thought that was incorrect. Obviously we are in a situation where sometimes people can't attend. There was someone that was an employee with the School District of Arcadia and she couldn't always attend but she would send a message of opposition with someone else to some of the events in Arcadia.

Doerr thought this Committee has done a good job of keeping all methods of communication to be able to receive the concerns of the people. Thank you to the Committee.

Bice called for any other public testimony.

Steven Flaten - His name was read earlier but he asked to say a couple of words. Flaten lives in Eau Claire but he is a landowner here in Preston township. Flaten stated, Brian Flynn, the fellow that was here, someone had asked about him. Flaten explained he was here at Flaten's request. He is a friend of Flaten's. He does work for Flaten as Flynn is in the insurance business. Flynn was on the city council and Flaten asked him to come because initially he was not a proponent of sand mining when it came to Chippewa. That was one of the first boards that had to deal with it and it is amazing, after the sand mine has been in and running for about three years, many of the people who were opposed to it initially, now actually like the sand mine. The company has done what they said they were going to do. Flaten asked Flynn to come, as a favor to Flaten, and Flynn does not have any interest in this whatsoever. Flaten felt very guilty as the meeting wore on and thought it was a little unfair to besmirch Flynn when he is not here. Secondly, Flaten thought it was elegantly said that some people want to have a voice here, that don't have an opportunity to be here today. Flaten found it interesting that, that voice only extends to the point, now (and he is not asking a question) at which point people can actually be here and testify. Flaten knows there are a lot of people, friends of his, that have benefited from the sand business – working for companies like Hi-Crush, EOG and Superior Sands. Cement workers who have benefited from this that did not have the opportunity to be here because they are working today. Flaten appreciates them at least being able to have a voice here either in support or opposition. Flaten thinks more input is better and limited voices is not a good thing. Flaten thanked the Committee.

Bice acknowledged Ron Tuschner, Town of Arcadia Chairman for any comments he had. Tuschner stated he didn't want to comment on this sand mine but what these gentlemen have said, since he is on a Board. Tuschner's point is this, limiting the voices of those that can't be here, we have accepted them by e-mail, by letter form before, they have a right to be considered. Tuschner thought taking that right away is not morally, ethically right. Tuschner had to leave and stated this meeting is dragging on so long it is pathetic.

Charlotte Everson stated, since the voice comment came up, we are all supposed to have a voice but that doesn't mean that you can send a voice out to every single one of your relatives that live from California to New York and ask them to have an opinion on something. Last month, my Everson family had a voice because they each lived on that road. I could have had every Everson, etc. do this stuff but they should have to be in the County.

Bice stated that anyone else that wants to talk is going to have to fill out a form and come to the podium as that is proper procedure. Bice called for any other public testimony

Bobby Gronemus, Whitehall – Registered to testify in favor. I have been in opposition to most of the sand mine applications, but I really find that what I have learned today is that not all sand mines are alike and that we need to be careful to judge everybody by the same standard when they are definitely different kinds of applications that apply for these sand mines. I think that as much as I have objected to the kinds of things that creates a lot of dust such as 700 trucks (that gets me rather excited), but when I hear that there are methods that we can use to move the sand from the site to the railroad, that if we do it in a way that is not going to be detrimental to our community and to our environment, that we need to take that into consideration. We don't farm like we used to farm 50 years ago and so I think that with the changes that are coming about, we need to be somewhat less reluctant to be real critical of every single operation. I am here because I happen to think that this particular operation is one that one can go back and you can find out how well they have reclaimed the sites that they have done business on. Gronemus thinks it is important that we do that before we criticize. We haven't been to the site that has already been reclaimed, then we really can't criticize until one sees for themselves what is going on. After consulting with the Committee, Bice instructed Budish to read any letters or e-mails.

Catherine Hertzfeldt, Ettrick – Registered in favor but not testify. She was unable to attend today's meeting but requests that her name be read into the record.

Paula Hoem, Taylor – Registered in favor but not testify. She was unable to attend today’s meeting.
Wayne Hoem, Taylor - Registered in favor but not testify. He was unable to attend today’s meeting.
Nicole Hoem, Taylor - Registered in favor but not testify. She was unable to attend today’s meeting.
Andrew Glasspoole, Whitehall – Registered in favor but not testify. He was unable to attend today’s meeting.
LaVerne Knutson, Blair – Registered in favor but not testify. He was unable to attend today’s meeting.
Steven Tidquist, Blair – Registered in favor but not testify. He was unable to attend today’s meeting.
Michael Berg, Blair - Registered in favor but not testify. He was unable to attend today’s meeting.
Roseann Thompson, Blair - Registered in favor but not testify. She was unable to attend today’s meeting.
Bruce Thompson, Blair - Registered in favor but not testify. He was unable to attend today’s meeting.
Kathy Berg, Blair - Registered in favor but not testify. She was unable to attend today’s meeting.
John Berg, Blair - Registered in favor but not testify. He was unable to attend today’s meeting.
Chad Berg, Blair - Registered in favor but not testify. He was unable to attend today’s meeting.
Melissa Berg, Blair - Registered in favor but not testify. She was unable to attend today’s meeting.
Wayne Berg, Blair - Registered in favor but not testify. She was unable to attend today’s meeting.
Richard Martin, Onalaska - Registered in favor but not testify. She was unable to attend today’s meeting.
Dean Martin, Onalaska - Registered in favor but not testify. He was unable to attend today’s meeting.
David Truax, Onalaska - Registered in favor but not testify. He was unable to attend today’s meeting.
Ernest Frederickson, Blair - Registered in favor but not testify. He was unable to attend today’s meeting.
Pamela Paulson, Ettrick - Registered in favor but not testify. He was unable to attend today’s meeting.
Alice Brenengen, Trempealeau - Registered in favor but not testify. She was unable to attend today’s meeting.
Nora Barenthin, Galesville - Registered in favor but not testify. She was unable to attend today’s meeting.
Donald Brenengen, Trempealeau - Registered in favor but not testify. He was unable to attend today’s meeting.
Gary Tidquist, Blair - Registered in favor but not testify. He was unable to attend today’s meeting.
Glen Berg, Blair - Registered in favor but not testify. He was unable to attend today’s meeting.

Mary Lee & Keith Hegenauer e-mail, Blair – Received Monday, July 8th. Once again we are faced with an increased, unplanned expansion of frac sand mining operations in our county. In the past four weeks, four mines have been put under enforcement actions by the DNR for failure to contain runoff. This Committee has refused to listen to the facts or reasons presented to them by the concerned citizens of this county. Stop issuing permits, look around you and listen to your constituents. Your actions have consequences. Have we no common sense? We are against the issuing of permits for the Highway 53 site and Guza sand mine.

Eric Hudson e-mail, Galesville - I am opposed to any additional or expansion of existing permits for frac sand mining in Trempealeau County. The mining of silica raises numerous health and safety concerns that are not being addressed. The Guza mine should not be expanded. The amendment to Highway 53 mine shows a lack of concern for environmental quality of the area and the proposed amendment would certainly lead to degradation of the Trempealeau River.

Nancy Horton e-mail, Ettrick – Comments on both Guza expansion and Highway 53 Group. While discussing these two proposals, I would ask the Committee to consider the following situations; the number of rail loading facilities in the County is increasing. We have four current facilities with five more proposed. Is there any plan or consideration of the orderly placement of these facilities? Trempealeau County hosts four mining operations that are apparently under enforcement by WI DNR for failure to contain runoff from recent storms. These were not 100 year storms. It seems prudent to examine the containment methods required to handle runoffs specific to silica sand mines before proceeding with expansions. DNR has acknowledged serious problems with this type of runoff to streams, “it can damage small micro-organisms within the stream as it goes through. It can settle to the streambed as it follows through. It can settle down and will destroy habitat”. In light of these determinations, it would seem prudent to proceed with caution regarding any such development on the banks of the Trempealeau River. This spring this area around the Trempealeau River, south of Whitehall was under water for an extended period of time. Roads were closed to traffic. It does not make sense to store piles of sand there, not for industry, not for the environment and not for the public. In conclusion, I continue to

urge you to slow down on permitting new and expansion projects until the current operations, both here and elsewhere demonstrate the ability and willingness to effectively mitigate these problems.

Margaret Olson e-mail, Galesville – Instead of blind, unsubstantial justifications for approving the permit requests by Highway 53 group and the Guza group, please delay approval until an environmental assessment can be conducted by the DNR. There are obvious reservations about the approvals and it is my opinion that the Committee needs to take an active role in examining the issues on behalf of all the citizens they represent.

Cathy Kerska e-mail, Blair - I hope that this message will be received before the Conditional Use Permit hearing of July 10th at the county courthouse. I have been ill for the past week and have not been able to write to you to share my feelings about the non-metallic mine application for a conditional use permit for the sand mine on Hwy. 53 in the Town of Preston. I live in the Town of Preston and have concerns about this permit being granted to this sand mine. My first concern is for the health of the Trempealeau River. There have been many rumors going around as to how the sand mine is going to use the river in their operation. One rumor I heard from someone in the county office was that they were going to go under the river. That was the most bizarre. Of the most concern for me is that they are going to be possibly permitted to use the river at all. This river was used to complete work on the railroad spur off of South River road when they built the spur. I was going to an appointment and I was traveling down South River road to Hwy. 95. On the bridge over the Trempealeau River there was a truck sucking water out of the river to be used in the construction of that railroad spur. I asked if they had permission to do it and they said yes, here is where I could check it and I did. I contacted the DNR and they said that they knew they were doing that. At the time, according to the DNR website, the Trempealeau River was a class I trout stream. I mentioned that to him and he asked where I got that information and I told him the website and he told me that I should not believe everything that is on the DNR website! As a citizen of this state, I need to be able to trust the DNR in cases like this, but I now know I can not. What is their involvement in the use of this river and can we trust them? According to the DNR employee I talked to-No! My other concern is related to the loss of evaluation for the Town of Preston concerning their taxes. I attended a sand mine conference in Black River Falls awhile back and one of the sessions I attended had to do with the economic impact of a sand mine on Trempealeau County. I was surprised with the information that was shared. When the person doing the economic survey, I believe it was a person with nothing to gain from the University Wisconsin, looked at the income generated in rural communities his findings showed that for every dollar spent in rural communities there was a multiplier of 1.231 which means that for every dollar spent 23 cents was added from the sand mine to the local economy. He compared that to Dairy which had a multiplier of 1.736 which added 74 cents for each dollar spent, Poultry had a multiplier of 1.728 or 73 cents and Hospitals had a multiplier of 1.927 or 93 cents. The multiplier shows what each of those industries puts back in this county. Sand mines contribute very little. Also there was the concern that the Town of Preston will lose 30% of its tax evaluation and that the money loss would be made up by those of us who own property in the township. I am opposed to any more new sand mines in the Town of Preston. We are in trouble with them at this point. The only other question I have is how did the chairperson from the Town of Preston obtain a permit for a washing station in this county? Does anyone think that may be a conflict of interest? Should he have excused himself from that process or resigned as Town Chairman? I am sure as a citizen of this county that the road to that permit for me would not have happened.

67th District Assembly State Representative Tom Larson letter –It is my understanding that the Environment and Land Use Committee will be meeting Wednesday, July 10th to discuss a number of items pertaining to nonmetallic mining in Trempealeau County. As a representative of the Assembly district that has a number of frac sand mines I have seen, first hand, the benefit that safe responsible mining operations can bring to western Wisconsin. As with any business, cooperation between a sand mine and a surrounding community is essential and the companies that operate in the 67th Assembly District have proven to be good neighbors. They bring jobs to the area that sorely needs them creating a beneficial ripple effect for other area business's and local governments and they also do their best to minimize off sight effects. I think I can safely say that the benefits of permitting sand mining outweighs any costs, whether it is short or long term. Thank you for your Committees' service and diligence on the proposals before you. As a fellow elected official, I am confident the

Committee will make the right decision for Trempealeau County, the economy and its' residents and approve the Sand Products, WI amendment to reduce truck traffic impacts on local and county roads.

Blair- Taylor School District Superintendent Dennis Dervestski letter – Just to let you know the rail spur will increase the equalized value of our school district with benefits to taxpayers.

23rd District State Senator Terry Molten and 68th Assembly District State Representative Kathy Bernier letter. We would like to encourage your continued support and advocacy for safe environmentally sound sand mining operations in western Wisconsin. Communities in our districts have benefited greatly from responsible operators creating family supporting jobs in our region. We hope this trend and partnership continues to grow. Since the growth of industrial sand mining began in recent years, we have seen responsible operators successfully work with their neighbors to minimize off sight impacts. Companies in our district provided good paying jobs and high quality benefits to local workers in a time when the economy was struggling. Now the economy is slowly beginning to recover. Industrial sand mining continues to positively impact local economies by creating jobs, increasing municipal tax revenue by encouraging local purchasing of business services. We strongly believe in encouraging and allowing entrepreneurs to take the risk and add value to our communities. The industrial sand industry has been part of Wisconsin's heritage for nearly a century. We have experienced growth in our local economies from the recent increase in mining. These increased benefits have not been limited to mine workers but have flowed to local grocers, restaurants, innkeepers and hosts of other services. Thank you for your continued service in Trempealeau County and to Wisconsin, we encourage your support for the application before you from Sand Products, WI. Responsible and industrial sand mining by experienced companies helps grow Wisconsin's economy and provide quality jobs to our outstanding work force at home in western Wisconsin. If you have any questions please feel free to contact us.

Town of Preston letter – Budish read part of a letter dated May 13, 2013 from the Town of Preston which stated a nonmetallic mining project for Sand Products, WI – Highway 53 was presented January 14th, 2013, Town of Preston meeting and included the rail spur and dry plant in the project presentation. It was approved with a motion by Vernon Back and seconded by Gary Everson. All in favor. Budish noted that no town conditions were associated with this.

Bice once again called for any other public testimony. At 12:41 Chairman Bice closed the public hearing portion of this meeting. Brandt made motion to adjourn until 1:15PM for lunch, Zeglin seconded, motion carried unopposed.

At 1:15 PM Bice re-adjourned the meeting noting that the public hearing portion has been closed and asked for a motion from the Committee. Vold made a motion to approve the CUP, Nelson seconded the motion. Vold asked for any conditions. Lien stated there were no proposed conditions from the Town of Preston but there are some staff recommended conditions that were talked about. Town of Preston Chairman Bob Tenneson commented that the conditions from the Town of Preston would be those that were presented at the last hearing for Highway 53. Lien added those conditions still apply to the other original permit application but nothing to do with this one. Brandt stated there were some things that struck him while going through their proposal such as their approach to the site, approach to their mining operation in general. Brandt stated Canestraight was very careful to speak, in much the same way that they did in their prepared remarks, that they are going to try to meet their goals. He is very clear that this an amendment to the CUP that was granted prior, in the sense that all of the conditions and all of the situations that apply to the previous permit will stay in place. He has intentionally told us that truck traffic is not going to go through Whitehall, but as it states in the project outline here, there is no request to lower the number of trucks that are going to be travelling on the highway. In other words, they are not saying, because we are going to be moving sand in the slurry that we are going to eliminate truck traffic. In fact they intentionally say that truck number is going to stay the same within the outline of their written proposal. When wetlands are talked about, the 300 foot buffer (there is a very nice map delineating wetlands, floodway, floodplain, etc.) as you know it is possible to mitigate wetlands when you can't avoid doing something in them that is not allowed by law. Ashley Furniture is a good example. The company that had multi-year, attempted to build in a wetland and they finally ended up building in the wetland and mitigating a

significant number of acreages in French Creek which doesn't seem to be in the same watershed but is in fact, more or less, in the same watershed – just on the other side of the hill. It appears that within the CUP revision or amendment, there is a knowledge that they are not going to be able to avoid doing something within the flood plain. That there is going to need to be mitigation at some time, some place. Probably some place other than in the Trempealeau River valley. The conditioned phrases that come out to Brandt are “wetlands avoided here possible, if not mitigation. Drainage unchanged to greatest extent possible”. They are consulting with the DNR and the DOT on the boring. The response from the DOT is that they will treat this as they treat other utilities which is to say there is going to be no need for permits at all as long as they stay outside of the wetlands on both sides of the road. A conveyor would have required a considerable amount of permitting and engineering, etc. We have yet to get a firm number (Brandt saw this in the 3rd party review as well) on exactly how many of these slurry pipes are being talked about – is it 2 in, 2 out, is it 3 in, 2 out – is it 10, 12 or 15 inches. These are concerns that Brandt has. Erosion control is an issue. Their plan calls for temporary seeding, stabilization seeding, silt fencing, hay bales, ditch checks and possibly constructing swale. Brandt assumes this has to do with erosion control related to the project that we are talking about today. But it seems to him by creating a significantly higher number/large piles of sand are going to create a kind of runoff that currently doesn't exist there. It will create a slope, basically that the water comes off of creating more area in order to drain. They are suggesting that an infiltration pond, as well as a retention pond are going to be enough to hold the water. Brandt stated Nancy Horton pointed out that any one who has driven up Highway 53 this spring, all the land that they are talking about, was under water this spring, so it is hard to retain water when you are under water. This makes this site problematic for those reasons if nothing else. One of the things that struck Brandt almost immediately, when they talked about going under the river, is Brandt doesn't know where the river bed is. There is a significant amount of sediment that has filled up that river channel over the years. Anybody who looks at any aerial photo can see the channel of the river has changed significantly. Scouring just isn't a whirlpool at a bridge pier, scouring is the hundred year event that sends so much water down the river that the bottom changes, the channel changes significantly. Brandt understands that this stuff is engineered so as not to break apart or to leak, etc. and he is not so concerned about that really but he is concerned that there might be 8 feet, there might be 20 feet of sediment in that channel right now. If that scouring does occur, it can just take all of that out and leave this stuff either above the ground or ripped out and bent and put someplace else. The other thing that struck Brandt is again, the people of the State of Wisconsin and Trempealeau County have spent millions of dollars on the Upper and Middle Trempealeau Watershed Program. The attempt was to keep sediment out of the river. Its' success is something that someone else is going to have to tell you about, in terms of preserving the quality of the water of the Trempealeau River. The pictures are graphic. Two huge piles of sand within four hundred feet of the river, sometimes closer. With rain events like we have had in the recent past, that sand is going to get to the river and this is not a good place to put huge piles of sand – right next to the river. These are serious issues. People have raised concerns about health and safety. If one recalls from Brandt's' presentation, in May at the County Board meeting, that after reviewing three years of minutes from this Committee, after looking at all the permit applications, after looking at what is now three years of history in this industry, Brandt realized (as he has tried to express) that we are limited by not only what are responsibility is statutorily, but by the nature of our Ordinance – it having been developed for an agricultural county. The people who are coming to the County now, to do nonmetallic mining, in a sense have it “over us” in that we have never dealt with this, we don't know what this is, and our Ordinances aren't written to deal with it. At times, (and at no fault of ours) Brandt suggested that the Committee (not that it is lacking) but has lacked experience in terms of what it is our responsibilities are and what it is that we can do in order to deal with situations as they arise. One of the things that Brandt suggested was that we look at more changes to the Ordinance than currently exists because we have to deal with something that isn't in the Ordinance at this point, but more importantly Brandt felt we have to remember what our responsibilities are. This was handed out to all of us three years ago when this Committee was formed and that has to do with what it is the responsibilities of Land Conservation Committees are and what the responsibilities of the planning and zoning committees are and what the make up is and why the make-up is that way. Both of those committees are the voice for water in the County, land conservation especially and we're also the voice for soil and ordered development through the Zoning Committee, so our responsibility is to those entities. To give voice to entities that don't have a voice and also to take responsibility for protecting the people and the resources of the County. In that way, the

discussion tends to get moved aside from those issues. Brandt felt the first question we should be discussing as a Committee (these guys did a great presentation) is, is this good for the water or not good for the water? Is this good for the soil or not good for the soil? Is the investment that we have in erosion control being somehow undermined potentially by this development? What does this have to do with our plan? What does a rail load out for a sand mine have to do with our Comprehensive Plan or our Land and Water Management plan. Those are the questions we should be asking ourselves, not whether or not that pipe is going to be good for piping sand through or if we want that or we want trucks. Those aren't the questions that we should be asking. What we should be asking is, will the water stay clean? Will the soil stay in place? Will our Comprehensive Plan be honored? Will the people who made decisions before us be respected in that way? What are our statutory obligations? To that end, Brandt has heard a significant amount of disturbing testimony today and Brandt is seeing that it doesn't do anything. We've already approved the sand mine. They're not going to lower the amount of trucks that they propose to use. Brandt doesn't see that this is good for the river or for Trempealeau County, or for the Land Use Plan or for the water, for the soil or for the investment that we have put in to protecting the Trempealeau River. Brandt stated he was trying to generate some discussion amongst the Committee members. That is how Brandt sees this, that the Committee's responsibility is to the water and the soil and the Comprehensive plan and Brandt can see that this has great potential for harming all of us. Bice stated the Committee does have a fairly comprehensive list that they are going to go through shortly. Bice commented that Brandt had stated this is not going to limit or lower the number of trucks on the road and asked how Brandt knew that. Brandt responded it is stated in the introduction to their plan. Brandt read aloud from the plan, "The remainder of this document will focus on the second phase, the site of a previously permitted site, the original application stating permit would be accomplished in two phases, portions of the project previously approved will not be re-addressed in this application. Actual changes to the operation, revision of the original permit to include the transloading facilities will be addressed. Other activities and trucking described in the original application will not change. The only changes to occur are those related to an addition of a rail transloading facility. Brandt also suggested that during his(Canestraight's) presentation, he was trying to get us to a point where we think we've implied to them or that he has a right to infer that because they had mentioned this transloading facility in their previous application that we should have known this was coming and by approval of that, we were going to approve this. Brandt thinks that is an inference that would be premature because this is being taken separately. Bice stated this was a list of things the Committee needed to go through and invited anyone to comment on them. Bice further explained that these are items the Committee is instructed to consider when the Committee is looking at this type of an application. First one is whether the proposed project will adversely affect property in the area. Brandt commented that if Mr. Angelo, in speaking about his wilderness experience, were to discover that quartzite were to suddenly have a significant amount of economic value to someone, somewhere, would he feel the same way if the Baraboo Range just suddenly disappeared. If the rocks that surround Devil's Lake were to have an economic benefit to somebody, someplace else and they came and took them away, would he feel the same way about the projects that exists here because, of course, when they are gone, so are the hills. Brandt would define that as adversely affecting the property in the area – when it goes into a pipe, onto a train and then leaves. Bice commented that his take on it would be that this is private property; they want to make a change to it. They're doing something that is legal and appropriate and as near as Bice can tell, he doesn't understand if there are some adverse affects somewhere, there are certainly many, many other things that will neutralize that so he can't see that this would be detrimental. Zeglin commented there have been studies (unfortunately she didn't have it with her) that the land values around the mines do go down within a certain radius. Those studies are out there. People will point out that the land around Preferred Sands near Blair has not done that, but those lands have been purchased by the mine itself, so it is not a true test case. Will this project adversely affect property in the area? Zeglin believed it will, simply from the studies that are out there. Bice has been making the assumption that if we have to have sand transfer and we are going to be taking a lot of trucks off the road that would be a positive thing. Lien reminded Bice that if he had read the plan they are not reducing trucks, they are staying the same. Bice asked the applicant if they were going to still have as many trucks on the road? Behling, in addressing the property devaluation issue, noted that the Ordinance doesn't call for or doesn't require a property value guarantee. Behling is also aware that of the other 27 applications in the County, only Sand Products, WI has included a property value guarantee. Behling stated they do that voluntarily and as a sign of good faith. Also noted,

consistent with their three mining operations, they again offer a property value guarantee, to those who abut the properties, with this application amendment. That is made available to those five landowners. They have spoken and met with all of them. They've left copies and have had multiple follow up phone calls. Behling continued that if there is an argument for devaluation (and Behling can actually argue multiple studies that say property values increase) know that there is a property value guarantee in place for those homeowners in the event that they no longer want to live in that location. In regards to the trucking, Canestraight responded the utilization of a Class I rail is the preferred mode to move sand out of Wisconsin economically. The capital investment that will go into the project that we have before us, with this application, will be in excess of \$4 million dollars. The prior CUP afforded the mine site did in fact have the rights to haul off certain amounts of this product. With the investment being made in this application, it certainly would offset any trucks that would leave the site with those products. Canestraight would love to dedicate themselves to a Class I rail and make us part of their business. Canestraight's intentions are to follow through and use the large capital investment to export the sand, therefore not having a need to truck the sand, on a business basis, and with the constant changing face of where these shale plays exist, and which Class I rails serve them, there is still a business need to make sure that the Class I's are acting in the best intentions of the companies that they are serving. Canestraight added they are certainly willing to abide by all of the conditions that are imparted on them, in this application, which is directly related to the rail spur and slurry line and they are willing to live up to all the conditions imparted on any prior CUP's that have been issued to them. Behling added, watching this Committee over the past couple of years, he has truly appreciated every time the Committee has said, "we don't tell farmers how or where they can ship their product and we are going to treat industries the same". Behling has very much appreciated that we have come to the Committee with what our business plan is, but at the same time, this Committee hasn't put on hand cuffs that controls how or where we send our material. For that, they are very appreciative and they hope that the Committee will continue to treat that issue as they have with consistent permits. In addressing Behling, Brandt stated it is just not true. Brandt continued that we do tell people where to go with their trucks and as you know the condition with almost every CUP granted, related to industrial sand, includes the requirement for the Committee knowing where the sand is going and how it was going to get there. At some point, applicants coming in for CUP's started using language which said, "based on market forces" and we were flexible enough to say, "ok, but how many trucks per day and which way will they be going?". Brandt stated we work with the DOT, so they can develop their road plan, their highway plans and they work with us so that we can know where to require different kinds of intersection changes, etc. So, that information is required from the applicant and is used to make conditions that the applicant is then required to follow. The agricultural point Brandt is making is, we are limited because we have an Ordinance which favors agriculture. We don't tell agricultural trucks where to go or require permits. Brandt's point is that it appears to assume that it is here and that if it is not pre-eminent at least coming to that point in terms of land use in the County, or at least to the point where it equals agriculture in terms of its' preference through this Committee, yet this is something that this Committee never discussed. We have never said, "this is a mining County and it is going to be a mining county". We take each one of these as if it is going to be an individual mine yet if you look at the map one begins to see that not only does this one butt up against the Preferred Sands site, but it also has the potential for being contiguous with a number of other operations which Brandt knows are in the works right now between Whitehall and Independence which then will also be contiguous with whatever goes on in North Creek and then to the County line outside of Independence. Unless this Committee gets a handle on who it is we're talking to and what it is they're planning on doing, and then responding to it, either by embracing it officially or by saying, "well you know there is going to be a limit to this at least for now", Brandt felt the question that is being asked is, is it adversely affect property in the area not property values – that comes later. If one takes down a bunch of hills and moves them, Brandt feels that affects property in the area. Bice stated he doesn't see that at all. Bice continued that first he thought they have to make it clear that they have approached us with an application to do a legal thing and we should consider their application and that is what they are here for. Bice stated everything is not perfect in the world but when one looks at the big picture this seems to Bice to be a very reasonable application. Brandt asked for Radtke and Lien to "weigh in" on this. Brandt inquired when Bice says this is a legal thing; Brandt would say it is legal for them to apply to this Committee, as a regulatory authority, for a CUP. Brandt thought by what Bice was saying that if it were a legal thing they could just do it without coming to the Committee. Brandt asked Radtke to help him as to what the nature of their request is and the nature of the

Committee's responsibility. Radtke thought the question Brandt was asking is what is legal? Radtke responded it is something permitted under a Conditional Use, under the Ordinance and to the extent that it is permitted, that would be legal. Bawek understood why the applicant wanted the certain amount of trucks (in case they can't use the rail). Canestraight stated that was accurate, yes. Bawek thought it might help to know if the applicant was going to make this site available to any other mines. Canestraight replied that the application they put before the Committee is for their mine site. Bawek inquired if Canestraight would be willing to put it into a condition that they would not allow any other mine sites. Canestraight commented he would not do that, as a good business decision. For clarification, Lien stated the Committee can do that. Moving on to Number 2, Bice read aloud, "That the proposed use is similar to other uses in the area". Bice's comment was that this is a bit of a unique application. Bice thought this was an honorable attempt to do something that is efficient and he doesn't see it as damaging to the environment. If this all works as it is supposed to, Bice thinks it is a good thing. In regard to damage to the environment, Bawek wanted to comment on storm water concerns. Bawek had three things he wanted to read. The first being in Appendix P of the plan on Page 4 and 5 which has to do with storm water concerns in the third party review. Bawek then wanted to go to the water return lines on Page 6 ,2.3.2. Bawek then wanted to go to the original permit, Page 14. Bawek read aloud, "Storm water run off issues, erosion control concerns; what erosion control measures will be utilized to protect the unnamed creek? Some ditch checks should be utilized on the unnamed creek before it enters the Trempealeau River in the event that sedimentation occurs from on site. Flood plain maps should be closely studied given the sites location to known flood plains. Historically data should be looked at to assess the impacts. The infiltration basin is sized for a 25 year event. What is the overall site life expectancy with relationship to this number? Given a 25 year event could realistically take place a number of times with the sites operational life, is the County secure in knowing that a surrounding containment area may be needed -sized for a 100 year event". Bawek then went to 2.3.2, Water Return Line and read aloud, "in addition to slurry lines, there will be parallel water line return which will recycle the process water removed during the drying process. The water line can also be used to drawn down storm water retention basins in the rare case when a storm event has resulted in an overflow, flooding the trans loading site". Bawek then referred to the original permit, 2.3, Storm Water Management and Erosion Control, (Bawek read aloud), "storm water will be controlled on site during quarry operations and retention structures will control off site discharges consistent with pre-quarrying conditions. These controls will be designed for a minimum of a 100 year flood event". Bawek stated on the east site there are two storm water retention basins -one for 15 acre spur area and one is for the 36 acre dewatering and stockpiling area. Since no process water is anticipated in the spur area, the 15 acre site is designed to hold a 25 year event. A 100 year rainfall event would be somewhat contained but an overflow is possible with an outlet to the unnamed creek and also topping of the berms which is set at 820 feet of elevation. The 36 acre site is not sized for a 100 year event because of the ability to pump offsite". Was the original storm water basin sized to handle the additionally pumped water from the east site to be consistent with the pre-quarry site discharge was one of Bawek's questions. Canestraight thought he understood Bawek's question to be; when they reintroduce waters that are pumped from the east side to the west side, were is the capacity for those waters? Canestraight explained the sand itself will have a net use of water continually, while the plant runs, so they will seek waters from their own, contained process slough, then they would take waters out of storm water ponds to add to that before any utilization of a high cap well make up water, because there is a net shipment of water in the end. In the prior application, 4-500 gallons per minute is added in to the system all day. If the ponds on the east side, on the 15 acres, which is the storm water pond, is getting full, they will utilize that water, bring it back into the process slough and pump it to the east side. Bawek asked if there were slurry lines to that (15 acre site) retention pond also. Canestraight responded the dewatering station will have a general sump added (they would pump to that general sump and probably utilize 3-5 inch either diesel or gasoline pumps to take down a pond elevation like that). Bawek stated that in a 100 year event, from his understanding/reading, is that the water will run into the unnamed creek and also run over the berms (that 820 foot elevation). Emery Palmer stated that is not the intent of the design. Palmer believed Bawek was asking specifically about the northwesterly area on the north side of the unnamed creek. Bawek responded the 15 acre spur (the entire site) and the 36 acre site. Palmer stated all of those storm water ponds are designed to infiltrate a 25 year event and that is the actual infiltration of those where they will infiltrate it on site. Palmer explained that the 100 year, there is a over flow capacity built into all of those ponds that contains the 100 year event. What that does is it expands the over all foot print of that pond

– it does not leave the site in any manner. With that design, they are designed such that it still allows room to operate around that 100 year capacity. At the point that we were to get an event that went beyond the 100 year capacity, these berms that are around this site are 10 feet tall which will go well beyond containing any 100 year storm. In a 100 year storm, Palmer stated in the worse case scenario, what one would end up with would be your feet wet while trying to work on the site, but the berms around the site are basically creating a large bowl that contains the entire area. Bawek commented there is an opening to the unnamed creek though. Palmer responded there will be basically an overflow at some point in time along that berm where that berm swoops down to meet the railway. The reality is (Palmer didn't know what type of storm event it would be) it would probably take beyond a 500 year event to actually make water leave that site. Bawek commented the water could leave the site and they can also pump across the original site, and inquired if they have figured for all of that? Bawek asked if pumping all that water back to the original site was figured into the original plan? Palmer replied not the 500 year, but the 100 year event is all figured in and on the west side of the highway, there is processed water retention ponds which have additional capacity where they can pump water well beyond what they actually need to contain or are actually using in their processing and losing in the shipped processing, where they have additional ponds that hold processed water on the west side that can be used for overflow storage. Canestraight thought we have to look at what is the standard of the design engineering. Is it 100 years, 200 or 300 years. Canestraight felt with the redundant capacity on top of the 100 year event, the measure to withdraw those waters and re-introduce them is well in excess of good engineering design. Brandt stated the question is what is good engineering. Our question is what is the recommendation of the third party review and theirs is to size for a 100 year event. Palmer commented that is what they have done. Bawek added not according to these guys, it is allowed to overflow. Palmer added beyond a 100 year event. Bawek stated it says it needs to be sized for a 100 year event. Palmer didn't believe they were saying it isn't sized for a 100 year event. He thought they were saying that is Trempealeau County's standard that they need to have it designed to. Bawek replied it says, "the infiltration basin is sized for a 25 year event". Canestraight responded that is correct but the site is designed for a 100 year event. Palmer explained that what Trempealeau County has traditionally done with their storm water and explained the containment area is well over a 100 year event. The calculations have been done for a 100 year event and it does not fill the entire site. Bawek asked what the elevation was of the overflow compared to the berms. Palmer answered there is not a set elevation for an overflow, there is no outlet/overflow pipe. The berms around the site are approximately 10 feet high so one would end up with water 10 feet deep over the entire site before one would ever overflow it. Brandt was impressed with the idea of pumping – actually pushing that much watered sand through a pipe is pretty significant. There is a concern in the response section related to that and the question from the 3rd party review was how many pumps are going to be used. Brandt thought the answer was one per pipe – that is to say each one of the sand pipes and each one of the water flow back pipes are going to have its' own pump. There is also a discussion about a sort of fail safe system where it is being constantly monitored so that if something has gone wrong in one of those pumps, it shuts down the whole system. Brandt commented if it is all under water, this stuff is not going to be working, at which point it doesn't matter if there is a fail safe system. Canestraight responded in talking about engineering designed in excess for a 100 year storm, then you need to raise the engineering standards and say let's design for 125, 150 or 175. This is designed for a 100 year event to fill the site. The rail spur portion of that is designed to infiltrate back to the same watershed that it would have traveled to anyhow. Canestraight added it isn't associated with the dewatering process or the storage process. It is a rail bed. The same kind of rail bed that is going to be 50 feet from it, which is the existing Class I rail bed that the water will pass over. So they've separated the system and contained those storm waters to the north side of it and segregated it from the south side, provided a 100 year plus capacity and are prepared to be able to reincorporate those waters at the 4-5000 gallon per minute pumping rate, they're not talking about inadequate pumping capacity. The sump that would be fed will easily take waters pumped out of that storm water pond. Palmer added they could also provide those run off calculations which show the volume of the ponds. Palmer didn't have them right here at the moment, but they could easily provide those which show the draw down curve for ponds meeting that 25 year event. The foot print of that 100 year event being contained within them. They can even provide calculations well beyond, that show the cubic feet the entire site would contain before it left the designed foot print of that pond. Canestraight felt that proposed condition should be to meet an event – should it be a 100 years or 25 years, then they will accept that condition. He didn't want to get into a gray area of what it expected. They've designed it

for 100 years because that is the stated standard. Bice's understanding was that is acceptable and should be acceptable. Bice wasn't sure and clarified that Bawek's concern is that the retention pond is only designed for a 25 year event. Bawek clarified the outside berm around the retention pond is his concern because in the drawings it has an area where it can run off into the creek. It seems that at the same elevation, it will also be topping the berms. Palmer stated the berms that Bawek is speaking of on the outside perimeter of the site, they weren't even considered in a single one of their calculations for containment of that storm water. Those exterior berms are just an additional fail safe that ensures that everything slopes towards the pond. They are going to be 10 feet tall but with that 100 year storm that is designed for it, that doesn't even utilize those berms. It stays within foot prints shown on the maps, basically, for those 100 year storms. Bawek couldn't find that 100 year foot print. Palmer explained that 100 year foot print is basically incorporated into the 230,000 cubic foot size of that infiltration pond on the southern infiltration pond and the more northern one of 270,000 cubic feet. Upon Bawek's inquiry if they were figuring on pumping that, Palmer replied they are figured on drawing down naturally for infiltration. Lien commented that we have stated that month after month, we've seen plans where every engineering firm accounts for infiltration. It looks great on paper (Palmer and Lien have had this conversation) the reality is when you put fine sand, clay particles or polyacrylamides in there, there is zero infiltration. That is why we have all these run off storm water events being violations because it doesn't infiltrate. Lien reiterated it looks good on paper and in the past the Committee allowed 10 year, 25 year storm events. Lien had talked to the company about at a minimum 100 year storm event as the Dept. is required to do 100 year storm events when doing projects for DATCP or DNR. The infiltration is the key part because if one had natural open, porous sand, which one will have when they excavate there, they would get a certain percentage of infiltration. The reality is that there is runoff that has some fine clay and with any polyacrylamides that get in there they seal the bottom of that pond, and there is zero infiltration. A 100 year storm event is not expected, it is a given in our area as we get them frequently and that is why there are breeches and overflows and run off events. Lien thought what Bawek and Brandt were getting at is the reality, not speculation, not on paper, but really how does the applicant propose to affect the reality because there isn't going to be very good infiltration. Canestraight pointed out that on the application that we are considering here, we are dealing with post-processed sands so incorporating fines into that thought process, we both know that the slimes and the clays which have been removed from the sand are what is plugging the porous ponds and causing them not to infiltrate. On that side you'll have two segregated systems, one being just the storm water collection system off the rail spur which has no sand associated with it, so it would be whatever natural soils or earthly products are running in the storm. Lien added or what is coming off the wet pile. Canestraight replied the wet stock piles themselves are designed to run towards the processed water collection which is a different pond system than the storm water. First of all, the sand store won't have the fines, clays, etc. in there and secondly the contour of the impervious pad to run to the processed water collection versus the area that would run to storm water isn't yet another attempt so Canestraight would argue that in those soils over there (we are seeing those through a well bore history as loosely consolidated sands along that riverbed. Canestraight thought this site has about as good a chance of decent storm water infiltration characteristics as any that are sitting on top of stone or sand stone which is the other recent ponds are infiltrating is that they are built on sand stone. Bice mentioned that the world is not a perfect place. We could get a serious tornado, earthquake and there are other things that could happen (people on our Committee have farmed and we know about erosion and run off and most of us do our best to prevent that). What has gone into this appears to Bice to be probably as good as it has ever been, as far as an application that has come to this Committee. Bice didn't think they were going to tell the Committee that it is perfect but from what he gathers they have done a job that should hold up to what they are going to put it through. Zeglin questioned Lien (mentioning that we recently had four mine sites that had run off problems), as to what were those sites designed for as far as 25 year or 100 year events. Lien thought one for sure was a 100 year event and asked Palmer for his input. Palmer commented he was aware of only two of those sites and has looked at them and actually was brought in to help them fix their problems since this has happened. Palmer stated on those two sites, neither of those two sites, be design, were internally drained. Based upon how things were installed and what was done there, Palmer never saw any calculations with either of those sites but Palmer had to say they were designed for any certain sized year storm but basically the design of them failed simply because rather than having overflow areas which would back up onto the site, they had an outlet pipe. When their pond got too full there was an outlet pipe and that carried all of the

sediment away that was suspended in that water and discharge it in the surrounding environment. That is what the design was. The difference with this site is ponds are designed to just continue to expand over the mine floor. They are sized for 100 years as they sit on the mine floor. If they expanded beyond that, then they run into a 10 foot tall berm that they have to actually top before they actually discharge from the site. That is why Palmer feels they're designed for a 100 year storm but there is that extra safety factor of the entire site being surrounded by a berm, that all of a sudden one has created a second dam, that goes well beyond a 100 year storm, and backs that water up. Anything, eventually, could top (Palmer understood the concerns) with a discharge, but there is no designed discharge point other than there will be a point in that 10 foot berm where it is slightly lower but that is not being designed that way for discharge. Palmer imagined that if we did the calculations out on that 10 foot berm that there is no reasonably predictable storm that could ever fill it. Bawek asked what the elevation was of the overflow area on that site compared to the berms? Palmer responded there wasn't an overflow designed. Doerr interjected asking if there wasn't a third party review to answer some of these questions as to whether they have met the standards or not. Bice responded we do have those answers and that he could take no more public comments. Canestraight stated something important to consider, in reviewing the gradation of the site is that the site has to be set at the rail main, so when they cut and fill to level the area for the rail spur, they're already dealing with being at a pretty significant elevation, so the river bed itself should be some 30-40 foot lower by grade than the frontage of that site or the main as it currently exists. If one looks at that site it falls off tremendously from the main rail. A 100 year event has been designed for that space incorporated within the berm, to hold that 100 year in the expanding pond so then the berms are just an addition to that. Regardless of what the specific elevation is, it is going to be "perched" or higher than everything else so that if it did overflow, of course, the grade is going to run down to the river. Upon Bawek stated he would still like to know what the elevation difference is, Palmer responded the problem with answering that is there is no design out there so it is hard to give Bawek a number for it. Canestraight added we know it is at least 10 feet higher than the top edge of the pond. We know that the berm is 10 feet higher than the top of the pond. As Bawek is describing, they are going to be lower as they approach the mains because the grade is naturally coming back up. Canestraight commented where we are going to be dealing with a site that kind of falls off towards the river so that the berms will be at their full height is towards the back of the property as you wind them around the edges they are naturally going to get lower because they are coming up hill to meet the rail grade. Bice announced that the Committee would move on from the questions they may address to questions that the Committee must consider. Bice read aloud, "In addition to taking into consideration the general criteria governing the granting of a Conditional Use Permit under Section 10.04, the County must specifically analyze non-metallic mineral mining proposals in light of the County's interest in providing for #1) the wise use of natural resources. Discussion took place on this item with Canestraight describing the use and volume of waters. Different uses for the sand were also discussed. (The following discussions are noted but not typed verbatim. For a complete audio/video of the entire discussion on this or any other item in the meeting contact the Trempealeau County Community Television office and they can provide an audio/video tape of the entire meeting). #2) Aesthetic implications of siting such a mine at a given location. Brandt noted that in all fairness this was not a mine it was a processing facility so it was decided to go on to the next item. #3) The impacts of this operation on the general health, safety and welfare of the public. Discussion on the stockpiles and control of them and the conveying system took place. Upon Zeglin inquiring about air monitors on the site, Lien responded a mobile one had been incorporated in the other site so it could be utilized or the Committee has the right to require a second one because they are separate sites. Bice read the next section aloud which stated, "in approving Conditional Uses, the Zoning Committee also shall determine that the proposed use of the proposed location will not be: 1) Contrary to public interest and 2) detrimental or injurious to the public health, public safety and character of surrounding area. Discussion took place on this issue particularly the wetlands in the area and the delineation and mitigation of them. Bice read aloud, "In order to grant a Conditional Use Permit for a nonmetallic mineral mine, the County must find that the proposed operation is an appropriate land use and the site in question based on the consideration of such factors as 1) existence of nonmetallic mineral deposits proximity of the site to transportation facilities and to markets, 2) the ability of the operator to avoid harm to public health, safety and welfare and 3) the ability of the operator to avoid harm to the legitimate interests of properties in the vicinity of the proposed operation. The Committee discussed these items particularly the effects of the rails and the volume of sand leaving this County. Bice stated some additional things the

Committee needs to consider in adopting conditions are: 1) public infrastructure including but not limited to streets, highways, schools and other public facilities, 2) present and proposed uses of land in the vicinity of proposed operation. The Committee discussed these two issues. Bice pointed out that we can't be like California and stifle business and now they are in dire straits as they have no money in order to supply basic services. Brandt pointed out particularly that Whitehall has a variety of business's including small stores, schools etc. and that he wasn't sure how putting a trans loading facility in here was going to make Whitehall a stronger community. Brandt also mentioned that the Village of Taylor, with Badger Mining, doesn't have these things. Brandt noted the Towns' Association study which shows the negative effects of sand mining operations on municipalities. How one defines positive and negative may be subjective. 3) Service water drainage, water quality and supply. For the record, Bice stated they irrigate lots and lots of farm land. Those wells, when it is dry run constantly, 1000-1200 gallons per minute and there are very few issues with water supply. Way up here in a fairly isolated area, Bice doesn't think their water issues will cause a problem. Zeglin commented the irrigation wells are just run when they need it and seasonally, so she felt Bice was comparing apples to oranges. 4) Soil erosion – Again the piles of sand next to the Trempealeau River were brought up. 5) Aesthetics including but not limited to scenic beauty and conservation of natural resource of outstanding quality or uniqueness. Since no comments were forthcoming the Committee moved on. 6) Market value of lands in the vicinity of proposed operation. Bice commented he had received a call from a landowner who's land was worth between \$10-12,000 an acre with a proposed mine nearby and if the mine didn't go through it would only be worth about \$3,500 per acre so that is something to think about. 7) Physical practicality of reclamation of the site after the operation has been concluded. Discussion took place on the site preparation and reclamation. 8) Public interest from the standpoint of smoke, dust, noxious or toxic gases and the odors, noise and vibration, blasting and the operation of heavy equipment and machinery. No comments were forthcoming on this item. Bice stated the Committee would not move on to proposed conditions. Budish reiterated that there were no additional conditions sent from the Town of Preston. Budish read the proposed staff recommended conditions.

1. High capacity well monitors will be required to monitor usage of water from the wells utilized by the owner/operator and a water consumption report will be submitted to the County at the end of the processing season to be kept on record with the Conditional Use Permit for owner/operator.
2. Annual slurry and water line inspections performed by third party, independent party and inspection results will be submitted, prior to seasonal start up, to the County to be kept record with the Conditional Use Permit for owner/operator.
3. Service road entrance will be appropriately locked and gated to prevent unauthorized vehicular access and keys shall be made and given to the County.
4. Owner/operator will install, but not limited to with correspondence with Fox Valley and Western Railroad, CN Railroad or appropriate railroad correspondent, railroad warning lights at the intersection of the railroad line and Schansberg Road.
5. All lighting will be shrouded and mitigated from neighboring property owners to prevent light pollution.

Lien suggested lining out "and mitigated" in #5 so it reads, "shrouded from neighboring property owners." Lien wasn't sure if mitigating had ever been allowed but noted that the DLM has had a lot of complaints since the one mine annexed to the City. Behling had no objections to this change. Brandt stated in the past the Committee has been able to view the "permissions" from the various agencies that the applicant will be working with such as DNR, DOT and the railroads, and asked if any of those were available. It was mentioned that was part of the standard conditions. Brandt stated the other issue that was raised in the third party review is that there should be some sort of town road use agreement. Behling stated they would do that and they had no objection to doing that. Lien stated the town didn't ask for that to be a condition on this one. Brandt moved that the condition be added that road use agreements will be negotiated with the Town of Preston. Discussion took place as to which roads. Canestraight stated they had approached the town, as to the construction phase, keeping in mind that the application is only for the import of those materials and those type of travels and they indicated

through a letter that they would enter a road use agreement on that portion of the road necessary to access. Brandt reiterated his motion. Radtke commented the Committee could go through each one and make a motion on each or the Committee can go through each condition, discuss and come to a consensus as to what they are and vote on them as a whole. Behling noted the applicants had conditions/changes they wanted to make on the staff conditions and others as well. Behling stated in reviewing Condition #2, they felt, based on their experience, that the best way to do the inspections are through pressure tests as they don't think camera inspections will reveal much and would like the condition amended to read as such. Lien clarified that right after "line" the condition would read "pressure test inspections". Discussion took place on visual and pressure tests and it was determined to leave the condition as is by all parties. Behling moved on to Condition #3 mentioning that he and Radtke had discussed this and inquired what Radtke had determined. Radtke stated that Lien and Budish, who would be doing any visits to the site are MSHA certified and they are also aware that they would need permission to enter the facility to do any inspections, it is just more of a convenience. Behling stated they have no problem giving access 24/7, but it asks for the keys to the gates be given to the County. Behling noted that if there is an individual that is on the property that is not MSHA trained, and it needs to be site specific to the facility, then the applicant faces extensive fines. Their preference would be the applicant gives access 24/7, the County calls and they would let them in, (not blatantly turning over keys which can get lost, misused or circulated) they just thought that was a better way to do business. Discussion took place on this condition. It was agreed upon by all parties that in Condition #3, after the word "access", the rest of the condition would be lined out/omitted. Behling addressed Condition #4 and wanted clarification as to what was exactly meant regarding signage. If the County meant the applicant needed to comply with the Commissioner of the Railroad signage requirements, the applicant had every intention of doing that. Lien responded he has received a lot of public comment about, with the existing rail line that is there, a lot of times the train blocks it (as it is not a really good intersection because of the two roads converging there) and this would potentially make that worse. Lien understood that the railroad has jurisdiction there, but he felt the County wanted to encourage the applicant to provide more accountability to the public at the rail site. All parties were alright with that. Behling stated there was some discussion about air monitors and since they are mining wet sand and shipping wet sand, there is no dryer, emissions shouldn't be a problem so that is why the DNR is not requiring the applicant to have a permit on this aspect of the operation. Behling added if the County feels better or if the County wants to incorporate language regarding air monitors they have no objection to that. Discussion followed. Lien suggested modifying the standard language that the County has, to utilize the one that the County has required already unless it becomes a concern, then a second one might be required. Lien noted there is quite a separation between the two sites. Zeglin stated she would feel better if there were a monitor on this site as it was her understanding that there would be two stockpiles there. Behling stated no problem. More discussion followed on types of monitors and studies of them. Lien reiterated a couple of added conditions, one being a second air monitor and truck traffic related to rail. Lien stated it is the applicant's intent to utilize rail or truck out of it. Lien reminded the Committee that they have every right to condition what happens, so if the Committee wishes to limit the rail and trucking to/from this site only, they have every right so as to make sure that material isn't hauled in from somewhere else. Lien re-read the last paragraph of State Senator Tom Larson' letter which stated, " the common residents approve the Sand Products, WI amendment to reduce truck traffic impacts on local and County roads", so Lien felt his support was based on traffic reduction on those roads. With that in mind, Zeglin stated she would like this conditioned so that this trans load site be limited to this mine, not be open to any other mines bringing sand into it. Brandt seconded that noting that the majority of the support that has come from the public (even those opposed) has been because it limits the number of trucks that are on the road. Bice stated we have a motion and a second on the table basically limiting the sand that goes out on rail to this site (across the road). Behling clarified that the motion was that the applicant could only take from their 3 existing mines or mines controlled by Sand Products, WI. Zeglin stated only from the mine attached to this site as she felt that was the original intent to limit the truck traffic by putting in this rail spur for the mine across the road (the Highway 53 mine). Canestraight commented that the scale of the capital investment there and their business plan is to utilize the rail line to the best extent they can and to its' capacity. Quality and nature of the sand that is available and where the most desirable business practices are, good logic says they're going to utilize the rail. To handcuff it business wise and limit the output of that rail spur and then have some issue with the sands from within that mine would be very concerning to Canestraight. Zeglin

reiterated the public support for this project has been a little more positive merely because the perception is that the applicant will be taking more trucks off the road and that sand will not be hauled in from other sites. Canestraight replied the application that has been put forth here doesn't attempt to add any trucking and doesn't invite any truck traffic into the rail spur. The mines that have been permitted have trucking rights that the applicants have not made any modification to, in their application. Upon Nelson's inquiry as to the size of the site, Canestraight responded this would be a 240 car site. Discussion followed on this issue particularly shipping on rail and concerns related to the trucking and the amount of truck traffic. Zeglin reiterated that she would like this to be a closed site (only for this particular mine) and if it is left open no truck traffic will be reduced. Canestraight commented that compels all of the existing and all of their additional mines to be forced to truck their sand longer hauls out of the County and he didn't agree. Zeglin inquired if the intent was to use this site for all their current mines and any proposed mines down the road. Canestraight responded not if the material out of the site can fill the capacity of the rail spur –no, that would be the most cost effective use of the spur is to use their own material at the spur. Behling added that with the agreements they have with the landowners, there is a financial incentive for them to use the sand from their site and so financially it is in their best interest and it is not their business plan to open it up, but it is just about keeping options available for whatever future markets could throw their way. Zeglin reiterated she would like this to be a closed site. Lien added that because this is a conditional use process, conditions can be amended in the future. More discussion continued about reducing truck traffic. Bice called for a voice vote clarifying that an "aye" vote means that one supports closing it to any additional sand trucks. The motion was clarified that it is to allow trucks with sand mined only from the site across the road (only this Highway 53 site). More conversation took place. Bice stated the "yes" vote would be to not allow sand to be trucked into other areas. Zeglin called for clarification from Radtke. Radtke stated the motion as he sees it is essentially a motion to amend the main motion which was to approve the permit, so it would be a motion to amend to add a condition that would say that this site would be closed to transporting material that arrives only from the mine connected to it on the west side of Highway 53. A "yes" vote would be to add that condition limiting this site. A "no" vote would be to not add that condition. The motion being voted on was clarified several more times for the Committee. Radtke clarified that he understood the motion as being to amend to add a condition to limit transportation of the material on the rail load out to material from the connected mine on the west side of Highway 53. Lien stated he felt what Radtke stated would allow sand; no matter where it comes from, to be trucked in to the west side of Highway 53 and Lien didn't think that was Zeglin nor Brandt's intention. Radtke stated this is obviously going to have a big impact so the motion needs to be clear as to whether it is material coming from the west side or is it material is mined specifically from the west side. Zeglin stated the motion would be for materials mined only from the Highway 53 site. Canestraight asked if that included any future site or the expansion of that site. Zeglin stated if it was expanded that would have to be re-visited anyway. More conversation took place on this issue. Upon Bice asking Lien to clarify the motion which is being voted on, Lien stated Zeglin would like to limit the material coming to this site, from the mine across the road, because that was the public perception (and what was perceived from the last hearing and from this hearing), as to how this site would be utilized to reduce truck traffic, yet, in their other permit, they have trucking allowed and originally Lien thought they had said that would go away when the rail spur came. Lien added then the plan was modified to say, "no, we still want that option to truck", so they still have trucking capacity in that other permit and then the additional rail, so Zeglin's motion and Brandt's second to the motion was to limit them to that. Canestraight noted it is listed in their D95 North and South sites that they mentioned a future rail spur. Bice stated a "yes" vote means only sand coming from the Highway 53 mine. Bice verified that everyone (Committee members) understood the motion. A voice vote was taken on the motion: Vold – no, Low – no, Zeglin – yes, Bawek- yes, Brandt – yes, Patzner - no, Nelson – no, Bice – no, motion failed 5-3. Behling stated they had an additional condition they would like to address. Behling stated that in discussion from Committee member Bawek there was concern about the storm water capability of the collection ponds. Behling and the applicant were willing to add the condition that storm water collection ponds will be designed to contain the 100 year storm event so it would be an increase to capacity. The applicant was willing to add that condition to satisfy that concern. It was consensus in the room that would be an added/included in the conditions. Lien clarified/recapped the conditions stating #1 -Basically stays unmodified, #2 - Stays unmodified, #3 – Put a period after the word "access" and delete "and keys shall be made and given to the County", #4 – Stays unmodified, #5 – Delete "and mitigated" so it states "All lighting

will be shrouded from neighboring property owners to prevent light pollution”. Zeglin had discussed adding a second air quality monitor to that site (the same type language -removable filter type) because of air quality. Bawek or Brandt had mentioned having a road use agreement with the Town of Preston on the town roads that will be traveled. Behling and Canestraight had brought forward that the storm water ponds will be designed to a minimum 100 year capacity. Brandt made a motion to approve and add the conditions as stated, Bice seconded the motion. Motion carried with no opposition. Bice stated we are back to the main motion as amended. Since there is a discrepancy with the road names on the map, Palmer clarified for Brandt that the rail was for Schansberg Road. Brandt commented that as a Committee we speak for the soil and water and the other communities in the County. Brandt personally doesn’t see that this is a place for this sort of operation that they are talking about especially for the stacking which is so close to the river and wetlands. Brandt agreed with Bawek that he didn’t think any type of mitigation is going to keep this site from damage. Zeglin concurred with Bawek and Brandt that this isn’t the site for this plan. Motion to approve the Conditional Use Permit carried 5-3 with Zeglin, Bawek and Brandt voting in opposition. At this time the Committee took a 10 minute recess.

Public Hearing - Conditional Use Permit and Reclamation Permit – Nonmetallic Mine - James M. Guza and Nancy A. Guza, Andrew J. and Carol Puchalla and Robert J. Smith, Property Owners/Applicants, Arcadia, WI and Cameron Rail Site, LLC-Guza Expansion, Operator, Winona, MN - Town of Arcadia

At 4:12 PM Bice called the meeting to order and opened the public hearing. Nelson read the public hearing notice aloud. Budish gave a staff overview stating the site is currently 21.6 acres and is mining and processing. Budish provided an overhead aerial photo for everyone to view and noted that all sand mines are now mapped online. One can just click on them and learn the status, etc. of each mine site. They have a haul route that leaves the site, goes down River Valley Road, connects to Cross Road and then enters onto State Highway 93 on which they have the option to travel either north or south. The proposal is to add another wash plant to the south. Budish stated the applicants have a presentation in which they are going to demonstrate and explain everything else that is different. Budish noted that this proposal will increase the acreage to 489 acres which encompasses an addition to the north site – roughly 10-12 acres to increase it to a total of approximately 30 acres and then below (south) will be another approximately 254 site. There is a big area located there that is going to be exempt as it involves the creek and two different farm sites. Palmer introduced the members of Cameron Rail; Randy Spangler, Mondovi. Spangler stated he was one of two partners that are owners of Cameron Rail Site, LLC which has been in existence for about two years. Spangler explained they specialize in the washing of sand; they do not have dry plants. They currently have washing facilities (Neillsville, Black River Falls, Arcadia) in which they wash hydro sized sand for a number of companies throughout the state. Addressing the Guza mine, Spangler stated they have had the existing site, the small plant that sits up front on the small 21.6 acre property. As their markets have developed, they’ve looked to expand that site, and now that the sand is good and they have a market for that sand to put an additional wash plant there to facilitate a little bit more production out of there and keep that all going. Spangler added that is the basis for them being here. They’ve run a good operation up to this point and they are just looking to expand on that and have more reserves and have a bigger plant there for additional sales. Spangler gave a brief overview of his personal background. Brandt verified that James Guza was present. Luke Kramer of High Cliff Consulting, on behalf of the applicants, gave a PowerPoint presentation. Kramer provided an overhead photo of the site noting that they are looking to expand the Guza site to the south (mostly on the Guza property but it touches on some neighboring properties to the south). It is located about four miles north of Arcadia on River Valley Road. The topsoil will be stripped and used in the construction of berms which will help contain any storm water on the site and shield it from view from River Valley Road. Extracted material will then be processed on site at the proposed wash plant. The north part is already in operation. The plan is to expand to the south and run both sites simultaneously. There will be a wash plant installed on the south side so that all materials can be washed on site. The product, once processed will be shipped out via River Valley Road going north to Cross Roads to Highway 93 either north or south. Kramer noted the soils were mostly silt and loam over a sand skeleton with some areas of the topsoil being less than 6 inches - not the best farming soil. Kramer described the soil and in doing so stated the site has a rolling topography made mostly of shallow ridges which can be a challenge to farm. There have been issues in the past with erosion control. Hopefully with reclamation they would hope to make that better and decrease runoff velocity and increase infiltration on the site. Kramer noted there is a large

unnamed stream running through the middle of the site dividing it. They have established a 300 foot buffer zone around that creek where no mining or construction will take place. There is also a small intermittent stream which is dry most of the year but does actually drain mainly through two valleys to a small farm pond. Kramer further described the site. Phase 1 of the north site is currently in operation and they will add another phase to that site. Kramer further described the preparation of the site for mining. A “rolling” reclamation will be used. As phases of mining are completed, the reclamation will begin as soon as is practical. They plan to treat north and south as two separate sites even though they are part of the same operation as it will be easier to analyze each site on its own merits, plus the buffer zone around the unnamed creek is continuous and does effectively separate the two sites geographically. The mine will operate for approximately 15 years with the site being totally reclaimed at completion. Best management practices will be put into place to prevent erosion and storm water drainage. The plan is to basically contain all possible storm water on the site and infiltrate it on site and not allow off site drainage. There are erosion control measures planned to protect the stream. There are measures planned for dust control, noise control and visual screening. Kramer explained the different mining phases and the processes involved. Kramer described sensitive areas on the site. Kramer explained the storm water runoff management plan and the infiltration basins. Kramer stated there is an intersection being proposed on River Valley Road which will be paved about 75 feet in length. In front of those 75 feet, a tracking pad will be installed to insure that fugitive dust, silt, etc. gets shaken off the trucks before it goes on public road. As part of the permit conditions it was stated that the mine is responsible should any material make it on to the road. Currently the site is approved for 50 trucks per day and part of this permit will be to increase that to 100 trucks per day in order to accommodate the fact that both north and south portions of the site will be operating concurrent with each other. Kramer gave further details on the proposed intersection (haul road and River Valley Road). It is also proposed to upgrade the intersection of Cross Road and State Highway 93 to accommodate the increased traffic. There will be an infiltration basin to infiltrate storm water and a retention pond which will contain any excess water coming from the washing facility. Kramer further described these two items. Kramer stated the water for the hydrosizer will actually be coming from one well across the creek (either over or under the creek) and will provide water to both the north and south sites. Kramer provided further information about the well. Preliminary drawdown analysis shows this well will not affect any neighboring wells that have already been drilled in the area according to Kramer. Kramer described the water flow in the sand washing process and the roll of the high capacity well in that process. There will be water lines connecting the well on the north site with the wash plant on the south part of the site. The water lines will run through that buffer zone. There won't be any construction within that buffer zone they will just lay down piping. They are currently in contact with DNR to see what permissions they need to run the pipes straight over the stream. It seems, by definition, this is a navigable stream (they are awaiting DNR determination) so they have already begun the Chapter 30 permitting process. Should that fall through for some reason they are considering directional boring near the stream as a secondary option to make sure that one well can service both wash plants so they won't have to drill an additional well on the south site. Kramer gave an overview of the north site mining. Totally the north site is 118 acres but they are only going to disturb 35 acres. Kramer gave an overview of the south site mining. Kramer noted that the south site is around 371 acres, however only 260 acres is planned to be mined/disturbed. Once all mining operations have ceased the reclamation phases will be completed at a 3:1 slope. Bice complimented Kramer on his presentation. Bice called for any public testimony.

Jeff Woychik, Independence – Registered to appear and testify for information only. Woychik was no longer present.

James P. Woychik, Sr. , Arcadia – Registered to appear and testify for information only. Woychik lives right across River Valley Road from the mine. Woychik hasn't had any problems with it yet, they did have a little trouble with the trucks which has been taken care of. There has been nothing serious with the dynamiting or anything like that. Woychik's only big concern is his well (he has stuck a quite a few thousands of dollars into a new one) and if it goes bad or dry someone is going to have to pay Woychik. Woychik had talked to the secretary as he never received a notice for this meeting. Evidently his name was not on the list for adjoining landowners and the letter was for information only. Woychik stated this is the first time his name wasn't on the list and he was surprised as he had to find out some other way.

Jason Rouleau, Eau Claire – Registered in favor. Rouleau works for Randy Spangler and manages three plants and they do a good job.

Randy Spangler – Registered in favor. Didn't need to do any additional testifying. He wasn't sure if he needed to fill out the form or not.

Dominic J. Puchalla, Arcadia – (Written on paper) I am contacting you regarding the proposed expansion of the Guza Nonmetallic Mining expansion. I would like to register in support of this project.

Kyle Puchalla, Independence – Registered in support of this project.

Brian Puchalla, Independence – Registered in support of this project.

There were a group of form letters that were submitted. The registrants are listed below. The form basically stated the person was in favor and would like to support the project.

Amy Nelson Puchalla, Arcadia

Jerrod Nelson, Arcadia

Melissa M. Puchalla, Independence

Carol Puchalla, Independence

Andrew Puchalla, Independence

Richard Skroch, Independence

Travis Hempker, Winona

Bob Cisewski, Winona

Jane Cisewski, Winona

Colin Rath, Arcadia

Lavonne Cisewski Mikrut, Fountain City

Rich Mikrut, Fountain City

Cody Hundorf, Arcadia

Laurie Rath, Arcadia

Chris Nisbit, Fountain City

Dan Nisbit, Winona

Ken Bork, Fountain City

Everette Eide, Winona

Ron Sonsalla, Independence

Thomas Zolendek, Winona

Ralph McNahay, Winona

Dennis Ferraro, Bloomer

Michelle Maslowski, Ettrick – Registered to testify in opposition. Maslowski had already left.

Tim Zeglin, Independence - Registered in opposition but not testify.

Joel P. Haas, St. Charles, MN - Registered in favor.

Candy Kreidermacher, Rollingstone, MN – Registered in favor

Steven Scharmer, Minnesota City, MN –Registered in favor

Denny Gile, Rollingstone, MN – Registered in favor

Arvin Holdegaard, Dover, MN - Registered in favor

Mark Polzanc, Jr., Winona, MN - Registered in favor

Jerry Holtegard, Dover, MN - Registered in favor

Shelly R. Fleming, Prescott, WI - Registered in favor

Sam Vaticowski, Winona, MN – Registered in favor

Joseph Kronenbush, Winona, MN - Registered in favor

Larry Dubois, Altura, MN - Registered in favor

Melvin Bollom, Chippewa Falls – Registered in favor but not testify. Form indicated he was present today. He requested a document to be read into the record. Lien thought the document was from the internet on crystalline silica and agreed to read it into the record. Lien read aloud, "Quartz is the most common silica crystal and the second most common mineral on the earth's surface. Sandstone is comprised of quartz silica sand and is present across the majority of Wisconsin and is present on all Wisconsin beaches. Silica sandstone mining has been ongoing in Wisconsin since the 1800's and many western Wisconsin company's mine and process sandstone which consists primarily of crystalline silica. Only recently has the public become aware that one of the numerous uses of silica mined sand is for hydrofracking in oil and gas reservoirs. A practice that is as old as the oil and gas industry. When used in the oil and gas industry, the silica sand is referred to as frac

sand. When used elsewhere, silica sand is referred to as glass sand, filter sand, texture sand, traction sand, foundry sand, shingle sand, play sand, etc. This specialty industrial sand is commonly and extensively used in numerous household products such as cleansers, paint, clays, talcum powders, cat litter, cosmetics and is a natural component of the soil used everyday for gardening and farming. It is present on the beaches which we re-create and also present in children's sand boxes. Silica sand is present as vehicles travel down a gravel road on a dry summer day. Recently the sand mining industry has been targeted with a barrage of opinions regarding alleged negative impacts of silica sand mining on ambient air quality. Let's take a moment to look at some facts. In August, 2011, the Wisconsin Department of Natural Resources released a Silica Sand Study in accordance with the Wisconsin Air Toxics Rule, (Ch. 445, Wis. Adm. Code (1). The WI DNR's Silica Sand Study provided some remarkable facts. Sources of crystalline silica are ubiquitous and include paved and unpaved roads, windblown soil and agricultural activities (e.g. – tilling and harvesting). Controls for crystalline silica are the same controls typically used for particulate matter (PM). Wisconsin has regulated PM for 40 years. The controls for PM are the same controls for crystalline silica, this means that for those crystalline silica sources where PM is controlled. Bice noted this same individual submitted a chart from someplace called USEPA basically claiming that mining and boring is 1% of the contribution of crystalline silica emissions and wind erosion, driving on unpaved roads, driving on paved roads; construction and agriculture all contribute the rest.

These forms were the same copies forms as acknowledged previously in the meeting.

Jeremy Suhr, Buffalo City – Registered in favor

Brad Kramer, Winona, MN - Registered in favor

Randy Lietha, Buffalo City - Registered in favor

Byron Conners, Minnesota City, MN - Registered in favor

Derek Symitczek - Registered in favor

Monica Moy, Cameron, WI - Registered in favor

Bice read a type of petition which stated by signing this document I register in favor of the project. It was signed by the following: Trisha Flick, Independence, Ashley Little, Independence, Casey Prudlick, Independence, Mike Bremer, Arcadia, Jesse Sobczak, Independence, Crystal Aspen, Arcadia, Bronson Cardinal, Independence, Alberto Cadera, Arcadia, Dennis Korpak, Arcadia, Rose Korpak, Arcadia, Karmen Bishop, Ettrick, Kevin Guenther, Ettrick, Brian J. Smith, Arcadia, Jon Fjelstad, Pigeon, Barbara Garafalo, Arcadia, Robert Deck, Waumandee, William C. Smith, Arcadia, CJ. Smith, Arcadia, Doug Sokup, Arcadia, Bob Sonsalla, Arcadia, Carmen Weaver, Arcadia, Jerry Matchey, Independence.

Nancy Schultz, Arcadia – Registered in opposition but not testify

Margaret Backes, Arcadia - Registered in opposition but not testify

Brenda Sonsalla, Arcadia - Registered in opposition but not testify

Noreen Haines, Arcadia - Registered in favor but not testify

Roger Haines, Arcadia - Registered in favor but not testify

Jayne Benedict, Blair – Testify in opposition. Benedict had already left the meeting

Kary Jonas, Arcadia – Registered in opposition but not testify

Gary Bixby, Blair – Registered in opposition but not testify

Nancy Horton, Ettrick – Registered in opposition but not testify

Michelle Maslowski, Ettrick – Registered in opposition but not testify

Charlotte Everson, Blair – Registered to testify in opposition. Everson wasn't really sure what to say because she knows nobody can hear her. She has a voice but it is not a voice that is heard here. She has a voice for her neighbors. She has a voice for all the 4-H kids that live next to Larkin Valley. They had to move. The kids in Taylor because of Taylor Frac that had to move. What was the small square in the bottom of the south region by that road? Is that a residence? Everson asked yes or no? Palmer replied no, it was a barn of one of the property owners. Everson asked where are all the neighbors around here that, like he said, were not adjacent to the property? Last month there was one next to her property. She had to go out to the community to say, "By the way, trucks are coming downtown Blair". This Committee is not informing Trempealeau County as to what is going on. They are informing the people around there who are scared of these big corporations, of their neighbors. It was commented that we are a "mob" mentality because we are some people that say this is not supposed to be happening in my neighborhood to my neighbors. To say that the group before gave money,

insured the property owners next door, that their property value will go up or will it stay the same. Basically black mailed them that, good enough – once I ruin the property next door, I'll buy your property because that is really what I am after anyway. I am not against any of these families who are trying to make money but we can, as a community, figure out better ways. We don't have to rape our entire county. The big deal about this mine that just went in with that rail spur is that there are thousands of acres on the line going up that ridge. These folks say I can go south or north. Where are you going with the sand? Do you have a buyer? Shouldn't that be a condition? Shouldn't that be a condition for you folks? How can you even know you are going to make money if you don't have a buyer? What if you have to go all the way to Winona? This is kind of ridiculous that you can even have a business plan, that's a money making business plan, without having a final income. A grocery store needs to know how much they are going to sell before they can have a viable business plan. Who are you selling to? Here are a couple of little things that were said last month that Everson kind of liked. Sand is a commodity, when there is no more available it is just gone. The rush to make Trempealeau County dependent on this depleting and unsustainable mining economy is crazy. Short term greed will destroy our local economy. There is no "shelf life" or "use by date" on these sand reserves. Take some time Committee to really see what you are doing to this County before you vote yes on every sand mine.

Robert Smith, Independence – Registered in favor but not testify.

Stephen J. Doerr, Blair – Appear and testify for information only. I live in the City of Blair. I have one primary concern and that is that we have a valid government oversight that maintains credibility. Some of you know me from the Trempealeau County campaign for Sherriff of Trempealeau County. Wade Britzius once asked Doerr on the night of the 2010 election results, Mr. Doerr why do you continue to run when it looks like you're not going to win. Doerr does it because he wants to see a valid government that has maintained its' credibility. The young lady, Doerr can see is very emotional and connected to this topic. Doerr is to some degree as well in the fact that in 2010 Doerr started entrepreneurship trying to connect some sand sites to people in Texas. In the process, Doerr met Mr. Bob Hempker of Brantt Valley and he made a commitment to Doerr that he would buy all the sand in Mr. Ted Konkel's mine site and he would also offer Doerr employment. He employed Doerr through the end of the 2011 season. Unfortunately because of Trempealeau County politics and in Doerr's opinion, discrimination, that site never got permitted as it was proposed. This Committee, in Doerr's opinion, sometimes makes mistakes and there is another area of concern that is valid government oversight is failing Trempealeau County in the appointment of Bawek to this Committee. In Doerr's opinion, in 2011 and 2012, Bawek demanded financial compensation for his land via the Dennis Rossa proposed mine site which removed Bawek for eligibility to be a neutral party on this Committee. At this point Brandt called point of order on this type of testimony. Bice allowed Doerr to continue. Doerr stated with Bawek on this Committee he was basically able to make decisions to go ahead and continue to keep the mine site from Dennis Rossa's and take the sand from somewhere else. The young lady asked, "Don't you even have a buyer, how can you do this without a buyer?" Doerr believes, because he physically went to Texas and found some buyers, and he knows the Brantt Valley Company very well, having worked inside it, and they do have a buyer Doerr believes. However, that buyer ultimately just needs sand. It doesn't matter if it comes from Dennis Rossa's sight or Mr. Guza's site. Doerr wishes Mr. Guza's family the best, but unfortunately with this Committee, and being discriminatory in their behaviors, benefiting Bawek and keeping Dennis Rossa's site from moving forward, ultimately leaves another site to be the production of that sand that needs to get to the end user. As you all know, some time ago, Doerr sought to go ahead and make sure that sand was available because he visited sites in Texas that were using clay products instead of sand. Doerr was very much in favor of the movement of sand and he still is but he thinks this Committee has an obligation to make sure that its' members do not have a bias and in Doerr's opinion, Bawek definitely has a bias in that he alleged that there was definite financial loss to landowners due to neighbors mining. A Martin Marietta reports says very different of that.

Bice called for any other testimony.

Nicole Myers letter, Arcadia - Budish noted that this was a letter sent which states I am contacting you regarding the proposed expansion of the Guza nonmetallic mine expansion. I would like to register in support of this project. Please read my name into the record in favor of this project during the public hearing. - I support the expansion of the Guza nonmetallic mine. I have been a resident of Trempealeau County for all my life and married to a farmer for 14 years. Farming is hard work with many years in which the bank has actually owned more of our property than we have. Nonmetallic mining is a way for the landowners to pay their debts

and invest in their family's futures. My husband, an organic farmer, has reviewed the process of reclamation after mining is done and firmly believes that the land will be useful or even more useful after mining than before. Nonmetallic mining is a positive avenue for landowners to get the value out of their land that they have owned and paid taxes on for many years. Myers had attached another form which stated she wished to register in favor but not testify, but she was unable to attend today.

Anthony Myers letter, Arcadia – Registered in favor but not testify. I am contacting you regarding the proposed expansion of the Guza nonmetallic mine expansion. Please register my support for the project. Please read my name into the record in favor of this project.

Bernadine Grzyb letter, Pigeon Falls- Registered in favor but not testify. I am unable to attend today but request that my name be read into the record.

Paula Haines letter, Arcadia – Registered favor but not testify. I am contacting you regarding the proposed expansion of the nonmetallic mine expansion. Please read my name into the record during public hearing in support of the project. I am unable to attend the hearing today.

Margaret Olsen letter, Galesville - Instead of blind, unsubstantiated justifications for approving the permit request by Highway 53 group and the Guza group, please delay approval until an environmental assessment can be conducted by the DNR. There are obvious reservations about the approvals and it is my opinion that the Committee needs to take an active role in examining issues on behalf of all citizens they represent.

Eric Hudson letter, Galesville – I am opposed to any additional expansions of existing permits for frac sand mining in Trempealeau County. The mining of silica sand raises numerous health and safety concerns that are not being addressed. The Guza mine should not be expanded. The amendment to the Hwy 53 Mine shows a lack of concern for the environmental quality of the area, and the proposed amendment would certainly lead to degradation of the Trempealeau River.

Nancy Horton letter, Ettrick – While discussing these two proposals I would ask the Committee to consider the following situation: The number of rail loading facilities in our county is increasing. We have 4 current facilities with 5 more proposed. Is there any plan or consideration of an orderly placement of these facilities? Trempealeau County hosts four mining operations that are currently under enforcement action by the WI DNR for failure to contain runoff from recent storms. These were not 100 year storms. It seems prudent to examine the containment methods required to handle runoff specific to silica sand mines before proceeding with expansions. The DNR has acknowledged serious problems with this type of runoff to streams; “It can damage small microorganisms within the stream, as it goes through it can settle on the stream bed as it flows through; it can settle down and it will destroy habitat.” In light of these determinations it would seem prudent to proceed with caution regarding any such development on the banks of the Trempealeau River. This spring the area around the Trempealeau River south of Whitehall was under water for an extended period of time. Roads were closed to traffic. It does not make sense to store piles of sand there. Not for the industry, not for the environment, not for the public. In conclusion, I continue to urge you to slow down on permitting new and expansion projects until the current operations both here and elsewhere demonstrate an ability and willingness to effectively mitigate these problems. Thank you for the opportunity to speak.

Keith D. and Mary Lee Hegenauer letter, Ettrick – Once again we are faced with an increased, unplanned expansion of frac sand mining operations in our county. In the past few weeks, 4 mines have been put under enforcement actions by the DNR for failure to contain run off. This Committee has refused to listen to facts or reason presented to them by the concerned citizens of this county. STOP issuing permits, LOOK around you, and LISTEN to your constituents! Your actions have consequences! Do we have no COMMON SENSE? We are against the issuing of permits for the HWY 53 East side and the Guza mine.

Letter from the Town of Arcadia – Budish read a letter from the Town of Arcadia, dated May 28th, 2013, which stated the Town of Arcadia Board of Supervisors have passed a motion at their May 23rd, 2013 board meeting stating that they have no objection to the Trempealeau County E & LU Committee issuing a CUP for a nonmetallic mine to Cameron Rail, LLC/Guza south site as long as all listed conditions are met. Budish noted they also submitted conditions. Bice called for any other public testimony. Budish mentioned he had a letter from the WISDOT regarding the traffic impact analysis and the intersection improvement. Budish read a letter dated June 21st, 2013 from WISDOT aloud which stated “Thank you for the opportunity to comment on the amended proposal by Cameron Rail, LLC/Guza property for a facility in Trempealeau County. WISDOT’s recommendations are based on the following information; mining/processing is located on River Valley Road in

the Town of Arcadia. The facility proposes to increase hauling from 50 loads per day to 100 loads per day. The proposed route follows as River Valley Road to Cross Road to State Highway 93 then north or south based on location of trans load facility with trucks remaining on the State trunk system. In light of the information, the WISDOT recommends the following. Based on the proposed increase in the volume of trucks a B2 style intersection should be constructed at the Cross Roads and State Highway 93 location. The applicant will need to work with the Town of Arcadia and the WISDOT to secure the necessary permits for construction. Bice called for any other testimony. Bice closed the public hearing at 5:29PM and called for a motion from the Committee. Low made a motion to approve the application, Patzner seconded. Bice called for any discussion. Brandt asked Guza, noting that this is the third time Guza since the process began three years ago, has come before the Committee with requests for expansion, how he came to change the plan this many times. Guza responded the first time they came for an amendment, they forgot to include 1 ½ acres in the original permit. Then they came to amend the haul route, and now they want to do the other hill and because of the buffer they couldn't combine the site. Brandt asked what Guza's thought process was in terms of the future of the land – was it something Guza decided just recently or did someone come to Guza with a suggestion to mine all the land. Had this been the plan from the beginning? Guza explained that four years he received a call from an outfit out of Winona about a sand pit. Guza told them he didn't want any sand pit on his farm. A couple months later he got another call. Some guys from Texas were driving around, trespassed on his land and took some sand off of his farm and that is how he found out it was there. Within about 12 months Guza had about 20 people in his yard wanting to open a sand permit. Guza then “hooked up” with a broker because he got tired of dealing with them. The broker, Mel Bollom got Guza “hooked up” with Hempker. Brandt noted Guza's name is on the permit and inquired if Guza's plan was to stay on the farm. Guza replied he is staying there and his kids are going to take over the farm. Guza stated the reason he kept his name on the permit is that he has some control as to how it is being operated. Guza noted that Hempker has been good to work with. Brandt stated it seems, with the support that has been provided from Arcadia and Independence that there are a lot of people that are behind Guza on this. Guza stated he has had more people come to his yard to take some washed sand for their kids' sandbox. The fairgrounds asked Guza if he would donate 450 tons of waste sand to help with the horse arena. Guza stated the community is getting a lot back. Guza donated 150 ton for a baseball diamond for a high school. It is costing Guza a lot of donating but it is helping everyone. Brandt asked if this would pretty much be the end of it. Guza mentioned new technology may come along and he has some farmers that use it for bedding sand for free stalls in which the cow comfort is better. The cows are healthier as the mastitis is down and the milk quality is better so it is actually helping the milk industry. Guza commented there are a lot of people who actually benefit which the community doesn't realize. Brandt stated we don't hear that positive. We get a lot of pretty much anonymous support from people and then when they do speak, they speak from a text with the same points over and over again. This Committee only gets a glimpse of how this industry operates and Guza has just opened a “window” considerably larger than what the Committee has had before except for a couple comments from the people at the Highway 53 site. More dialogue took place. Brandt's point is, at what point does the accumulation of the Committees' actions count for a decision to change the Land Use Plan and the Comprehensive Plan of the County. In other words, what started out as a personal 26 acre mine site is now 10 times that size, incorporates neighbors land, doubles the amount of truck traffic, increases the length of the life of the mine and if what else Brandt has heard is true, could possibly link up with thousands of acres of plan development going east or south of Whitehall. There is a different view of the County than exists in the plan that this Committee is supposed to be considering when we consider these permit requests. Brandt is glad to hear Guza's list of benefits and stated he would be willing to support something that is benefiting the community. Bawek asked if Guza had considered phasing the site, north site and then south site. If the north site was completed first that would allow the township to have their road completed and there would be less truck traffic and less dust. The way it is stated they won't get to “5N” until 10 years. If they would concentrate on one site they would probably get there a lot sooner and finish up the town road and make that a little bit safer for the township residents and then it would eliminate some of the issues like going over the creek with water lines. Spangler responded yes they had considered that. They are a small company. They started this mine on a very small scale and have since built the markets to where they need to have more sand. With the small plant that they have on the north side and the hours that they can run, they just can't supply enough to their customers, so they need to upgrade that. Spangler continued that the issue with the north side site is that it

is a small plant as it is. The plant is only capable of what water capacity that they have there and the size of ponds that they have. If you wash “X” amount of ton you need “X” amount of water hence you need to clean that water so that you can reuse that water. Washing of the sand is very simple. Managing the water is the trick in this whole process. How you get that back, how you clean that before one can re-pump it and re-use it. With all that being said, they need this other sight to boost their production to get more sand in the hours that they are allowed to run. They will be building a wash plant with more water capacity to it. Bawek reason for making the suggestion was because on the second site they would have approximately 143 acres open at one time which could lead to erosion and dust issues. With the north site it is a little smaller; they could finish it faster and reclaim it faster which Bawek felt would be better for the community. In reviewing previous public hearing minutes from this site, Brandt stated the description from Mr. Hesch was “opening up three acres at a time, by the time the fourth acre is open, the first acre is starting to be reclaimed. There will never be more than three acres open at any given time. There is not going to be a wash plant. Blasting is probably not going to happen, etc”. The second time there was a wash plant, blasting was from one to four times per month and it is three years later and they are just starting to do some reclaiming. The proposal for the next phase is to open over 100 acres at a time. There is also a concern raised by the third party review which states that there is no record of a discussion of a high capacity well. That is concerning to Brandt. The other concern for Brandt is the topsoil. This is a really hilly and in some cases steep site. Kramer mentioned it was not the best soil in the world and challenging to farm and that sounds to Brandt like rationalization for taking down the hills. Brandt stated the hills are being taken down because there is a product that one can sell not because one is making better agricultural land. If that happens, that is great but that is the reason one is taking down the hill. In viewing the graphics, to Brandt what appeared to be happening is that everything is being taken out at once and then putting back a little bit. Brandt noted there is a lot of volume in this land just based on the topographic maps and you can’t take it all out at once and the erosion control is a concern for Brandt. Apparently, the third party review raised an issue showing detailed soil borings that would help to provide additional information on the various topsoil’s and soils deposits with a listing of the various types of soils. Having the topsoil to restabilize the site during reclamation is critical. Stabilizing site during reclamation: Response soil information was provided, they agree adequate topsoil is essential and returning the land to successful post mining use has two definitions related to topsoil. This was something new to Brandt. #1) Topsoil means the surface layer for soil which is generally more fertile than the underlying soil layers. #2) Topsoil substitute material means soil or other unconsolidated material used alone or mixed with other beneficial materials which can provide the plant growth site stability. Brandt questioned if they are planning to use a topsoil substitute? Is there not going to be enough material to stabilize what they have there? Palmer responded that based on preliminary borings and drill holes; there will be adequate topsoil there to reclaim the site with the existing topsoil. Additional discussion took place on the topsoil issue and what should be and what is required for reclamation. Palmer gave more specific details about the reclamation process and erosion control measures for this site. Bice asked for a number on the amount of acres that are going to be bare soil at a time. Bice commented as the topsoil comes off there are several uses for it but at some point there is a fair amount of topsoil that has to go somewhere. Bice understood they need a place to put sand that they don’t sell but at some point, as they are removing that topsoil, you might as well just go ahead and get it seeded down. One of the huge concerns is open land and Bice stated when there is too much open land that is where we have had trouble and it gets to be a mess. Hempker responded they are going to keep that to a minimum because of the bonding on what is open. Palmer elaborated on the phased reclamation and how the berms would be phased into the reclamation as they move to the next phase. With Bawek re-emphasizing that he would like to see the smaller site mined first, the water capacity became a topic of discussion. Brandt stated there is a high capacity well there but yet it sounded to Brandt like they are leaning really heavily on the storm water retention pond for their source of water. Discussion took place on the volume of waters needed in the operation. Brandt noted that the third party review pointed out and he recalls from reading the minutes that this is one of the times where the Committee required foundation inspections within 4000 feet of the mine as well as the usual blasting notices, etc. In response, the applicant has suggested that they will do inspections within 2500 feet. Brandt felt it becomes confusing when on the one hand they kind of throw out the idea that there is already a permitted part of the plan and then just make this an amendment rather than take it as a whole site with the many changes. Discussion took place as to when 4000 feet was last required. Lien noted that the 2500 feet is now the standard condition whenever there is blasting. Upon Brandt

asking if financial assurance has been figured, Palmer responded there has been an estimate provided, assuming the entire site would be open at once. Palmer stated their intent would be that they provided numbers that they believe are higher than what it would take to reclaim the site. If they were to obtain approval for this, their intent is to sit down with staff at that point in time and arrive at numbers that they agree represents a realistic representation and then put up a bond. Zeglin stated the question regarding how many acres will be open before reclamation begins has still not been answered. Hempker responded it will begin immediately but it depends on the definition of reclamation. Lien responded the recommendation is either NR-135 sod cover or your plan says "return to crops" so then it should be whatever the crop is going to be at a 70% yield. The site isn't considered reclaimed until it is stabilized. Lien explained the reclamation process further. Upon Brandt's inquiry about how the owner feels about going from a barn in a valley to a barn on a hill, Andy Puchalla, the owner responded that barn was there when it was the Leo Korpall farm. Guza approached Puchalla about this. Puchalla hopes to get these hills down noting that they are dangerous hills and are hard to work. As far as the barn sitting there they have cattle there now. Puchalla's son is going to be taking over the farm and he wants it for pasture and if Puchalla's grandkids want to farm it won't be as steep and dangerous for them to do so. The barn will still be in the valley because that is all going to be left alone. Puchalla noted he has a son building a new home near that barn and the son is not opposed to the mining. Bice encouraged the applicants, with the incentives, to reclaim what they can and Bice believes that with those incentives they will follow through. With the fact that they are internally drained and should be able to maintain that. Bice isn't comfortable with the idea that they have some phases open a little further than what they are used to. Upon Bawek inquiring about water lines, Palmer clarified there will be one fresh water line going between the two sites. Storm water ponds are dewatered to each individual wash plant as far as what they are pumped to, they stay on their respective sides of the stream. There is no pipeline connecting them. They hope to put that underground but it will be whatever is determined by DNR. Palmer further explained the piping. Upon Brandt's inquiry about mitigating the gas line, Spangler responded it is actually on the very south edge of the property almost to the point where it is not even in a mining area so it will not be an issue. Spangler thought they have to remain 50 feet away from it and they will probably be a lot further away. It was noted that no other neighbor concerns had been brought to the applicant's attention. Upon Bawek's inquiry about something happening to James Woychik's well, Spangler responded they would work with Woychik. Woychik stated so far there hasn't been any problems. Woychik added they came and checked the foundation, etc. and they have been very good. Woychik worries that with the water pumping that his well will go dry or the water will go bad. He just put a new well in a few years ago and he has great water. Kramer and Palmer provided additional information on the wells in the area. Dawn Woychik was present and stated she is a neighbor and she is new to this whole process. Woychik inquired if there was anything she could ask for in writing as far as Spangler stating he would work with neighbors on issues. Woychik stated she was within 1 1/2 miles of the mining site. It was determined that Dawn Woychik would be outside the 2500 linear feet of protected area. Bice confirmed that Dawn Woychik was concerned about her well and he stated that everything that we know of, he can't make any promises but he hasn't seen any issues that far away. Spangler stated to Dawn Woychik that if she does run into problems with her well don't be afraid to contact him. They will work with her and take a look at it. Spangler couldn't guarantee that far away but they weren't going to say that since you're more than a mile and a half away that they aren't going to look at it. Spangler added, "We're going to take care of our neighbors". Zeglin understood that there were several violations with the original mine site. She wanted to know what those were and how those were resolved. Budish responded there was a blasting issue; there was a complaint on hours of operation on January 8th, 2012. A letter was sent to the applicant by Tim Brueggen regarding that issue. Brandt commented trucks going on other routes. Guza responded that trucks going the other routes weren't one of their trucks. It was an excavator hauling sand with his dump truck. Budish stated there was a complaint on February 17th, 2012 for an untarped truck. A letter was sent to the applicant by Tim Brueggen. Lien explained some of those were misunderstandings. The blast was a definite issue where something went bad, no one really knows, but Mr. Hempker mitigated with the neighbors and resolved that issue so that is behind us. Lien thought the hours of operation were a mistake with some relatives playing with the equipment on a Sunday. They were validated complaints from the public. Lien thought all of the issues have been remedied. Lien understood things happen but how they are dealt with is the most important thing. If it becomes a repetitive problem that is another whole issue. Lien felt it falls on this Committee and our County to be able to enforce the rules we put

in place because if we sit here all day, make all kinds of conditions and we don't follow through with them then we are really wasting our time and definitely the public's time. Bawek inquired if the stock piles (washed product) will have an impermeable area or will they be here and there. Palmer responded that will be an impervious surface to that retention pond which is a processed water pond. Upon Brandt's inquiry about markets, Spangler responded they are selling to multiple customers and the Winona barges have been very popular. They have sand going to New Orleans, Houston, and they are actually in negotiations with a customer that is going to send sand back to China. They are bringing ceramics over on big ships and they are going to reload with frac sand. The Committee moved on to addressing conditions. Budish read aloud the one original condition that was put on the site on March 11th, 2011, "All structures and cased wells located on properties within 4,000 linear feet of the proposed mining area site shall be inspected and the condition of each shall be recorded prior to commencement of any work on the site. These wells and structures should thereafter be periodically inspected to determine to the extent practicable whether or not damage has occurred as a result of mining operations. A third party independent inspector shall be used and the costs associated should be borne by the owner/operator of the mine site. Landowners may sign a waiver declining inspection of structures and cased wells located on their property. Budish then read into the record the conditions sent by the Town of Arcadia from their meeting held in May.

1. Cameron Rail, LLC –Guza South Site non-metallic sand mine shall assume, all costs associated with improvement, maintenance and repair of the River Valley Road and bridges used by Cameron Rail, LLC-Guza South Site non-metallic sand mine commencing prior to any work on the Conditional Use Permit site and continuing until all mining activity has permanently ceased. A Bond will be established by road use agreement for the amended road use agreement for the South Site of the mine on the portion of River Valley Road and bridges used by Cameron Rail, LLC-Guza South Site Non-metallic sand mine. The bridge or bridges shall be inspected annually at a cost to Cameron Rail, LLC-Guza South Site non-metallic sand mine with a copy submitted to the Town of Arcadia.
2. All structures and wells on the properties immediately adjoining the Conditional Use Permit site shall be inspected and the condition of each shall be recorded prior to the commencement of any work at the site. These wells and structures should thereafter be inspected the first and second year to determine, to the extent practicable, whether or not damage has occurred as a result of the mining operations. Further inspections will be completed upon Department of Land Management staff request. Inspection and damage costs shall be borne by Cameron Rail, LLC –Guza South Site.

At this point Lien suggested making amendments to or approve these conditions as they are read then the Committee wouldn't have to revisit them. In regard to Condition #1, Radtke stated if it is a concern about repair and maintenance costs of River Valley Road between the Town of Arcadia, he thought it would be better just to make a condition that says, "require the operator to make arrangements with the town regarding repair and maintenance of the road" and leave those terms between the town and operator rather than requiring certain terms and the condition. That way it lets the operator and the town work that out on their own. The Committee was in agreement with Radtke's amendment to Condition #1. In addressing Condition #2, Lien stated it was inconsistent with what the Committee has done in the past. Lien suggested leaving Condition #1 from the pre-existing conditions and make it apply to the border where inspections are done 4,000 linear feet to be consistent on this one or it could be amended to 2,500 feet for the new border so that way it would be more consistent with all the other mines. Brandt suggested going with Lien's second suggestion of the 2,500 linear feet. Radtke suggested using the County's usual language and delete #2 from the town. Lien asked Budish to put the standard County language in under #14 in the staff recommended conditions.

3. The opening of the mining pits, depletion of those pits and reclamation of those areas shall occur in the order presented to the Town of Arcadia by Cameron Rail, LLC-Guza South Site non-metallic sand mine. Reclamation of the mine site shall begin no greater than 1(one) years time with a 3 (three) month period for reclamation to be completed. Inactivity within the mine for a period of 12(twelve) months means the

mine is inactive. If 30 (thirty) working days of activity occurs in succession the 1 (one) year period will restart.

Palmer stated he understood the towns' intent but the wording is somewhat ambiguous. Palmer's understanding, from sitting with the town at that hearing, and kind of talking about it, is that as we've seen on other sites in the County, they go inactive. They are saying, when we have a site that ends up sitting inactive, they want to see that trigger mechanism to start reclamation. They want an inactive period to "kick in" a requirement for reclamation rather than the site sitting open. They are also trying to get at what we're seeing happen where people take one load of sand out in a year and then the site stays open forever. They are looking to accomplish more of an assurance. Radtke recommended deleting this condition as well. Radtke felt the reclamation plan, when and if it is approved, should speak to when and how reclamation should start. Radtke stated again, as he has numerous times, that the County shouldn't be conditioning things such as, "in the order presented to the Town of Arcadia". The County shouldn't be having the Town of Arcadia being the entity that the operator is presenting things to do and then we're following that order. Radtke noted that on this agenda is the current issue of dealing with inactivity. Radtke thought that if a change was made or no change was made let our Ordinance deal with inactivity rather than putting it in specifically as a condition, in this case, which may conflict with any change that we have made or currently do in our Ordinance. The Committee was ok with Radtke's suggestion

4. Existing perimeter tree canopy at highest points of elevation at the mine boundaries must remain to keep the visual appearance, aesthetics and reduce dust from leaving the proposed mining area.
5. If the Wisconsin Department of Natural Resources changes permitted air quality standards as they relate to Silica, and/or Silica related compounds, the Conditional Use Permit shall be modified accordingly so that Cameron Rail, LLC-Guza South Site non-metallic sand mine activities must always comply with the most recent DNR standards.
6. The Town of Arcadia Board of Supervisors, review and approve final site plan and equipment list when available and prior to issuance of conditional use permit.

As Radtke mentioned, he has trouble with delegating any sort of approval to any entity but the Department of Land Management here so he asked that this condition be struck. Brandt stated it is part of the standard conditions anyway. The Committee was alright with striking this condition.

7. A notice shall be give to adjacent landowners within 2500 feet of the mine perimeter 24 (twenty-four) hours prior to any continual blasting.

Lien noted that was a standard condition as well. Committee consensus was to strike Condition #7 as it was redundant.

8. Blasting plan shall be submitted and approved by the Department of Land Management prior to any continual blasting.

Lien recommended striking the word "continual" from the condition.

9. Financial assurance amount will be established after final site plan approval and prior to any excavation activity.

It was agreed to strike this condition as Lien stated it is a standard County condition and is repetitious.

10. The Town of Arcadia Board should meet with Cameron Rail, LLC-Guza South Site non-metallic sand mine a minimum of every 6 months for the 1st two years then if mutually agreed annually after the 2nd full year of mining activity.

Radtke's concern with this Condition is: 1) It could confuse the town board that it should be doing something and #2) this requires the town board to meet with Cameron Rail, LLC. Radtke didn't believe that this Committee or County has any authority to require, through condition, that the town meet with them. Should they not choose to follow that, we're essentially putting a condition on the town. Radtke didn't feel it was necessary and could confuse the town as to and maybe the operator as to who they are supposed to be reporting to. Radtke asked that the condition be struck. Committee agreed to strike the condition.

11. The Town of Arcadia shall be responsible for signage of River Valley Road.

Again, Radtke stated that would be requiring the town to be responsible for something. It was Radtke's understanding that the town took care of signage anyway. If the Committee wanted to have this as a condition, it could be stated as, the operator shall not be responsible for signage but otherwise Radtke didn't see a need for the condition. Committee agreed to strike the condition.

12. The Town of Arcadia Board of Supervisors shall review the conditions, compliance, and complaints of the Cameron Rail, LLC-Guza South Site non-metallic sand mine mining permit with the owner/operator on an annual basis.

Radtke asked that this condition be struck for what are now obvious reasons. Committee agreed to strike the condition.

13. A 50 foot setback from the property line must be maintained. Thereafter, any disturbance shall be reclaimed at a maximum of a 3 to 1 slope.

Upon Brandt's inquiry about our standard setback, Lien stated we have been conditioning it at 50 feet. Committee consensus was to leave the condition as stated.

14. A 20 foot berm shall be established along property lines and along River Valley Road as needed to provide visual screening between adjacent residences.

Lien asked if this was something the applicant agreed to. Palmer explained the issue the applicant has with that particular condition is that there is that buffer area along the stream where it does not end. By the time you go to that buffer area along the stream, and the driveway south of that stream there really isn't any room to construct a berm between property line and that 300 foot setback. Discussion took place on this condition specifically where the berm should be located. Radtke recommended that if the County is going to require that a berm be along property lines that the Committee specifically identify where that needs to start, where it ends and how high rather than having the language of "as needed" and unnamed adjacent residences and unnamed property lines. More discussion took place with Palmer stating the town did not specify a certain location for that berm. Palmer identified three adjacent property owners along Nichols Road. Upon Lien's inquiry about a berm requirement for the chicken coop nearby, Palmer responded his understanding was that it was not and if it was, it makes it impractical to create their entrance as there wouldn't be space to do so. Fred Bowman, a neighboring property owner who was present, inquired if this berm would be where it is visible from his property which is on Korpala Lane to the south border of this. From what Bowman understood, up to that next property line is where the edge of the mine is going to be. Discussion took place between Committee members and Bowman. Palmer stated he didn't see any problem with provided a berm between Bowman's house and the mine site. Lien suggested modifying the condition language to read, "if an adjacent landowner requested, where their residence is, that up to a 20 foot high visual berm be built." Lien reread the condition, "At an adjacent residents request up to a 20 foot berm shall be established along property lines and along River Valley Road to provide visual screening." The Committee agreed to the amended condition.

15. No truck or equipment staging on River Valley Road.

16. Entrance and exit driveways shall be black topped prior to operations.

Palmer requested the condition be changed to a more generic term so that the applicant would have the option of concrete instead of blacktop. Lien's problem with this condition is what is the distance? Palmer responded the plan had shown it at 75 feet. Lien suggested the following language, "Entrance and exit driveways shall be impervious topped, prior to operations for a distance of 75 feet." The Committee agreed to Lien's suggested change.

17. Cameron Rail, LLC-Guza South Site non-metallic sand mine shall be responsible for picking up rocks and or debris generated by the mine on adjoining land at the land owner's request.

18. The back up alarms used on all mining trucks/equipment must be the new style low tone alarms.

Hempker noted they must comply with MSHA requirements.

19. All mining trucks hauling mining material ingressing and egressing will be tarped.

20. All lighting shall be shielded and directed towards operation of the Cameron Rail, LLC-Guza South Site non-metallic sand mine. Upon Bawek's inquiry about the north site, Hempker responded he didn't think there were many lights at the north site.

21. Cameron Rail, LLC-Guza South Site non-metallic sand mine shall provide an initial training and site visit to Emergency Responders for site specific dangers and chemicals that may require additional precautions during an emergency response situation.

Lien commented that has been a standard County condition as well.

Palmer suggested amending Condition #20 to add the north site just to put everyone's mind at ease. It was agreed to line out "south site non-metallic sand mine" and just add "entire site".

The Committee then read through staff recommended conditions.

1. Duration of Conditional Use Permit is 5 years from the date of issuance. After the 5 year period, owner/operator may apply for a two year extension with the County.
2. The stumps and wooded debris from stripping are to be chipped and utilized as mulch on site.
3. ANY deviation or modification to the proposed haul route must be submitted, in writing, to the Department of Land Management & the Wisconsin Department of Transportation to see if any additional recommendations to the Traffic Impact Analysis (TIA) are needed before hauling on the new proposed haul route.
4. If the mine operator is not the owner of the land subject to the nonmetallic mining reclamation permit, then all lease agreements affecting such land shall be provided to the Department of Land Management.
5. The mine shall minimize the generation of air borne dust. Water trucks shall apply water around the mining site daily if necessary so as to minimize dust conditions and to minimize tracking of material outside the mine operation.

Discussion took place here on the use of calcium chloride on stock piles.

6. Billowing dust from dumping shall be controlled on fixed and/or mobile crushing operations using methods such as including but not limited to staging curtains, water sprinklers and or plastic stripping inside of an enclosure.
7. Install a movable/mobile air quality monitor with removable filter. The mine operator shall work with Department of Land Management staff in moving/locating the monitors. At the direction of Department of Land Management staff, the filters shall be periodically sent to a laboratory to be analyzed with costs paid by the mine operator.

Zeglin requested it be to a PM 2.5 monitor. It was suggested to put "as approved by the DLM" after filter in the first sentence. The Committee agreed to leave the condition as is.

8. Non-metallic sand mines that are within 1 (one) mile of each other shall not simultaneously blast.
9. High capacity well monitor(s) will be required to monitor the usage of water from the well(s) utilized by the owner/operator; annual water consumption report will be submitted to the County at the end of processing season to be kept on record with the Conditional Use Permit for Owner/Operator.
10. Entrance and exit driveways shall be appropriately locked & gated to prevent unauthorized vehicular access and keys shall be made and given to the County.

Lien suggested putting a period after “access” and deleting the rest of the condition. Lien verified that Jim Guza will always have a set of keys.

11. A flocculants usage and disposal log must be maintained by Owner/Operator including test results of wash pond sediment and disposal procedures.

Upon Lien’s inquiry as to whether the applicant was using flocculants now, they responded yes. When Guza tested, Lien asked what Guza tested for. Guza responded he was testing for nutrients, etc. and it came up fine. Spangler commented that they use a food grade flocculent that is basically inert in three days.

12. Concrete bottoms must be in all wash ponds that may contain flocculants.

Zeglin asked if a thickness on the concrete should be specified. Lien responded it was agreed upon before as a standard condition that they would need to meet NRCS agricultural standards. It was agreed to add after “flocculants”, “to meet NRCS water tight standards.”

13. Owner/operator, with the increase from 50 to 100 loads per day, must follow Wisconsin Department of Transportation’s (WISDOT) recommendation of a type B-2 style intersection to be constructed at the Cross Road/STH 93 intersection. Applicant will need to work with the Town of Arcadia & WISDOT to secure the necessary permits for construction.

Lien stated the Committee had talked about Condition #14 being 2500 foot perimeter for site investigations and if the end result is going to be crop fields that the Committee requires the 70% of the current average crop production rate within 2 years of ceasing mining? Brandt made a motion that all the conditions previously discussed, including the new condition that Lien added regarding the 70% crop requirement, and the third party recommendations be approved, Low seconded the motion. Brandt reinforced the third party engineer’s geo-technical report to determine the groundwater elevations. Brandt continued that on the generalized site map, there is an approximate water table from 820-840 feet and in the generalized cross section of the mining operation, they have operations going down to the bottom of the storm water management and infiltration ponds going down to 830 feet, so there is the potential for being less than 10 feet below the water table. Brandt felt knowing where it is would certainly help the applicant know where to go. Palmer responded his only concern was the wording of a “geo-technical” report as generally that type of report refers to a soil analysis for structural or engineering type properties, so it seems like that particular wording is not accomplishing the end goal. Brandt stated there is a concern on the second recommendation of the third party review, Palmer has suggested that “geo-technical” has a specific meaning related to foundations and structures, etc. and would prefer the boring and well records search for where the water table is. Brandt suggested the wording, “owner/operator to conduct well record search and an onsite investigation to determine water table level. Lien suggested striking “geo-technical” and putting “onsite investigation report” to determine ground water elevations. To clarify Lien re-read the condition as “Owner/operator conducts an onsite investigation report to determine the groundwater elevations prior to issuance of the Conditional Use Permit.” At this point Brandt amended his motion to include the change in language to #2 of the third party review, Low agreed to the amendment. Upon Zeglin’s inquiry as to if the Committee can address noise, Lien explained that right now the Ordinance has language that states they cannot exceed 45 dBA, only running a small generator for a batch plant on non-operational hours. Lien stated that is the extent to which the Committee can address it now. The Committee then went through the Nonmetallic Mining Conditional Use Permit criteria which the Committee is supposed to consider. Bawek

asked for clarification on the number of acres that were going to be kept open. Palmer responded that if Bawek was looking for a total reclamation, where there will not be a new disturbance introduced, Palmer couldn't give Bawek a short term answer as it is going to vary depending on market conditions, but they're anticipating that project life upwards to 15 years before there is full reclamation. Bawek clarified he meant between phases. Palmer responded he wasn't trying to not answer the question and stated things will be seeded and stabilized throughout the process but it will be a while before they get through those first three phases and start reclaiming. Spangler reassured Bawek that they will reclaim as soon as they can as they get through this. The Committee then went through the factors to be considered when adopting conditions. Lien recapped that there is a motion on the table made by Brandt to approve the conditions, Low seconded the motion. Bice asked Brandt to restate his motion. Brandt stated his motion was to approve the conditions as discussed, Low seconded and then Brandt amended it related to the recommendation from the third party having to do with water table analysis so the operators know where the water table is before they start their operation. Motion to approve the conditions carried with no opposition. Lien restated the original motion to approve the CUP which was made by Low and seconded by Patzner. Motion to approve the CUP carried with Zeglin voting in opposition. For the record Doerr asked if Bawek voted on that motion and Bawek stated yes he did.

Trempealeau County Zoning Ordinance Revision Discussion - Chapter 13 (NonMetallic Mining) Lien recommended that for this next month that we have two meetings because we have been trying to revise Chapter 13 for a couple of months. Lien stated we have a couple of other ordinances, the Citation Ordinance and Chapter 20 that also need revision and we can't seem to get our agendas accomplished. Lien wasn't sure how we're going to do that. Budish verified that, at this point, there were no public hearings for next month's meeting. Radtke was directed to make a revision regarding receptor based and there are just a few revisions which Radtke made. Radtke directed the Committee to the bottom of Page 91, Section 2 (b). Radtke changed it to say, "the operation shall not exceed 45 decibels measured at the outside of any building or structure used for human habitation or housing of farm animals including but not limited to cattle, horses and poultry." Radtke explained that is language basically from what the towns of Trempealeau County had suggested for receptor based language. Radtke stated one will also see, "affected property owners shall be defined as fee owners of real estate where noise at such building or structures measured exceeding 45 decibels". Radtke, referring to the bottom of Page 91 where it talks about the Phase 1 noise survey, stated again it just references "measured at the outside of any building or structure used for human habitation or farm animals. On the Phase 2, on Page 92, it again just references where they are measuring from, again outside any building or structure used for human habitation or housing of farm animals. Radtke stated that was really it. Radtke did make one other revision back on Page 90. After talking with Lien on just some better language, where it says "processing" 1 (b), as it is written it says processing "shall" be allowed Monday 6:00 AM Saturday through 3:00 PM. Radtke changed it to "processing may be allowed" instead of "shall" because it seems like better language. It now reads, "processing may be allowed between Monday 6:00 AM through Saturday at 3:00 PM" then "no processing may be allowed between Saturday 3:00 PM and Monday 6:00 AM. No processing may be allowed on holidays". Bice asked Lien to explain the changes. Lien explained that when the Ordinance went to County Board, these were the changes Jack Speerstra recommended, on behalf of the Towns', saying this is the language the towns' wanted to see. The Ordinance got sent back to this Committee for those revisions. At the last Committee meeting, Lien and Radtke were instructed to work on that language so Radtke had modified a couple of those things. Brandt clarified that the Committee voted to approve those and then have Radtke and Lien modify the language. Lien noted that a County Board member, when it was sent back, had suggested looking at some of the other public comments and looking at making amendments to this Ordinance beyond just what we did now. Lien didn't want to rush this through; he wanted to make sure that when we make those changes, that we have addressed those issues. Doerr interjected asking if he could share an issue that hasn't been discussed yet and why it is that he keeps going to all these meetings. Doerr stated there is a rule, based on Lien's interpretation of Chapter 10 and Chapter 13, wherein if you do not receive a letter from a township, you cannot move forward with your Conditional Use Permit application. That particular rule, although there is Comprehensive Zoning in Trempealeau County, is then used in the Town of Dodge to intentionally not write a letter for the Ted Konkel/Roman Lilla mine site, thus intentionally keeping a mine site from coming into Bear Coulee. Doerr had worked for the Hempker's and he made a good living for his family, but his ability to earn

his living for his family was taken away because he was unable to carry through a permit process. Bice responded the Committee will definitely, at some point, address that issue, but he didn't think we could do it today. Further explanation was forthcoming from Doerr regarding alleged discrimination. Brandt asked Lien for more explanation of the County Board meeting. Lien explained that at County Board that night, the public brought up what the Committee's plan is? We are issuing permits and we don't have a plan. Bice has alluded to "he might have a plan" but the Committee doesn't have a plan. We've discussed that the best viable way to move sand seems to be by rail, so are we only going to issue permits to plans that are attached to rail? We don't seem to be. An overlay district was talked about at County Board that night. Then one has a plan. Right now we don't have a plan. Lien added we have people that come into our office and ask, "Where can I build a house that is not going to be by a sand mine?" Lien can't tell them a place because there are proposals for mines being annexed even to the City of Whitehall now. Brandt commented that the way the Ordinance is currently written, we don't have a way except piece meal to deal with these. But as one can see by the maps in the hall way, which will be significantly revised after today, those pieces are starting to come together and what is happening is the people who are coming for mining permits are changing the face of the County and the economy of the County, without this Committee discussing that. Bice commented if the Committee were to do a mining overlay, you're pretty much telling people, with land in Trempealeau County, that they cannot mine their sand and you're not willing to allow them to move forward when the current rules are that if they follow the rules, get a CUP, they can, so you want to take away a bunch of landowners rights. Brandt responded he hasn't talked about a mining overlay district as he has some real reservations about that. Brandt noted there is a mining overlay district already in the Town of Caledonia and basically what it says is not that people can't mine their sand but rather they have to get a CUP, but if anyone wants to do anything besides mining in that district, they need to get a CUP. Lien stated they set a certain district as to here is where sand mining is and here is where it is going to be. Brandt stood corrected and added then what it currently means is that everyone that currently lives in an area where we might create an overlay district is now suddenly in a mining district and they did not move there to be in a mining district, so their property rights, their dreams, their investment and their plans for the future have been "plucked" away from them. One of Bice's goals are to defend as many peoples' rights as possible. We have lots of people coming to us that say, they don't like mining, they don't like particular mines and a lot of these people are pretty generic. Bice didn't think there was anything in the conditions, etc. that we went through that says, the landowner that has owned the land for years and has paid the taxes for years, and has a legal right to do this if he/she meets our conditions, then we want to take away his/her right by specifying certain areas that can be mined. Bice pointed out that a lot of the mines that have been approved, nothing has happened yet. Bice still thinks that we have a bunch of mines that are not going to open because of economics. The world is not a perfect place, there are obstacles and there are things that are not going to be perfect and a lot of people bring up things they think we should consider, but everybody that drove here today and drives home faces challenges to their life. Bice stated we can't make it perfect for everybody, so if someone is going to be very close to the inconvenience of and the noise of a mine, we have to be very careful there, but we have to also weigh the differences and that is what we have been doing. Bice added we've seen the majority of applicants come to us and work out the best agreement possible. Brandt noted Lien is raising the issue as to whether we sent it, "as is" or take more time on it and then send it back to the County Board. Brandt suggested perhaps designating "non mining" districts. Upon Bice's inquiry about just dealing with the noise portion of this Ordinance and work on the rest in the following months, Radtke responded the Committee could do a variety of different things. If the Committee wants to forward the draft that is currently up on the overhead to the County Board for consideration, they can certainly do so and at the same time, at subsequent meetings, meet to discuss any further revisions. Radtke recommended scheduling a separate meeting, when it doesn't have public hearings, just to discuss the Ordinance itself and revisions. Alternatively, Radtke stated the Committee could choose to not push this forward to the County Board and decide to work on some other amendments as well. Bice felt that it was Radtke's preference that he would like the changes discussed earlier resolved. Radtke responded he didn't mean to give the impression that this should go in any direction, he made one simple change and if the Committee wanted to proceed, it may. Bice's opinion was he would like to forward, vote on this part and then people can bring forward any other changes they feel is necessary, hopefully with some planning and guidance, and we'll take it up and discuss that. Bice has some issues that he feels are important. One particularly is when reclamation starts and we are a long way from having a reasonable plan for

that. So that is something that Bice would like to see brought back. Brandt noted there is a definition for when reclamation is done but we don't have one for when reclamation starts. Discussion proceeded on whether or not to send it to the Board with the one change. Upon Zeglin asking for clarification as to if the Committee was send back the whole Ordinance, Radtke clarified that what would be sent to the Board are the changes "in red" that deal with the processing during non extraction hours, the 45 decibels, and how that is all administered. More discussion took place. Brandt made a motion to send this back to the County Board with this change. Zeglin asked if there weren't some other issues brought up at the County Board meeting. Low seconded Brandt's motion. In Brandt's opinion, he didn't feel this Committee was in a place to deal with overlay districts or non-mining areas or even coming up with a long range plan related to mining. Brandt continued that there was only one objection, of the ninety some people who were present and registered at the public hearing on this, so Brandt is going to have to go forward and recognize that as well. Lien noted there is a huge cost factor with Ordinance revision (registered letters to towns, publication) and it is not some willy-nilly thing that is just done. Low questioned if money would be saved if the Committee held onto the Ordinance and continued to work on it. That is why Lien stated he would hate to forward something without good revision. If changes are made in the future it is all going to have to be publicized again anyway? Bice asked for any more discussion. Bice clarified that the motion is to send it to full County Board with this change. Motion carried with no opposition.

Ordinance Revision in regard to lapsing of Conditional Use Permits and mining non-activity The issue of addressing reclamation has been brought up numerous times. Lien stated he and Radtke had discussed in length that the first night the Nonmetallic Mining Advisory Committee met they separated "industrial sand" from nonmetallic mining and had made a very clear, concise change because one is "apples" and one is "oranges". Near the end of these Advisory Committee meetings, they put it back together and said, "No, they're really the same. Lien stated they are, until one gets to reclamation. When it comes to reclamation, the intent of the Nonmetallic Mining Ordinance and NR-135 was that aggregate mines, be allowed to have their permit not lapse, pay a minimal, annual, non-activity fee so that when there was a infrastructure project in that area (Lien used the Whistle Pass Quarry as an example), your saving money, road wear and tear because the mine is close. Industrial sand has zero to do with local infrastructure. Lien felt how it should be addressed is in Chapter 20, a revision be made separating out for reclamation purposes only, aggregate mining and industrial sand mining. In industrial sand mining, if there is non-activity for twelve months, we send them a letter which states, "from this date you have twelve months to either complete the conditions of your permit that was preliminarily issued to you or you have to have continual activity, not sporadic in nature, then reclamation and bonding reclaiming would start" In discussion that Radtke and Lien had, they felt it could be done fairly easily. Lien didn't feel anyone was going to argue as they are two separate purposes. Industrial sand is a mineral that is exported from our County, from our State. The aggregate industry, almost all of that stays right in Trempealeau County or for sure in Wisconsin. Lien thought the definitions are pretty clear, concise definitions and through NR-135 and our Chapter 20, industrial sand and aggregate mining will just be separated and we'll talk about when reclamation needs to take place. Brandt commented the issue also arises, having to do with a permit that's been given, and then no activity happens within a year. Lien thought that is why they all need to be given a letter. Lien commented there are permits that have been out there pending for three years. Radtke commented the issue is somewhat more complicated than what is being indicated. Radtke looked at this, he talked to Tom Portal at DNR, he looked at what other county's are doing and the first thing Radtke would like to do is make it clear that we are talking about two separate things here when we talk about inactivity. We are talking about, first the CUP. Under our Ordinance it says "it lapses after 12 months of no activity", it is a matter of law and it doesn't go any further. Chapter 20 deals with reclamation and that says there is an inactivity fee, that if you're not active for twelve months, one can pay an inactivity fee, a lesser fee for your open acreage under your reclamation permit. And the reclamation permit does not lapse based on inactivity, it stays up until reclamation is done so we are talking about two different things there, but the inactivity is the same whether it is reclamation or a CUP, your still inactive. Radtke stated that is the thing we need to look at and discussed some of the things that other counties are doing. Some counties are saying (Radtke noted we've talked about preliminary approval or things they didn't have time to get done) "you have twelve months from the time it is approved by the Committee to get it actually issued, to get those conditional things done and taken care of, otherwise it lapses" and they put a fail safe in there that says, "the operator can come back in and show cause to get that period of

time extended.” Otherwise after twelve months, if they didn’t get it up and going, the CUP extinguishes and if they want to proceed, they would have to come back and start over again. Radtke added that would be put into Chapter 13 because that is a CUP and that would be before it is even issued. Radtke continued by saying then we could have language, which we currently do have in there, that talks about 12 months inactivity and it lapses as a matter of law, even after mining had commenced. Radtke stated either way we are going to have to work on the definition of inactivity and what that means, but there are ways to deal with the one issue of the permit being granted but it is not issued yet, or it is issued but no activity has taken place, how are we going to deal with those situations. On the reclamation side of the inactivity fee, one way of dealing with it, other than defining industrial versus aggregate, because there could become opportunity for some cross over, or some strategic introduction of aggregate mining into an industrial so that it is somehow a hybrid, would be to put a certain acreage amount. Aggregate mines tend to be smaller in size, industrial tend to be larger in size so one could state, if it is under certain acreage and it is inactive, one gets a lower fee. If it is above a certain acreage in size and it is inactive, too bad –same fee. Another idea that was mentioned earlier today, is that they are saying we don’t want to have open acreage because it costs money. Radtke stated there is nothing that says the County couldn’t increase the open acreage fee to help encourage a reclamation to happen sooner. Those would be Chapter 13 or Chapter 20 amendments to deal with the inactivity definition and how it impacts a reclamation or CUP. When talking about when reclamation starts, when is it going to happen and in what order that should be specifically in the reclamation plan that is approved. In the plans that were discussed today, if they weren’t clear exactly when and how they were going to begin reclamation, it should be in that plan. Radtke is saying this from what Tom Portal, DNR had said. That is what he would look at – when does it start because each site is a little unique and it should be in the reclamation plan that they are proposing and what the Committee is approving, and that they’re putting up a bond saying they are going to comply with. Instead of putting “magic” language in our Ordinance, Radtke suggested the idea of making it site specific by looking at the plan as it comes before the Committee and say, I see your reclamation plan doesn’t have anything about when it will be started and sometimes they do have that information. Hold them to it. What Brandt has noticed is that, that has changed. The first time the Committee approved a plan that said, “based on market conditions”, we stopped seeing that, i.e., Phase 1 would be reclaimed before Phase 4 is over. Discussion took place on what is being written in the reclamation plans. Bice suggested moving on if no action was going to be taken. Radtke stated what he was directed to do was see what other county’s were doing, talk to DNR and as Radtke understood, this Committee wanted to begin the “brainstorming” of what is and isn’t going to work. Let’s try and think about this to address the ultimate issues of inactivity of CUP’s before they are issued, mines that are partially mined but still sitting empty and how do we deal with that. That is why Radtke came with ideas and to give the Committee things to think about. Radtke recommended, with the Chapter 13 revision, if the Committee is going to make these types of changes or larger changes, maybe it would be best to set aside a special meeting to really get “into the meat” of this and identify what the issues are and then really try to hone in on what would be some good ways to deal with those issues. Lien noted that right now we’re not even following Section 13.025, because it says that “if no activity has taken place or inactivity for twelve months, the permit is voided”. We’re not enforcing that because of this preliminary permit language and inactivity fee, so we’re really not abiding by our Ordinance. Radtke just wanted to see what is happening is next. Brandt felt the other issue the Committee has is that it is budget time – July. The DLM has to have a budget in here within a month and we need to sit down and approve a budget before they can put it in. That budget is going to include a number of things related to what it is this Department does, staffing, the potential for grants coming in, job requirements. Last year the Committee had a special meeting for budgets, etc. Brandt suggested doing that sometime in August and Brandt suggested keeping anyone that wants to do a public hearing out of that meeting.

Merge Real Property Lister into Department of Land Management Lien stated this has been an ongoing thing. Last year at budget time, the Committee had talked about the Real Property Lister, Nick Gamroth becoming part of our Department. There was an explanation of what the Real Property Lister does, budget issues, etc. Gamroth and Lien went to the Exec/Finance Committee and Personnel Committee but never went through the formalized channels. Lien informed Committee members that Monday night at County Board there will be a resolution merging the Real Property Lister with the DLM. Lien provided the Committee with a copy of the resolution for review. Lien wanted to confirm again that this is still the Committees’ wishes which would

provide better efficiency and to assist with some of the shortfalls in regard to financial situations in his Department. Upon Bice inquiring if Lien is in favor of this, Lien responded he was. Nelson made a motion to approve the Real Property Lister becoming part of the Department of Land Management staff, Bice seconded the motion. Brandt stated there is a difference between Gamroth being a Real Property Lister in his own department is that he sets his agenda, his plan of work, he knows what he has to do and when he has to do it. When he is in someone else's department he is just a resource person. He is not his own department. He can say this is what I have to do, but Lien is the one who says, "You know what, this is what we need you to do". Brandt asked if Gamroth wanted to speak to that as this was something that has occurred to Brandt. Gamroth stated that was always his biggest fear. This was talked about when Dave Appleyard was still here. Gamroth sees the benefits of it but he also sees the negatives that were brought up and it is exactly like Brandt stated. Gamroth felt the focus of his position as it is right now, might get twisted around and it is something else. Gamroth has said from day one that what he does as the Real Property Lister needs to be priority number one. He can do everything else, but he has to make sure that stuff, which is statutorily required, gets done. Brandt commented there are people who fill statutory requirements but aren't doing the work that is required by statute because they're in another department doing something else because they're needed. Brandt added that Gamroth's skill sets are really much needed in the Department and next month, during budgets, he wants to talk about more staff. Brandt stated this doesn't count as more staff. This is another statutory position. Gamroth said nothing is going to change right now he will still maintain his current office. The biggest thing, through time, is that there has been a reduction in staff in the DLM and when it comes time to look at the County Subdivision Ordinance, in the past when Lien wasn't the Director, Gamroth found a violation, gave it to Lien and he in his capacity as Zoning Director was able to take care of it. Now, with Lien being the Department Director no one there is really enforcing that part of the Ordinance. Gamroth was finding those violations, giving it to one of the DLM staff members that other job priorities to do and it just kind of fell by the wayside. Since Gamroth has taken over that portion, since the beginning of the year there has been six of them, and Gamroth was able to find the violation, take care of the problem and get it fixed in a timely manner. We didn't have to continually wonder if we're going to be citing these people with a \$500.00 fine according to the Ordinance. Lien added it all comes down to being efficient. Gamroth's capacity as Real Property Lister is that he finds these violations. He is the first one that sees them with the exception of Register of Deeds and that is not in their capacity. When Gamroth would find them, he would bring them down to Lien, Lien would give them to a DLM staff person which would require them to send a letter out. The property owner would call and ask what that means and the DLM staff person would have to come to Lien or Gamroth because they didn't even understand the details of it. The whole process was very inefficient for everyone involved. Gamroth can now follow through but without him being part of the DLM, he is technically enforcing a zoning ordinance and it really didn't mesh well. Motion to add the Real Property Lister to the DLM passed with no opposition.

Surveying Update and Payment Approval – Lien referred the Committee to a report of the surveying activities and payment request for last month in Town 20, Range 9 W that shows their progress. Nelson made a motion to approve the survey report and payments as presented, Brandt seconded the motion. Motion carried with no opposition.

Set Next Regular Meeting Date – Due to schedule conflicts, the Committee set the next meeting date for August 21st, 2013 which is a week later than the regular meeting date. In order to conduct other business the Committee also decided that there would be no public hearings scheduled for that date.

At 8:45 PM, Bice made a motion to adjourn, Patzner seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary