

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

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

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

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

Committee members present: George Brandt, Tom Bice, Michael Nelson, Ed Patzner Kathy Zeglin, Jeff Bawek, Hensel Vold and Jay Low.

Staff/Advisors present: Kevin Lien, Virginette Gamroth and Jake Budish. Corporation Counsel Rian Radtke, Vickie Stalheim and Dwayne Snobl-APHIS Wildlife Specialist were present for part of the meeting.

Others present: Roger Haines, Gary B. Haines, Wayne J. Haines, Rebecca A. Larson, Mary Lee Hegenauer, Ivan Pronschinske, Marlys Kolstad, Sarah Slaby, Noah Slaby, Dean Sukawaty, DeLaine Patzner, Diane Waniorek, Mary Frisch, Beth Killian, Chris Petersen, Scott Schmus, Shirley Roberts, Randy Spangler, Robin Jones, Mark Riley, Jon Schultz, Paul Winey, Tom Forrer, Ken Mashak, LouAnn Mashak, Gary Bixby, Margaret Backes, Donna Brogan, Nancy Schultz, Kathy Lockington, Mike Backes, Noreen Haines, Jerome Haines, Matt Hieb, Mark Riley, Mary Jaszewski, Henry Schultz, Lee Henschel-Blair Press, Nancy Horton, Paul Meinerz, Kerry F. Suchla.

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

Adoption of Minutes – Nelson made a motion to adopt the September 11th, 2013 regular meeting minutes, Zeglin seconded. Motion to approve the minutes carried unopposed.

USDA-APHIS -Wildlife Damage Control Program – DeWayne Snobl – Snobl handed out a Wildlife Damage Claims report which included the 2012 Program Summary. Snobl acknowledged the new Committee members and introduced himself. Snobl stated he works for USDA Wildlife Services which administers the Wildlife Damage Abatement and Claims program on behalf of Trempealeau County. They actually cover 33 counties in the southern district and another 16 in the northern district, so they cover 49 counties throughout the State of Wisconsin. Snobl explained that the Wildlife Damage Abatement and Claims Program is a program which uses hunter funded dollars to apply to abatement and claims for certain species that cause crop damage. Traditionally it was just deer, bear, geese and turkeys. Last year cougar was added and this year elk were added because the State is planning on bringing elk into the Central Forest and more into the northern forest. One of the trade offs was that normally they have to be hunt able, but with the legislation that was passed, elk are now eligible in this program. Raccoons are not part of this program because they are not subject to license or a season. If there is an issue with those, the landowners can deal with it. Snobl stated even though he administers the program, the County retains the authority to approve budgets, crop prices, fencing contracts, etc. The County Committee is the one that has to give final approval on those. Snobl reiterated that it is all state funded dollars. With Wildlife Services being involved there are some federal dollars that come into the program, there are no County dollars at all in the program. The legislature wrote the program that if landowners are going to be eligible for the damage program in this County, the County has to agree to enroll or administer it. Some

counties do administer the program by themselves; others contract out to Wildlife Services. Snobl's first order of business was to set the 2013 crop prices. These are the prices that are set in the County that the Damage Program will use to calculate the crop damage claims. In explaining how they come up with the prices, Snobl monitors regional prices (covers 5 counties – Trempealeau, Buffalo, Clark, Jackson and LaCrosse) throughout the year. These prices started last October and go through September. They involve old crop prices and then six months into the program it becomes new crop prices and that is averaged throughout the five county areas and that is how Snobl arrives at the suggested price. Snobl emphasized these are suggested prices. The Committee still has the authority to raise, lower or stand “pat” on those prices. For the hay prices, he monitors hay auctions, etc. throughout the State of Wisconsin on an annual basis as well. Snobl feels it is a defensible system to come up with crop prices, the only flaw is that we are looking back and not forward. It is consistent and it is a defensible way to come up with crop prices versus just picking some point. Snobl added the corn prices involve mills, etc. along with ethanol plants and some Ag statistics. Snobl asked for any comments on the proposed crop prices.

<u>Crop</u>	<u>Price/Unit</u>
Corn	\$ 5.70/bu.
Soybeans	\$ 13.08/bu.
Alfalfa	\$214.36/ton
Mixed hay	\$166.20/ton

Snobl only includes those prices that are relevant to the County. There are probably 30-40 other crop prices that Snobl comes up with but if there isn't a claim involving that, he doesn't have the Committee approve those prices. Bice clarified that the price that Snobl pays to cover the damages is for this coming fall and the next year. Snobl responded that the prices are for 2013 claims, so what Snobl appraises this fall, these are the prices that will be used. Bice stated so if someone goes out in the field, sees some damage, that damage is verified, they will get \$5.70. Snobl responded that was correct. Bice stated he gets a price “feed” everyday and locally we are approaching \$4.00. Snobl replied that was correct as what Snobl had pulled this morning was around \$4.25, but Snobl stated the system that he uses, he tries to make repeatable, so that if someone questions it, we can say this is how we arrive at our prices. Snobl believes it is a defensible, repeatable and consistent system. They try to avoid what is current, just right now, because we heard that on both sides, in the sense that, if it has been low all year, and all of a sudden it looks like the corn crop is not very good and it jumps up \$2.00 then everyone says they should be getting paid \$6.00. Snobl hears it on the farmers' side too; concern on how it depends on how it ends up, the time harvest comes around. With corn especially, one can buy and sell corn at any time, so it is basically just an average. Snobl added these lower prices are going to be reflected, in fact in August and September, they started dropping and that is part of this price. Snobl reiterated that he started getting prices last fall (October) though this September. Bice called for any input from the Committee. Bawek thought they had a defensible system in place. Bawek stated there are years when a landowner (as Snobl stated) doesn't get paid what they should and sometimes it is a little more. Bawek didn't see anything wrong with it. Nelson made a motion to approve the prices as presented, Bawek seconded. Motion carried unopposed. Snobl stated the next thing on the agenda was to approve the 2014 Budget. Snobl commented that Trempealeau County was about the same perhaps a little up in regard to work in the County, but we are significantly up in our district this year, so even though the County is up, the actual budget actually went down about 13%. Snobl has the budget listed the way the DNR wanted it listed so it is consistent with what is on the DNR database. Snobl went through those budget numbers. Upon Lien's inquiry, Snobl stated there is still only one processor – Strum Locker Plant. Snobl did have an inquiry from another processor. The State sets the price on per deer and it is about \$55.00. To Snobl's knowledge the other processor isn't going to pursue it. Lien stated these numbers only reflect what is being turned in to Trempealeau County, that doesn't mean deer from Trempealeau County aren't being donated in Buffalo, Jackson or LaCrosse County. Snobl stated that was correct, but if they are donated in the other county than that is run through their County. Snobl noted that the total proposed budget for 2014 is \$27,852.27 and the portion that the Committee is voting on to approve is the WNDR funding request

which is \$22,002.20 as that is the state funded portion. Snobl added that budget is 13% down from last year. Brandt made a motion to approve the 2014 budget, Nelson seconded the motion. Bice verified that this is not county levy money. Motion carried unopposed. The next item on the agenda was to approve the 5 year Cooperative Service Agreement. Snobl stated, unfortunately, with the furlough that process has stopped. The Agreement is somewhere at the state level and the State office and the regional offices are closed down. Snobl will have to bring that agreement back at a later time. Regarding setting the 90% harvest cut-off date, Snobl explained, for the benefit of the new Committee members, that part of the damage program is that the County has to set a 90% harvest cut-off date. After that, Snobl can no longer appraise any crops. When 90% of the corn crop is off, the County sets a date where after that, one cannot get any crops appraised anymore. A notification is put in the paper regarding that cut-off date and realistically that is the date by which, that farmers who are enrolled, must have their crops appraised. Snobl added it may be a little early right now, we can hold off on setting that date. Snobl is probably a third of the way through appraising those landowners that are eligible in Trempealeau County. Snobl noted that last years' date was December 1st. Discussion took place on the issue. Upon Brandt's inquiry regarding the significance of the cut-off date, Snobl stated they are trying to prevent "over winter" crops because it is not a good way to manage – leaving crops out in the field. Once 90% of the corn crop is off in the County, then at that point, no one can put a claim in – even if they are fully eligible and enrolled. If they didn't call Snobl in time, he can no longer appraise that crop. Lien asked if the Committee could set a December 1st date like they did last year and then if there was a large rainfall, the Committee could invite Snobl back to extend the date. Snobl responded that could be done. Bice stated he was comfortable with that but inquired why a bunch of rain would matter? Snobl responded, in the twenty years he has been doing this, that the only time the weather was so bad was in 1992 and then the DNR extended the date because it was so wet, other than that it has never been an issue. An example Snobl gave was, let's say there are a bunch of crops out there and then it rains for two and a half weeks straight and everything is waterlogged and late and the landowners have to wait for freeze-up to get their equipment in, then potentially that could delay it. Generally, Snobl stated it isn't usually a problem. Vold made a motion to stay with the December 1st cut-off date, Low seconded, motion carried unopposed. Snobl reiterated that when the date gets closer they will put the notice in all the local papers and that Lien would be copied on that. Lien questioned if the Committee needed to take any action to table the 5 Year Service Agreement agenda item. Snobl stated on his part no action was needed. Zeglin made a motion to table the 5 year Service Agreement issue until November, Brandt seconded, motion carried unopposed. Snobl referred the Committee to the annual report which he handed out earlier. Snobl noted a slight change in the format and that the report is usually out earlier in the year, however there was some difficulty in getting the information from the 49 counties which Snobl services. Elk has been added to the report. Snobl didn't feel elk would be a big issue here, but for Jackson and Clark County it may be an issue because the elk are going to be put into the Central Forest there. Snobl asked for input from the Committee as to whether or not the report was helpful or could be improved or was too much information. In going through the report, Snobl noted there is a Wolf Program which parallels the Damage Program. At some point it may be added into the Damage Program, but right now it is running parallel. Upon Brandt's inquiry as to whether that was a new program, Snobl explained they started it last year as a parallel program. Right now any claims, etc., the producer with the loss sends it to the DNR Wildlife Management folks and they deal with it directly. Snobl does site investigations on it and recommends certain things, but currently it is run on its' own. Snobl continued to explain the Summary Report. Bawek asked how Snobl assesses damage to an alfalfa field and if it is done on bags or bales. Snobl explained that on an alfalfa field he will go out and take measurements as he has two different ways; dry weight or a disk method that is based off of dry weight. Basically Snobl goes out and finds the areas that are undamaged and gets a height measurement. This disk is a certain square inch area plus it is a certain weight. It is put down and Snobl uses conversion factors to convert to tons per acre. If Snobl was doing dry weight Snobl would put a 2 X 2 square and cut it off and dry it down and then weigh it that way, so there are two ways to do that. Snobl does that in the undamaged area and then in the damaged area and then one gets the difference. Snobl also does aerial photos and a walk in the field to find out how much area has been damaged so he gets that difference, times the acres, and that comes up with tons lost and then the County sets the price to get to the dollar amount lost. Bawek asked about bags and bales in the winter. Snobl

responded that is addressed and that comes down to volume measurements, etc. and this last winter Snobl did a fair amount of them. If it is 10 X 150 foot bag, Snobl has conversions as to how many tons, depending on how moist it went in, or what is in there so he can determine how many bushels per foot have been damaged (mainly a molding factor) and then times whatever yields, based on the tables, and one comes up with a yield loss. Bawek asked if those claims had to be in by a certain date. Snobl explained if one is going to apply for that year, Snobl has them “pile out” and then Snobl can figure out a modified pile or cone as to how much stuff is there, but the landowner should do it in that year. Snobl has appraisal methods for 30-40 crops in order to determine loss. Committee consensus was that they liked the report as it is. Brandt and Snobl discussed briefly what kinds of records are kept and who uses those records.

Public Hearing – Rezone/Land Use Change – Residential Public Utilities (RPU) to Commercial (C)

Mary G. Jaszewski, Applicant/Landowner – Town of Dodge Chairman Bice called the public hearing to order at 9:40 AM. Bice reminded the public present that anyone who wants to testify needs to fill out the information sheet and submit it to him. Bice limited the speaking time to 3 minutes. Nelson read the public hearing notice aloud. Lien stated Mary Jaszewski is present here today. Lien explained this was a unique rezone because the Town of Dodge is the only town, during the Land Use Planning process, which designated a Residential Public Utilities (RPU) area. Lien stated the RPU land use district provides locations for higher density residential developments served by public sewer and water. This land use classification is established to provide for single family residential development on smaller lots. A minimum lot size of 7,500 square feet is recommended. Mary Jaszewski stated the lot is over two acres. Lien added with the combined parcels that are under common ownership (in its’ entirety) it is over two acres so it meets those minimum requirements. Lien provided an overhead aerial photo of the property for all to view. Lien stated Jaszewski is asking to rezone the property to commercial in order to remodel the building for a new bar establishment in Dodge. Lien had a letter from the town. Jaszewski stated she needs the property to be commercial for business purposes. Bice called for any testimony from the public. Lien noted that he did not receive any calls for or against the rezone. Lien read the letter from the Town of Dodge which stated on October 8th, 2013 at the regular board meeting of the Town of Dodge the town board reviewed and discussed a request for a zoning change from RPU to Commercial. The Town Board of Dodge, by verbal vote, approved of the zoning change. Bice called for any public testimony two more times. Lien added that letters were sent to all adjoining property owners and there were no responses. Bice closed the public hearing at 9:46 AM. Low made a motion to approve the rezone request, Vold seconded. Upon Brandt’s inquiry about the road, Jaszewski stated it stops at the property line. Jaszewski explained there used to be a road that went across the railroad tracks, but they shut it off many years ago because they weren’t going to put railroad crossing lights there. Brandt asked if the area was still as wooded as the aerial photography shows. Jaszewski responded it was not. Brandt verified they were rezoning over 2 ½ acres. Brandt stated he felt the town understood that Jaszewski was remodeling the building that is there now for a bar. Jaszewski will also be fixing up the land for parking, etc. Lien stated that land was in the flood plain and DLM is not allowed to give any zoning permits to changes in the footprint of the building, but interior remodeling can be done. On this type of use, inspection of the remodeling would have to go through the State commercial building inspector. Lien added that without a LOMA (Letter of Map Amendment) or LOMR (Letter of Map Revision) from FEMA, Jaszewski would not be able to modify the footprint/add onto the building. Lien commented that any lender, if involved, may require flood insurance. Upon Zeglin’s inquiry, Jaszewski stated it is served by public water and sewer; the blacktop won’t be disturbed, as the connection which is within 50 feet will just go through the ground. Motion to approve the rezone passed unopposed. Lien reminded Jaszewski this rezone will be on the October County Board agenda for approval before it will take affect. At this time the Committee took a five minute recess.

Public Hearing – Conditional Use Permit and Reclamation Permit – Non-metallic Mining-Quarry and Rail Load out – Gary Haines, Francis A. Pronschinske & Cortland Farms, LLC Landowners/Applicants and AllENERGY, Des Moines, IA, Operator At 10:00 AM, Chairman Bice called the meeting back to order and opened the public hearing. Bice stated anyone who wished to testify on this application must fill out

paperwork and submit it to the front table. Bice clarified that testimony would be limited to three minutes. Nelson read the public hearing notice aloud. Lien handed out to the Committee members the Nonmetallic Mining Conditional Use Permit criteria and also factors to consider when adopting conditions. Lien asked the Committee members to listen while the applicants are giving their presentation and take notes for decision making. Budish stated the applicant is AllENERGY, 6165 North 86th St., DesMoines, IA, 50131 and the property owners are Gary Haines, Cortland Farms, LLC and Francis Pronschinske. The location of the mine consists of parcels of land located in Sections 9, 10, 15 and 16, Township 20N, R10W, Town of Arcadia. The mining will consist of 10 phases approximately 25-30 acres per phase. Mining limits are shown to consist of approximately 265 acres. The mine size is shown at approximately 550 acres. Plant facilities, rail line are approximately 175 acres. See phasing diagrams and site plans. Each phase is anticipated to take 1-3 years to complete. Budish showed an overhead aerial photo of the location and noted it is quite a large site. Chairman Bice turned the meeting over to the mine operator. Mark Riley, of AllEnergy introduced himself and stated he is in the corporate development area for the company. Riley asked Budish to pull up their PowerPoint presentation. Riley introduced the team members that were present to answer any questions as the hearing progresses. Riley requested the opportunity to respond once the public has had the chance to voice their questions/concerns and the opportunity to answer any questions the E & LU Committee may have. AllENERGY wanted to address the conditions that might be imposed and expressed the hope that the project is approved today. Riley continued stating the AllENERGY management team is made up of four individuals; Dean Sukowaty, President & CEO, originally born and raised in Spring Valley, attended school in Oshkosh, grew up on a dairy farm and has had a business in River Falls for many years where he met Bill Holst. Bill Holst has been in the aggregate industry for over 35 years and is an industry veteran. Don Vry is the mining engineer on the project and has been their consultant up to this point. Riley has been working in the corporate development area, working through the permitting process, meeting with landowners and various other entities as they have gone through this process. Riley stated their team of consultants is made up of a variety of people. Auth Consulting & Associates (Matt Hieb) is the predominant contributor to the CUP application packets which all the Committee members should have a copy of. Hieb has been supported by Tim Auth the owner of the company and also by Zach Fagan of Auth Engineering. They have familiarity with Trempealeau County and have worked on other projects in the County. As one knows, Riley stated any project that is near a river and near rail has environmental issues – wetland delineations, subsequent mitigation, etc. and so Stantec Consulting Service, Jeff Kramer, came on board with his team and they have provided AllENERGY with a great deal of expertise and knowledge. Eric McLeod, McLeod Law Firm is AllENERGY’s attorney and has had a prior meeting with Lien and Radtke just to talk about the process, etc. McLeod is here to address any legal issues that might come up during the course of the hearing today. This is going to have a rail spur on it, and as they pursued the project they had the services of Via Rail Engineering, Waukesha, Wisconsin and several people on their firm working with AllENERGY and they brought in a firm called Westbrook Engineering, Spring Green, WI. Riley explained one thing they needed to deal with was Trout Run Creek and so AllENERGY is going to end up putting two bridges over Trout Run Creek to not restrict the flow of up to a 100 year rain. They then met with Canadian National Rail who services the area. They met with them on Monday in Eau Claire and have been working with them throughout this process. Riley stated Canadian National is the Class I rail line and as most of you know there has been close to \$33 million dollars spent improving the rail from AllENERGY’s site up to the Whitehall area. To build the project, they have engaged the services of Hoeft Builders, Inc., Eau Claire and Hoeft has been working with AllENERGY since early June and just yesterday had meetings with the various subcontractors that will be working on the project should it be approved. Riley gave some additional background information on the company. Riley explained the concept of “mine to rail” and being a smaller company in the middle of many publicly traded companies in the frac sand industry, it allows them to be a low cost producer and as the market goes up and down it will allow AllENERGY to be competitive in a tight market and in a booming market. They think that some of the problems they have seen with some of the towns and communities has been with all the trucks that are being deployed on the roads – all the damage it is doing, the safety issues, broken windshields, rock chips, diesel fumes, etc. Therefore, they have agreed, in their conditions put on by the Town of Arcadia that they will not truck in any outside sand.

They have plenty of reserves in this project that they don't need to bring in any outside sand. Not only the land that is under this particular permit, but they hope that as the project grows over the years, they can come back and ask for that to be expanded so that they can take advantage of the capital infrastructure that they will have in place. Lastly, they had to get under County Road J, so back in late July they met with Jim Johnson and in August, Johnson came out to the site. They appeared in front of the Highway Committee and that Committee approved the culvert design. Going under the road they will have two ten foot high, twelve foot wide culverts, one for a supply conveyor, and one for a return conveyor going under County Road J. Yesterday, the Highway Committee voted to approve a road agreement with ALLENERGY for the small amount of traffic that will go down the road. They will have, up to, no more than 10 trucks a day coming down Pronschinske Lane, 3/10ths of a mile on County Road J and turning up into the mine site and that will be for refuse material, so that is why ALLENERGY has a road use agreement. Riley though Radtke was the author of that agreement and has some minor changes that were approved by the Committee yesterday. Riley hopes to have that signed document in very short order. Back in May, ALLENERGY looked at Arcadia, and wanted to find out more about the process, so they met with Lien and the DLM staff and understood when one had to have an application in to give the public notice to get on the agenda for the public hearing. On June 5th, 2013 they met with Auth Engineering and told Tim Auth that they wanted to have the CUP plan completed by July 5th. Auth said there was no way that was possible. The next filing deadline was August 2nd and Auth said the plan could be ready by then. On June 5th, they set their targets on August 2nd to submit their CUP and they assembled their team. ALLENERGY submitted their plan on August 2nd, they then went through the 3rd party review process and they were deemed complete by the DLM on August 27th. ALLENERGY answered all the questions and went through everything. ALLENERGY feels fortunate to be here, they're happy with the team they have assembled, they feel they have answered every question the DLM has asked and the DLM has been good to work with. Riley complimented the DLM staff. Riley has been asked how one can know they are going to stay in business. How does one know they are not just going to get this CUP, open up some land and then vacate the property, as others have? Riley stated ALLENERGY is talking about spending a sizeable investment - \$45 million on this project and ALLENERGY's investors are not going to allow them to let that growth out. Riley added they are going to harvest for 30-50 years and they will be good stewards of the land. Riley mentioned that most of the projects in this county are trucking projects. We have heard about some of the problems with some of the community's who don't want people bringing all the trucks through. Riley stated their project is not trucking and they have agreed to no trucking, at all. The County doesn't have to worry about anything but the 3/10ths of a mile road that they would use. Additionally, they are putting a dry plant in - again they are investing in capital infrastructure to show their commitment to the community, their investors and the end users of frac sand that they are in control of their destiny. And lastly, they are putting in a rail spur. The other projects that we have seen haven't had much invested so it is going to be easy for them to say, "I'm not going to pursue this, they can use the reclamation bond and they can clean it up". Riley stated that is not their approach. Their business approach is to build a business model that is sustainable, that is a good corporate citizen and it can allow them to show their investors a return on their investment. Since Riley has been travelling around the state, he gave his compliments on the State's natural resources; this is a beautiful part of the country. Riley added they are going to be good stewards of the land, they're not going to come in and ravage it, they are going to return it to its' usable state and they're going to be good corporate citizens. ALLENERGY has entered into nonmetallic mining mineral leases with the three parties that were read off earlier; Gary and Paula Haines (Paula is teaching today over in the Arcadia School District so she couldn't be here), Cortland Farms is represented by Steve Haines and Roger and Noreen Haines, and if anyone here knows Francis Pronschinske, he is working on the farm today - he doesn't come to meetings like this - that is just who he is. He is a strong supporter of the project. Riley stated they will be purchasing properties from all these parties, across County Road J, for a rail load out, dry plant and wet plant. At this point Riley turned the meeting over to Don Vry. Vry stated he is a registered professional mining engineer with 35 plus years experience. Vry wanted to tell the Committee about the project because he stated the important thing is, we have to convince you that we have the skills and ability to do this. For 35 years Vry has worked on, in excess of 50 projects, in 14 states and three countries. Bill Holst has been in the business for in excess of 35 years- he has run 11 different mining operations, so between the two

of them they bring 70 years of experience, 70 plus operations that they have been involved in. They think they have the initial talent to do this. They have really looked at this site, the layout, and it makes sense. Vry wanted to tell the Committee about the site, the mining operation, how the material gets transported across to the processing plant and what the processing plants do. Vry provided a slide presentation for all to view and explained the site and the mining phases. Vry explained that initially what one does is remove overburden and stripping off of Phase 1 (not in the entire phase but in the first portion of it) and move it down to Phase 5 and it is stockpiled. As one starts mining on Phase 1, the rest of the stripping and overburden gets folded in behind you, so you reclaim as you go. As we move through all of these phases that is just a continual process. Down the center of the phase is a conveyor line and what ALLENERGY has committed to is a movable feeder/crusher on tracks connected to a conveyor system. That is huge because it is very capital intensive, it costs them a lot of money but what it does is it minimizes the haul truck traffic, the road watering which preserves water and reduces well demand on the site. Those are all very important because as ALLENERGY went through the township meetings, the things they heard were important. They are trying to address the things they heard at the township level. Vry further explained the phases. Vry explained that the wash plant takes the raw sand and it takes all of the small sizes of the washed sand, separates it, in a wet state, dries it out and there is actually a conveyor that returns it back to the mine site and that material can be put back into the reclamation. The purpose of the wet plant is to remove the small sizes, keep the very course sizes and that is what they make the oil field frac sand from. Any of the water that is drained out goes into a pond; it is recycled back into the plant facility. Inside the plant area is a clarifier (think of it as a water treatment system) and that removes the muds out of the water. They take it out to a belt press, those muds get the water squeezed out of them and they get returned into the reclamation process and all that water gets reused. In a simple world, Vry stated they are going to use about 7500 gallons a minute, in that wet plant going around in circles, but with the recycling and the water clarification system their entire water needs will be less than 500 gallons a minute and they are hoping it will be less than 300 gallons per minute. Vry reiterated there is a huge amount of water going around in circles but not a huge amount of water that is required to run the system because of the way it has been designed. The clarifier system, belt press system, water recycling system eliminates ponds. If one has read some of the articles on frac sand where they've had storm events and ponds that have breached and mud that washes down in the creek, ALLENERGY recognized all of those issues with other operators and they designed a system that doesn't have those things. That part of the system runs about 8 1/2 months a year. Because it has water they run it during the nonfreezing months. They made a decision that they don't want to try and run water and pipelines in the winter when things are freezing. It is just simpler not to. The stockpile will be their winter inventory for the dry plant. They actually over produce all summer long, put up a stock pile, and that stock pile allows them to run the dry plant year around and wet plant shut off during the winter. They feel it is simpler than fighting Mother Nature. In the dry plant one takes that initially, course sized, wet product and splits it into four different sizes for the oil field. They split it into a very course size that is used in the natural gas fields and the shallow gas wells, and then three sizes that are typically used in oil and gas wells. They will have dryer, dry screening facilities and then storage silos and a conveyor that goes to a rail load out point. That plant is designed to run 12 months of the year, fairly continuously, and feed the rail load out. Vry pointed out the storm water ponds. Vry stated the plant was thought out to try and do things the best way they could think of to do them; the mobile crusher and conveyor system are very capital intensive. The water treatment system is very capital intensive, so they are spending more than a lot of other plants - \$45 million. What they are getting out of it is a clean system; they don't have a bunch of mud ponds. They are dealing with materials "right off the bat" and putting it right back into reclamation. They built a full dry plant so they can ship to customers. They've eliminated the "in" hauling of sand on the highways; they have eliminated semi trucks on the highways that have been the issue with the other sites. They have their own rail spur and an overland conveyor and a fairly expensive culvert under the road. All those things make the project better and it was a commitment that ALLENERGY made. Vry felt it was a good project. Riley continued saying if one drives down County Road J they are approximately 6.2 miles from the city. Riley is glad they are that far away, because when they looked at some of the other projects around the state, some of them are located in highly densely populated areas. They feel their location is great and they feel when they go after their air permit, they won't have any issues with the

DNR because there is not a lot of other manufacturing and other issues in that area. When they first looked at the rail design by Via Rail, they delineated over 5 acres of land. AllENERGY said no; let's get that down further, so they got it down to 2.5 acres. Now it is at 1.61 acres and they've reduced the amount of affected acreage by almost 75% because they realized that people want them to be cognizant and be responsible for the wetlands. AllENERGY has already entered into an agreement, thanks to Jeff Kramer, with an entity that is Boggy Bottom Acres – they have set up a wetland bank and they have already purchased credits in that wetland bank, so that is already set up and established. That wetland bank just got their approval from the DNR a couple of weeks ago. AllENERGY is estimating they would produce 1.2 million tons a year in their plant and that is what they are asking for. They don't have a management team that lives in the local area but they are going to need plant managers and local people to work both in the mining area and in the wet plant/dry plant rail load out. They have estimated through their calculations of labor use that they are going to be hiring close to 35 people. They have already started to get inquiries about turning in applications. Their goal would be to be up and running by next spring. One of the things they heard at some of the town meetings was about fugitive dust control. They will have a policy in place, they will be watering down the gravel road and the area over in the mine where there is a little bit of hauling, but they are very cognizant of the concerns of the local public as it relates to air quality. This morning they met with the Superintendent of the Arcadia School District because they had seen an article several months ago about the Blair School District coming up short on their budget. According to Riley, the Arcadia School Superintendent had told them, that after a conversation that he had with the Blair Superintendent, that after further review and analysis that the valuations were going to probably work out. AllENERGY met with him because they want to be a supporter of education. They realize that education is important. Natural resources are important and they want to be a good corporate citizen and if their application is approved they hope they can prove that. Riley turned the meeting back over to Chairman Bice. Budish stated the plan that AllENERGY showed before, is actually different than the one that was presented to Budish/due on the August 27th date. Budish stated the roads and plant, etc. are all different. Riley introduced Matt Hieb, Auth Consulting to answer that question. Hieb stated they ran all the storm water calculations and what they wanted to do was, not only meet all the requirements of the one, two and hundred year storm events, they wanted to make sure they had room to go above and beyond that. What they did was reduce some of the roadway length by combining the one roadway going down. Hieb explained that is the primary change and then they enlarged some of the ponds. For example, in the upper area they added enough ponds to the pre-developed 100 year storm event to around 40 CFS and they are reducing the 100 year pre-developed down to about nine. Hieb thought the two year event in that area was about 6 so they are down to .4. Hieb stated what they tried to do was just optimize storm water on the site. Lien asked Hieb if there were any other changes to the plan that DLM is unaware of. Hieb responded no, they primarily just laid out the storm water and the road way system. Hieb added the one thing you don't see on this drawing is some of the additional storm water ponds that they had in the original packet (that was just a print out), around the rail, they will still have ponding in that area. Bawek stated in the reference material there were two different maps of the rail spur and they are both revised on the same day. Bawek questioned are they are supposed to be looking at C3.1 or C2.3? Lien clarified that was the north final reclamation plan. Hieb asked if Bawek was noticing the track that now loops around. Hieb stated the original one had it, more of a straight run and then based on the third party engineering review comments, they had made the suggestion to be as far away from the creek as they could, so when they addressed those comments, the rail spur loops around. Bawek reiterated they are both revised on the same day. Riley referred Bawek to the back of the plan and commented that when they submitted this application (bound application done by Supreme Graphics over in Arcadia) and then talked with Budish and Lien, they had stated when AllENERGY turns in the final one for this meeting, which has the third party review comments, they requested it be in a three ringer binder, which AllENERGY did. Riley stated if one looks in the back of the three ring binder, there is a third party review letter from DAR, which is the engineering firm that the County uses that asked AllENERGY to make some changes, so in that, which is an August 27th cover letter are some additional documents and this was the reflected change. In the back of the binder there is a letter for ACA dated August 27th which was the date AllENERGY turned its' final application packet in. As part of that there is C2.3 and that shows the updated rail load out (where it turns in) because DAR suggested they stay away from Trout

Run Creek if they could. Lien stated he saw that and C2.3 varies from the 3.1 (reclamation) which Bawek is looking at. Hieb stated the 3.1 was before they made the changes and if there is a date on there that is the same they probably didn't add the revision date. Hieb stated the most current is the rail spur that wraps around – C2.3 and it is dated August 27th. Hieb explained that what they did is kept the original submittal and then added in the review comments and then added in the modifications to address the review comments. Hieb reiterated the Committee should be looking at the maps in the back in which the track wraps around similar to what is being shown on the aerial photo. Bawek commented lots of the things are in “draft” form and asked if that was going to change. Upon Riley's inquiry as to what Bawek was referring to, Bawek responded the wetland determinations/delineations are all marked “draft” across the page. Kramer replied he believed the “draft” documents that Bawek was referring to were because of the endangered resource review. They modified the plan to reduce the impacts to the wetland areas but left the “draft” documents in the plan for the Committee to see. Chairman Bice then called for public testimony.

Donna Brogan, Blair – Register to testify in opposition. I am hoping that the Committee will deny this application. The applicants have rushed this plan through. We saw that at the Town of Arcadia because of the moratorium taking place. The plan before you was not approved by the Town of Arcadia. It was thirteen pages. It was a sketch and nothing more. Right before the Town voted that night they presented the Town with another plan. Only one of the town board members said he would not vote on something he hardly read. The other members chose to vote even though they hadn't read it. The plan has changed substantially. The plan was a \$35 plan that they probably had printed at the Leader building. Several of the board members voted on it even though one has a working sand project. He does have mine plans at this time. My complaint is that they may not be enforceable. I am worried about that. I asked Ivan not to vote on the project but he did anyway. We have 12 mines in the Town of Arcadia. How many more are going to apply.

Margaret Pronschinske – Register in support

Susan Pronschinske – Register in support

Dominic Kamrowski – Register in support

Kathy Knorr - Register in support

Joseph Bork – Register in support

Nancy Horton – Register to testify in opposition. I wish to testify against the granting of this permit; the concerns that I am raising are not only my own but those of many residents who have approached me and expressed great concern about this issue and are unable or hesitant to testify. First, the rail load out facility location is too close to sensitive wetlands; indeed the whole operation jeopardizes this area. With the increasing frequency of heavy rainstorms we need wetlands more than ever. And when the runoff from such storms is contaminated all our waterways and the fish, wildlife and plants that thrive there are also in danger. The technology in use currently is not working as evidenced by the number of problems due to heavy storm runoff in the past year. Second, the cumulative effect of the number of mines permitted in this area poses a serious health risk from the dust, noise and light. I do not think it prudent to add another operation of this size when we have not even had a chance to see what effect the full operation of the currently permitted mines will be. It will certainly be significant. The duty of this Committee to protect the health, safety and welfare of its citizens and the environment also includes that of ensuring stable communities. The existence of a mine within the City of Blair has not lived up to its promise of economic boom. On the contrary, Blair still cannot support a grocery store and surrounding farmers and small businesses struggle; even the bank may no longer be locally owned. I urge you to deny this permit application in lieu of these very serious issues. Thank you for the opportunity to speak.

DeLaine Patzner – Register in opposition but not testify.

Diane Waniorek – Register in opposition but not testify.

Bill Lockington – Register to testify in opposition. I live next to a mine and it is right here on Highway 93 just a little way out of Arcadia. The lights are very intrusive. We have sand in our water. There is noise that we contend with. Anyone driving north on Highway 93 can see the lights clearly. This should have a sign which says, “this used to be a great place or wasn't this beautiful”. I should say the good neighbor policy that has

always been promised, at each one of these meetings that I've attended or every meeting that I've attended has not been demonstrated to me. The lights are still intrusive. I know this Committee is not a full time occupation for these people. All expert testimony comes from the mine, from people they hire to bring in. I would also like to state that the people on this County Board will have a legacy and that will be to be remembered for opening thousands of acres of strip mines in Trempealeau County and the Arcadia township or demonstrate restraint. Obviously I pray that they will demonstrate restraint and be good stewards of our beautiful land. As was brought up, Blair, as Lockington understands it had quite an impact of land values and reduced their state aids and thereby will raise property taxes.

Margaret Backes – Register in opposition but not testify.

Thomas Forrer – Register to testify in opposition. To look around this room today, one would be inclined to say that not much has changed over the past year and a half. The hearing is in a fairly crowded room in the basement during the work day with some meaningless papers, perhaps from Bangladesh and beyond supporting yet another mining expedition. Plan to stay the day and well into the night, but by the end of this hearing, the outcome will be the same as if a vote were to be taken right now. Landowner rights shall prevail, yet again, in Trempealeau County and there will be more acres added to the thousands already permitted. So what else is new? Well, what is new is what is not visible. What is new is that under a moratorium and a committee of eleven “amateurs” this Committee no longer holds the final say over mining in this County. For the first time in one and a half years, the cumulative effect of all permits issued for frac sand mining are going to be considered. The notion that each permit can be handed out without regard for the total effect on the County has been preempted by the idea that we are all in this together and that what one does on his or her own land does indeed impact all of us. It can be called the cumulative effect assuming the Committee established by the Health Department, with the approval of twelve County Board members, does bind threads to the health and safety of our County's residents. Even though no dead bodies might be found, in the end that Committee has the ability to extrapolate and take the information they gather and multiply it by the number of acres already permitted and not yet active, including today's acres. To add many more permitted acres today is to beat the deadline for applying but it will undermine your intent. The number of permitted acres will influence the findings of the Health Department Committee and play a large role in where we are with mining a year from now. That coupled with a County Board election next spring. Blair and Arcadia (this has already been mentioned) are for now, the epicenters of the frac sand mining. Blair's Preferred Sands is in deep trouble and the grain bins, with their promise of a major rail spur to haul frac sand are under federal investigation. One can see this as a plot against free enterprise or one can see this as the inevitable result of ventures built on greed and literally built on sand. The Bank of Blair is rumored to be invested in sand and rumor also has it that it is hurting big time. I hope the State Bank of Arcadia does not find itself in a similar situation. This Committee has a track record of rubber stamping any application placed before it. I would hope that today might be different. I wouldn't bet on it but there is always hope. Please reconsider your approach to this permitting process and vote no to this request. A request approved by the Town of Arcadia board even before it knew what it was approving. I challenge you to vote no or you can take the easier way out and just abstain. The unemployment rate in this County is 4.7. If somebody isn't working, they are choosing not to work – not a good argument.

Greg Weber – Register in support

Josh Weber - Register in support

Alyssa Fritze – Register in support

Gary Bixby – Register in opposition but not testify.

Adam Severson – Register in support

Lacey Bork – Register in support

Jacob Bork – Register in support

Michelle Brevitz – Register in support

Nick Olson – Register in support

Cory Finstad – Register in support

Paul Winey – Register to testify in opposition. I speak to you today as a citizen of the Arcadia Township and that position only. This process that has gotten us here today has been and remains very broken. Neighbors

were not notified. Public input was denied. Questionable business practices have been used. Town policy has not been followed and inadequate time for review occurred. All to rush through a project that will undoubtedly damage the surrounding environment and leave lasting consequences. I respectfully request that you deny the application for AllENERGY Silica. Water pollution will result if this mine is approved. Five of the mines in the County that have been operational have had significant storm water violations. One of these, I personally know, again had a violation this past weekend despite having reworked their plans. Members of the Committee, that is five out of five. Do we need to add a sixth? This proposed mine is adjacent to a trout stream and the Trempealeau River. Without doubt both will be polluted. Air quality also will suffer from increase particulates and emissions from the drying plant. Approximately 4,000 vehicles will put on the road. This is damage that cannot be reversed. The application process has also been rushed. Neighbors were notified the same day of the first introductory meeting, not giving any time to prepare. Meaningful public input was denied when AllENERGY turned in their plan after the public input session was closed on August 5th. There was no town review of the plan before the letter of support was written on the 6th and delivered on the 7th of August. Even yesterday meetings were being held with the Highway Committee for road use agreements. These are things that should have been finalized before scheduling this public meeting. The storm water application from the DNR was also received this week. How can that allow for adequate review and questions from both this Board and the public? To me, this rushed, last minute business practices are merely a way to block the public from meaningful input. The following are quotes from AllENERGY Silica.com's website, "AllENERGY Silica is a silica sand producer located in Wisconsin", "We produce frac sand for our customers in a safe and responsible manner", "AllENERGY Silica also invests time and effort into creating and maintaining good community relationships that help insure profitable, uninterrupted, long term business operations", "We strive for full disclosure and transparency of our proposed business operations with effective members of the public and governmental organizations". These are very forward leading statements for a company that is not even operational. If one were to also view their website and look closely, they would probably find pictures that look amazingly like the Hi-Crush, Augusta plants. If what they have done so far is, "full disclosure and transparency" one should really ask the question, "Is this the kind of business that the County should be aligning itself with?" Can we truly trust what they are saying? Will they deliver on what they are promising? This is a risk that is too great to take. Approving this permit will result in lasting, irreversible harm. I ask that you deny this permit. Please do not open up one more scar on the land.

Eric Schmidtknecht – Register in support

James Bork – Register in support – feels it will create jobs and finally help the farmers and the community.

Tom Salwey – Register in support

Dennis Bork – Register in support

Mary Fritsch – Register to testify in opposition. Thank you for this opportunity to voice my concern. I am a life long resident of the City of Arcadia. I am very concerned about the aesthetic and health concerns that come with sand mining. But as an educator all of my working life, I am very concerned about the detrimental effect that sand mines, particularly the proposed AllENERGY mine on County Road J in the Town of Arcadia will have in regard to the school funding we receive from the State of Wisconsin. I spoke this past week with the Superintendent of Schools from the Blair School District and what I heard was quite worrisome for their school district and if AllENERGY's mine is approved it will be just as worrisome for the Arcadia School District. As was previously suspected, Blair Taylor's state aid for 2013-2014 school year will be reduced by slightly more than \$500,000. The reason for this state aid reduction is because school districts with higher property values receive less state aid. In the Blair School District, equalized value of property increased \$31-\$35 million dollars due to the sand mining business. Will this translate into enough property tax being generated by the mine to offset the half million dollars in lost state aid? No one at this time seems to have an answer to this. Mr. Riley mentioned that he talked with the Superintendent and they thought it would all work out. I didn't get that same impression from him. No one has an answer to any of this. Arcadia is a school district that is bursting at the seams and is in dire need of a building program. Will the taxpayers be willing to say "yes" to a building referendum if they don't know whether their taxes will take a sharp increase due to loss of state aid for our schools? For this reason, although there are many other concerns I have in regard to this mine, I request that

you vote in harmony with the moratorium that has been put in place in Trempealeau County and vote “no” to the ALLENERGY mine on County Road J in the Town ship of Arcadia.

Bruce Schmidtknecht – Register in support

Gary Haines – Register in support. As a life long resident of Arcadia, I have watched the area go through many changes that have brought us where we are today. I know change is not easy and often met with resistance but change is necessary to keep our area of the country moving forward. We need to look to the future and not live under the belief that this is how it has always been. The development of the sand mine and the spur will bring jobs and economic growth to the Arcadia area. When there is a market for my land that I consider my poorest soil, I feel it is my right as a landowner to take the opportunity to not only bring growth to our area, but through reclamation have farmable land for the future.

Shane Schmidtknecht – Register in support

Patricia M. Bork – Register in support

Sandra Bork – Register in support

Sheila Bork – Register in support

Rebecca A. Larson – Register in opposition but not testify.

Jerome Haines – Register in support

Marlys Kolstad – Register to testify in opposition. Among many concerns that I have about sand mining, one concern is how frac sand mining could affect Trout Run Creek. Trout Run Creek is a Class II trout stream. Streams in this classification may have some natural reproduction, but not enough to utilize available food and space, therefore stocking is required to maintain the desirable sport fishery. These streams have good survival and carryover of adults often producing some fish larger than average size. A 2014 impaired water documentation sheet prepared on July 31st of this year shows that the water is still at the proper temperature for supporting trout and cold water species. However, stated in the documentation, NPS (Non Point Source) run-off from uplands and barnyards continue to degrade habitat condition. With external draining associated with frac sand mining, sediment can be carried into the creek causing further damage to the health of this trout stream. I ask that the Environment and Land Use Committee consider this information in voting on the proposed sand mining permit.

Tim Pronschinske – Register in support. Jobs. Increase in land values.

Scott Slamidt – Register in support

Perry Haines – Register in support

Sherry L. Reck-Haines – Register in support

Travis Hempker – Registered to testify in favor. I am in favor of the mine. Hempker has dealt with ALLENERGY and worked with all these people and they go above and beyond.

Steven J. Haines – Register in support. People grumble about change (new industry). They should step back and look at how industry has benefited every person in the county today. What hurts the county are people opposed to new industry – growth. People opposed to sand have put fear in local business because local business can’t speak up in support for new industry (sand). As far as the project itself I will manage the claiming and reclamation process to the best of my ability.

Elizabeth Holmes – Register in support. If the land belongs to Gary Haines, Cortland Farm LLC and Francis Pronschinske, they are the ones who should be deciding what happens to their land. Additionally the creation of the mine and rail spur will bring additional jobs and revenue to Trempealeau County.

James R. Holmes – Register in support. Monitor, manage, regulate and control, but do not prohibit what is the core of good resource management.

Randy Spangler – Register to testify in favor. I would like to vote in favor of this project. As I travel around the State of Wisconsin watching all the events that happen throughout the different counties, Barron and Chippewa County, it is amazing when you get up into the county’s that have gotten sand going, Barron and Chippewa County, it doesn’t matter if you go into one of the restaurants or gas stations, you see people that are affected by this in a positive way. You see the orange vests, the people with the hard hats; you see the safety jackets that they are all wearing. They are proud of their jobs- they are happy to have jobs. It is helping the economy, there are really very few negatives and that is in areas that trucking is involved. Spangler thought it is

a very unique opportunity here with ALLENERGY's proposal to have a very clean, efficient set-up with no trucking involved virtually. It is going to stay isolated on that site. It is far enough out of town. Spangler just wanted to express his support for the project.

Andrew Konkel – Register in support. Great for local business.

Thomas Sonsalla – Register in support. Good idea

Conrad Marsolek – Register in support. We have supplied concrete for sand mines in Trempealeau County, very good for business; RKD Ready Mix, Independence Ready Mix and Osseo Ready Mix.

Gary J. Boland – Register in support –Landowner needs some rights, increase tax base, provide jobs.

Noah Slaby – Register to testify in opposition. Hopefully everyone on the E & LU Committee was able to read the letter I sent in regard to the Haines, Cortland Farm, Pronschinske properties sand mine. As a Town of Arcadia resident with a young family with two properties bordering the proposed mine, I ask that you vote “no” on the proposed rail spur, mine and processing facility. Of all the possible negative affects of this project, the location of the rail spur and processing facility is the most disturbing with its close proximity to a registered trout stream, river and wetland. This river bottom is also very prone to flooding and with my own experience with farming and pasturing cattle in this low lying area, less than a mile away; I can't imagine trying to control piles of sand, overburden and containment ponds when such common flooding occurs. As I stated in my letter, our communities' water quality is dependent upon wetlands to purify the water we drink and to filter out impurities that exist in our water from field runoff and other human pollutants. These vitally important natural resources are irreplaceable and must be protected. Another obvious concern is the historical significance of Native Americans in this area and within the actual proposed mine site. Lastly, we live in one of the most beautiful areas of the State. This driftless area has brought people here to visit and live. What incentive do young families have to stay in this area when the very values and landscape that they love continues to be compromised? Slaby found it interesting that Mr. Riley commented on what a beautiful area this is, but yet he is here to change the topography of the land. Mr. Vry commented how they aren't into fighting Mother Nature. If you put a 500 car rail spur (I am very familiar with rail spurs, ADM puts in 100 car rail spurs all over the country) in the river bottoms you will be fighting Mother Nature continually, as long as it is there. It is a no win situation in my opinion, to have a 500 car rail spur in that low lying area. Another gentleman that was up here, made the comment about how good it is for Barron County and Chippewa County. Barron and Chippewa County don't, in my opinion, have any of the beautiful landscape that we have here. This is just such a unique area. It is not even comparable. People sand mine by Tomah, people sand mine by the river in the low lying areas, that aren't wetlands, and it is not even comparable. What we have here is irreplaceable and needs to continue to be here for generations to come.

Catherine Kulig - Register in support. Steve Haines is a responsible citizen and believe he will act ethically.

Dr. Sarah Slaby – Register to testify in opposition. Slaby had a quick story she wanted to share. On her vet routes, she has many older farmers that have told her that when they were younger they remembered salesmen coming into their yard selling pesticides, one was atrazine, and to show how safe it was they would take a drink of the atrazine. This was one of the sales tactics that they used to say how safe it was for their family and to be put on the crops. Many of those salesmen died as young people because of the effects of the atrazine. Now today if you're going to use atrazine, you need a special permit and can only use it in special locations. The reason Slaby is making this point is to ask the question, “Why can't we take the time to study the health effects that sand mining has on this community?” The health of my family, my three young children, is being compromised, and I feel will be compromised, without taking the time to study the effects that large scale sand mining has in the area. If commerce is put before the health and the stability of the people that make up this community, why would we want to stay here, why would others want to move into this beautiful area, why would we want to encourage our children, after school and college, to come back to this community? I feel that the good Lord has given us this land as care takers and to preserve it for the next generation. Many studies have shown, and it is yet to be proven, that the reclamation that will happen and putting it back in to farm land will ever produce the same amount of crop and as high of production as it is getting now. Some of these roots, alfalfa plants and corn plants, they go down 3, 4,5 and some up to 8, 20 feet, so putting some of this subsoil that has been cleaned with a chemical that has been mixed in, back as subsoil, yes something will grow but will it be

at the high level of production that is happening now. This land is not our land; we're borrowing it from our children and grandchildren. They need something for generations down the road. When the sand mining is done in this area, something will grow but will it be at high enough production to support the next generation that wants to farm. Thank you for your consideration and I urge you to vote "no" until we know more about the health effects of this mine and many of the other mines. We are right in the middle of where they are proposing the mine. Mark had stated they are hoping more people around will add on and this will just keep getting bigger and bigger.

Jason Haines – Register in support. This a great opportunity for Trempealeau County to bring long term, good paying jobs to the area.

Dennis Pellowski – Register in support. When we have our own gas and oil in our country I feel we should use it by mining with frac sand to remove the gas and oil.

Richard Klonecki – Register in support. I have no objection to this operation.

Darwin G. Clausen – Register in support. I see this as a very good project and would like to support it being approved.

Henry Schultz – Testify in opposition. My brother, Andrew, and I farm south of Arcadia on land owned by my family and I am speaking in opposition to the proposal. Decades long projects like this have affects beyond their immediate boundaries and as the size and number of mining operations and just permitted properties have increased, all of it has a cumulative affect. It may not be evident with each proposal considered by itself. At no level does government have the option of considering one mine proposal or one rail facility separate from all else. If our Township of Arcadia, indeed our County, should end up with a strip mining district (and I'm afraid that process of evolution might already have begun) will some policy makers eventually look back and say, "Well we approved them just one at a time". And I am not making light of this process, I have no doubt that each of you on the Committee takes each decision seriously, but maybe decisions are like mining operations and permits. Maybe decisions also have cumulative effects and a series of repeated decisions could lead in time to an undesirable result – strip mining district. There are good reasons to say "no" to this proposal in particular. It is advisable to permit a mine whose process and loading facilities are to be located within a flood prone area. High water won't be an unusual occurrence, it will be recurrent problem. If necessary to contain storm runoff or effluent from processing, are retention ponds even feasible in an area where the water table is almost at the grounds surface. Will hydraulic pressure fill a pond from below? Let's go upstream to the mine itself. I should say mine's with an "s" because the proposal is to extract sand from several sites over time that are not connected except by a network of conveyors that greatly expands the footprint of the whole operation. This one is going to be a messy operation, sprawling over the landscape. What about the protection of the land and homeowners in the vicinity of the mining operations. If there is a concern that sellers of sand should have the freedom to do so as the right of property ownership, is there not also a right of the neighbors to enjoy the values of home and land ownership undiminished by the downside of frac sand mining operations at their doorstep. What is the equal protection of the laws? Home values in the mining neighborhoods even just where land is permitted will go down and substantially to the point where some properties become unsaleable except perhaps at very steep discounts to fair market value. Cortland mine has more neighbors than it has owners. In effect policy makers would be facilitating the transfer of net worth from the many who neighbor the permitted or mined land to the few who sell sand. The first obligation of local government is to protect the health and welfare of it's' citizens not to transfer net worth from the many to the few. So a decision to allow mining at the expense of neighbors is not a simple decision to defend property rights. A policy maker is choosing. Choosing whose rights to favor and whose rights to set aside.

Kathryn Ann Clausen – Register in support. I feel this project is in our best interest.

David Walski – Register in support. Helps with yearly salary.

Mary Lee Hegenuer – Register to testify in opposition. I am from Ettrick Township. I have observed this Committee in action over the past many months. Your hasty, unthought out, unstudied and unplanned decisions have made Trempealeau County the "poster child" for the most permitted frac sand mines in the world – 26 mines, total approved acres 4,733, rail road load outs 3. Now, before you today is another Arcadia mine, over half of our permitted mines are in the Arcadia area. 725 acres with rail and load out, thus giving us a grand

total of 5,458 acres and 4 rail load outs. One could also add in the 1000 acres under consideration with the annexation between Whitehall and Independence along Highway 121. The County Board has given us a one year moratorium which affords us the opportunity to stop, look and listen and consider the cumulative effect of these mines. To contemplate what we are leaving for the generations to come. So before you vote, an old Native American proverb “only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realize that we can’t eat money”.

Trisha Schock – Register in support. This helps the economy as well as helps to keep my job.

John Thomas – Register in support. Families of the three have been loyal to the community, paid taxes. New opportunities for people in area to exist.

Jon Schultz – Register to testify in opposition. Schultz thanked everyone who took the effort to come here to speak in opposition. He’s not sure what a momentary hand signature is worth. There were definitely issues with the town board. June 6th, the first town meeting, not all neighbors were notified. A truck or two of individuals pulled into his yard, trying to find the Gary Haines property that neighbored us and left the yard without bothering to introduce themselves. We got our letter of notification and the names matched up, but again looking up this company, trying to figure out who they are, name changes going back and a number of documents going back registered with the SEC, by the SEC, a handful of lawsuits. I realized that is why their stock value in the last few years went from \$2.00 to 20 cents to 2 cents. They stopped updating their website a year ago. Schultz questioned if the entity was AllENERGY, AllENERGY, LLC, AllENERGY Arcadia, AllENERGY, Wisconsin, AllENERGY Corporation or Company? Do we have business cards from these individuals? Who is applying today? I think we need to set that straight – who is applying. Their letterhead is all under the corporation. I believe it is AllENERGY Corporation out there. The press refers to AllENERGY Silica and yet it is just AllENERGY, which is it? Schultz thought they had a legal right to probably not disclose that, but Schultz would like to know. I would like to know who my neighbors are dealing with. I would like to know who is brought into this community. We have honest, decent people here. That is why I’ve come here and that is why I’ve always felt comfortable when I moved away from here. My mother has a lot of people that she can call if she needs help. Now I think we have people coming here, speculative in nature, to take advantage of the honest, decent trust we have for each other. When we got the letter of notification, the first thing I thought of was you can pinpoint that area – the crescent between Trout Run Creek and County Road J. North and west of Slaby’s and his kids are going to have to breathe that stuff just less than a mile away. Who wants to raise their kids breathing this stuff?

Bice announced that there are many letters to read so he would alternate reading with Gamroth to get through them.

Rachel Amundson – Register in support. My husband recently changed from a factory job to a position in a sand mine. For the first time in many, many years he has become a person again and not just a robot, going through the motions of life.

Bruce Hoesley, Fountain City - Gamroth stated she had what appeared to be a form letter which stated, “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.

Anthony Myers – Register in support

Dana Hoesley –Fountain City – Register in support

Nicole Myers – Register in support

Richard J. Conrad, Arcadia – Register in support. I have a weekend cabin and will retire in Arcadia. America’s oil independence will keep us out of many conflicts in the world. Fracking technology is rapidly getting us there. Move America forward.

Mary Hommen – Register in support

Rollie J. Conrad, Arcadia – Register in support

Madeline Lubick- Register in support

Theresa Keilhotz, Elgin, MN – Register in support

Chris Lamb – Register in support

Kevin Keilhotz, Elgin, MN – Register in support

Tracy Hurley – Register in support

Ardys Keilholtz, Fountain City – Register in support. In our country we believe in freedom- the owner of property has the right to use his property as he chooses. There are guides and laws to keep the process a productive business for all involved. We need oil and need to get rid of our dependence on the warring countries of the Middle East.

Andrew Munson – Register in support

At this time someone from the audience requested that the address be read of where the registrant is from.

Andrea Haines, Arcadia – Register in support

Gary Hanson, Bloomington, MN - Register in support

Darrell Haines, Arcadia – Register in support

Deanna Rens, Bloomington, MN – Register in support

Dale Sonsalla, Arcadia – Register in support

Todd R. Andersen, Minneapolis, MN - Register in support

Anne Sonsalla, Arcadia – Register in support

Logan Vaughn, Rochester, MN - Register in support

Rosa Mooney, Arcadia – Register in support

John Bedtke, Dover, MN - Register in support

Kenneth Gandyra, Arcadia – Register in support

Arlen B. Mallo, Gilman, WI – Register in support

Margaret Gandyra, Arcadia – Register in support

Francis Pehler, Arcadia – Register in support. Farmers got a product or commodity – sell it – progress.

David Mooney, DM, Arcadia – Register in support

Todd Schultz, Fountain, MN - Register in support

Christine Hannon, Fountain City – Register in support

Josh Marzolf, Fountain, MN- Register in support

Mike Hannon, Fountain City – Register in support

Dan Lyons, Houston, MN – Register in support

Debbie K. Julson, Whitehall – Register in support

Jon L. Olson II, Arcadia – Register in support

Alvin P. Kulas, Galesville – Register in support

Scot A. Nelson, Fall Creek, WI – Register in support

Dorothy Fernholz, Fountain City – Register in support

James Lukanich, St. Paul, MN – Register in support

Dave Fernholz, Jr., Arcadia – Register in support

Tracy Dixon, Mendota Heights, MN – Register in support

Cheyenne Boberg, Arcadia – Register in support

Larry R. Olson, Minneapolis, MN – Register in support

Ryan Barth, Fountain City – Register in support

Jane Boorse, Brookfield, WI – Register in support – This project would have a significant economic impact for Trempealeau County and will be handled in an environmentally responsible way. The benefits far outweigh the minuses.

Gene G. Haines, Arcadia – Register in support

Richard G. Boorse, Brookfield, WI – Register in support. I fully support the sand mining project put forth by Roger Haines. One of the major reasons for my support is the method for extracting and transporting the sand. The conveyor system and rail road for transporting the sand is far superior to the trucking method often used in such operations. I worked on both the Gary Haines and Cortland Farms in the past

Kris Haines, Trempealeau – Register in support

Mary Lou Grulkowski, Arcadia – Register in support

Gerald P. Bautch, Arcadia – Register in support

LaVerne Grulkowski, Arcadia – Register in support

Doris J. Giemza, Arcadia –Register in support
Ron Grulkowski, Arcadia –Register in support
Sue Losinski, Arcadia –Register in support
Jessica Grulkowski, Arcadia – Register in support
Paul Doerr, Fountain City – Register in support
Jeff Grulkowski, Arcadia – Register in support
Miles ?, Fountain City – Register in support
Judy Barth, Arcadia – Register in support
Bridget Johnson, Arcadia – Register in support
Howard Barth, Arcadia – Register in support
Gary J. Waldera , Arcadia - Register in support
Sharon Waldera, Arcadia –Register in support
Frank Schank, Dodge – Register in support
Kristin Carty, Arcadia – Register in support
David Jaszewski, Arcadia – Register in support
Jerry Wolfe, Arcadia – Register in support
Janice Fink, Arcadia – Register in support
Dennis Gunderson, Independence – Register in support
Stephanie Tidquist, Trempealeau – Register in support
Titus A. Kupietz, Dodge – Register in support
Thomas Tidquist, Arcadia – Register in support
Janice Gibbons, Arcadia – Register in support
Cindy Adank, Fountain City – Register in support
Mary Spittler, Galesville – Register in support
Stephen Sluga, Fountain City – Register in support
Marcella Frahm, Dodge – Register in support
Lance Kotlarz, Arcadia – Register in support
Carol Suchla, Dodge – Register in support
Daniel C. Abts, Arcadia – Register in support
Kathryn Kramer, Trempealeau – Register in support
Randy Boberg, Arcadia – Register in support
David Kramer, Trempealeau – Register in support
Corey ?, Independence – Register in support
Dennis Kupietz, Dodge – Register in support – Everyone has the right to make a living.
Robert J. Slaby, Arcadia – Register in support
Richard ? – Register in support
Scott C. Berg, Arcadia – Register in support
Diane Lambert, Trempealeau – Register in support
Richard Boberg, Arcadia – Register in support
John Lambert, Jr. Trempealeau – Register in support
Gerald J. Kostner, Arcadia – Register in support
Betty Lambert, Trempealeau –Register in support
Neal Jensen, Sr., Arcadia –Register in support
John Lambert, Sr, Trempealeau – Register in support
Louis Waters, Dodge – Register in support
Gene Galeski, Arcadia – Register in support
Paul Waters, Dodge – Register in support
Ruth Galewski, Arcadia – Register in support
Sheila Larson, Dodge – Register in support
Mary Tulus, Arcadia – Register in support

Susie Harty, Dodge – Register in support

Darlene Meier, Arcadia – Register in support

At this point Brandt questioned how many letters Bice had left to read and asked the Committee if they wanted to continue reading these. Bice stated all the letters were going to be read into the record and he didn't think the Committee has a choice. Brandt stated it is entirely possible for Gamroth to count them and then put the numbers in the minutes. Brandt added that obviously there was a significant canvas of people in the area and outside of the area to get the form letter signed. Brandt appreciated that, as someone went to a lot of effort, but Brandt thought it would be ok to just say there are so many form letters that have been submitted to the Committee in support. Brandt felt we would be better served if the Committee could get to the discussion phase. Brandt felt it was perhaps a waste of time. Bice stated these applications are all hand written and individuals writing. They have all submitted this information that is here. Bice thought by law and by the posting we need to read them into the record. Brandt appreciated that interpretation and will tend to support it, but the Committee can be better served realizing that there are 300 people who answered a form letter and sent it back in and that is significant. Bice replied Brandt had no idea if that is what happened and was making that assumption. Brandt inquired if it was a form letter. Gamroth responded they all appear to be the same. Brandt reiterated once again that the Committee may be better served to begin the discussion and asked Radtke to weigh in. After some private discussion between Bice and Radtke, Bice announced that legal counsel has determined that we must read these into the record.

Helen Blaha, Arcadia – Register in support

Richard Butters, Dodge – Register in support

Joyce Jereczek, Arcadia – Register in support

Van Deneka, Dodge – Register in support

Bette Pellowski, Dodge – Register in support

Victor Doerr, Dodge – Register in support

Lois Weltzien, Trempealeau – Register in support

David H. Bork, Fountain City – Register in support

Vernon Weltzien, Trempealeau – Register in support

Irene A. Bork, Fountain City – Register in support

Jorge Hernandez, Arcadia – Register in support

Barb Garafalo, Arcadia – Register in support

Katie Twernbold, LaCrosse – Register in support

Melissa Tourtellot, Fountain City – Register in support

Analise Krolak, Pine Island, MN – Register in support

Dave Bremer, Arcadia – Register in support

Mark Gamoke, Onalaska – Register in support

Darrell Sobotta, Arcadia – Register in support

Abigail Pieper, Rochester – Register in support

Janet Smith, Arcadia – Register in support

Robert Pieper, Rochester, MN – Register in support

CJ. Smith, Arcadia – Register in support

Chrisanne Pieper, Rochester, MN – Register in support

William C. Smith, Arcadia – Register in support

John Lucey, LaCrosse – Register in support

Bonnie Klimek, Arcadia – Register in support

Justin Dombrowski, Rochester, MN – Register in support

Lisa Roterling, Fountain City – Register in support

Benjamin Kolgr, Pine Island, MN – Register in support

Betty Roterling, Fountain City – Register in support

Barbara Hammerbeck, Fridley, MN – Register in support

Chuck Roterling, Fountain City – Register in support

Walter Reed, Clarklake, MI – Register in support
Tom Rotering, Fountain City – Register in support
Pam Decktor, New Mexico – Register in support
Dave Meinerz, Arcadia – Register in support
Gene Hotchkiss, Hertel, WI – Register in support
Amber Walsky, Arcadia – Register in support
Karen Peplinski, Plover – Register in support
Brian Dummer, Holmen – Register in support
David Jenness, Leominster, MA-Register in support
Bradley Pehler, Arcadia – Register in support
Donna Medeiros, Bristol, RI- Register in support
James R. Kampa, Arcadia – Register in support
Robert Iervolino, Foster, RI – Register in support
James Rebhahn, Fountain City – Register in support
Gayle Ann Smith, Madison, GA – Register in support
William Klink, Fountain City –Register in support
Ronald Smith, Madison, GA – Register in support
Daniel Lisowski, Whitehall – Register in support
Ronald J. Decktor, New Mexico – Register in support
Ciara Smith, Arcadia – Register in support
Alice Osterhaut, Revena, NY – Register in support
Michael D. Hoesley, Dodge – Register in support
Carolyn Weese, Broken Arrow, Oklahoma – Register in support
Victor Tuschner, Dodge – Register in support
Victor Gechrit, Chicago, IL – Register in support
Roman Miller, Blair – Register in support
David Swartz, Queen Creek, AZ – Register in support
Mary Jaszewski, Arcadia – Register in support
Don Weese, Broken Arrow, OK- Register in support
Mandy Slaby, Dodge – Register in support
Karen Hotchkiss, Hertel –Register in support
Cyril J. Pehler, Trempealeau –Register in support
Robert A. Graving, Portage, MI – Register in support
Thomas J. Fonfara, Dodge – Register in support
Paul Osterhaut, Ravena, NY – Register in support
David Hoesley, Dodge – Register in support
Donna Mann – Peabody, MA – Register in support
Kevin Wagner, Arcadia – Register in support
Richard Seers, Danvers, MA – Register in support
Mara Wagner, Arcadia – Register in support
Sandra J. Maurizio , IL – Register in support
James A. Fonfara, Dodge – Register in support
Paul Rose, Battle Creek, MI – Register in support
Wanda J. Putz, Fountain City – Register in support
James Hammerbeck, MN – Register in support. The U.S. needs to be free of foreign oil. Preserve and purchase.
Janet Boyle, Milwaukee – Register in support
Gerald Peplinski, Plover – Register in support
Carol J. Litscher – Fountain City – Register in support
Michael Maurizio, IL – Register in support

Marcel Litscher, Fountain City – Register in support

Noreen Haines, Arcadia – Register in support – Everything we do has an impact. That impact can be either positive or negative or both. But everything we do has an impact. Just coming here today has an impact. We get into our cars and drive miles to come here to talk over the impacts of frac sand mining. We drove on blacktop roads...some even probably drove on some gravel roads. We enjoy having blacktop roads or cement roads. We enjoy having a vehicle that we turn the key and can drive. Think of all the impacts just those two things have had on our environment. We all agree that we want things like blacktop roads and vehicles in our lives but we don't want it to impact us. Think about the steel used in your vehicle. It came from somewhere and there was an impact on obtaining that steel – that's the negative impact. The positive impact is that we can get from Point A to Point B in a short period of time. Nothing comes without an impact. We drove here today; we made an impact on someone else other than ourselves. The exhaust from our vehicle causes an impact. Our homes –there are lots of impacts without homes. For example, do we want to go without water in our homes because there is no copper mining? Once again, what we have impacts others. Why should we be free to enjoy all these things in life – as long as we don't feel the impact. That's what we are asking for when we say we do not want frac sand mining in our area. We don't want the impact in our back yard. Upon Zeglin questioning if Noreen Haines was present here today, Haines responded she was.

Jennifer McElroy, Pingree Grove, IL – Register in support

Roger A. Haines, Arcadia – Register in support. This project will create the following positive things; provide good paying jobs with some benefits, provide business for the local business community, increase the township evaluation, lower hills mean better rain and snow moisture absorption, the lower hills mean less erosion of soil into the streams, less reliance on foreign gas & oil, improved balance of payments for the federal budget, perhaps less military involvement and loss of life trying to protect oil interests in foreign countries.

Dan McElroy, Pingree Grove, IL – Register in support

James Hurley, IL –Register in support

Randy J. Conrad, Arcadia –Register in support

Helen Hurley, IL – Register in support

Maria Nielsen-Conrad, Arcadia – Register in support

Dennis Hurley, IL - Register in support

Darci Hoesley, Arcadia –Register in support

Josh Hurley, IL- Register in support

Brother Kyle Hoesley, Arcadia – Register in support

Erica Gonzalez, Oregon, WI -Register in support

Conner Hoesley, Arcadia – Register in support

Gabriella Marroquin, Johnson Creek – Register in support

Bert Hoesley, Arcadia – Register in support

Michelle Schulz, Fort Atkinson – Register in support

Robert J. Thomas, Dodge – Register in support

Ashley Ander, Madison – Register in support

LuAnne Hoesley, Dodge – Register in support

Colleen Dyverson, Stoughton – Register in support

James G. Garafalo, Arcadia –Register in support

Susan Boland, Madison – Register in support

Robert Neitzel, Arcadia – Register in support

Tim Boland, Madison –Register in support

Jerome Rebarchek, Arcadia –Register in support

Elaine Albright, IL – Register in support

Diane Rebarchek, Arcadia – Register in support

Nancy Hartz, IL – Register in support

Darrell G. Julson, Whitehall – Register in support

Ethel H. Jensen, IL – Register in support

Laura Swan, Trempealeau – Register in support
Norma Hansen, IL – Register in support
Lori J. Connelly, Arcadia – Register in support
Gladys Putz - IL – Register in support
Amy M. O'Connor, Arcadia – Register in support
Donald Sutter - Fountain City – Register in support
Trisha Walker, Stoughton – Register in support
Scott Kubis, Fountain City – Register in support
Dan Hesch, Arcadia – Register in support
Carol Hesch, Arcadia – Register in support
James Forsythe, Arcadia – Register in support
LaVern Haines, Arcadia – Register in support
Nancy Haines, Arcadia – Register in support
Charles Forsythe, Arcadia – Register in support
Stacy Giemza, Galesville – Register in support
David Boberg, Dodge – Register in support
Patricia Klimek, Independence – Register in support
Jean Forsythe, Arcadia – Register in support
Derek Newsom, Arcadia – Register in support
Nate Haines, MN – Register in support
Marie Korpala, Arcadia – Register in support
Bob Suchla, Arcadia – Register in support
Lisa Sonsalla, Arcadia – Register in support
Tim Smith, Ettrick – Register in support
Richard Sonsalla, Arcadia – Register in support
Gregory A. Pellowski, Holmen – Register in support
Connelly Maruse, Arcadia – Register in support
Michael J. Boberg, Dodge – Register in support
Gary Dorn, Arcadia – Register in support
Jared Burt, Trempealeau – Register in support
Barbara J. Zabinski, Arcadia – Register in support
Tom Severson, Independence – Register in support
Zoland Verlark, Bismarck, ND – Register in support
Julie Melander Holmes, MN – Register in support
Robert Iverson, MN – Register in support
Jordan Hoesley, Fountain City – Register in support
Darlene Andre, Dodge – Register in support
Julia Hoesley, Fountain City – Register in support
Harold Andre, Dodge – Register in support
Paula Haines, Arcadia – Register in support
Randal Hoesley, Trempealeau – Register in support
Jerry Lindstrom, MN – Register in support
Taylor Connelly, Trempealeau – Register in support
Marcy Lindstrom, MN – Register in support
Jay Duellman, Arcadia – Register in support
Carl Thoutt Jr., Arvada, CO – Register in support
Royal Peterson, Hixton – Register in support
Jay Thompson, Blair – Register in support
Perry Hoesley, Arcadia – Register in support
Rex Gamroth, Jr., Sparta – Register in support

Richard Schank, Arcadia – Register in support
Dawn Erickson, Melrose – Register in support
Hans Gilbertson, Trempealeau – Register in support
Dencle Christenson, Osseo – Register in support
Alvin Zastrow, Buffalo City – Register in support
Gary L. Klein, Galesville – Register in support
David J. Hertzfeldt, Ettrick – Register in support
Darell Bender, Augusta – Register in support
Edward Haines, Holmen – Register in support
Don R. Herried, Blair – Register in support
Dennis Klonecki, Arcadia – Register in support
LaVern Milek, Arcadia – Register in support
Derek Symitczek, Arcadia – Register in support
Barry Sosalla, Whitehall – Register in support
Lance Christenson, Blair – Register in support
Barry A. Gierok, Independence – Register in support
Tom Haines, Arcadia – Register in support
Francis A. Pronschinske, Arcadia – Register in support
Kyle Canar, Galesville – Register in support
Tim Killian, Arcadia – Register in support
Peter Gamoke, Arcadia – Register in support
Michael A. Chitko, Arcadia – Register in support
Andy Pronschinske, Arcadia – Register in support
Charles Kulas, Arcadia – Register in support
Theresa Giemza, Arcadia – Register in support
Doug Haines, Arcadia – Register in support
Franc Klonecki, Arcadia – Register in support
Jerry Matchey, Independence – Register in support
Robert L. Rippley, Arcadia – Register in support
Mark Van Acker, Arcadia – Register in support
Richard Krackow, Arcadia – Register in support
Steffanie Kulig, Arcadia – Register in support
Douglas Hohmann, Arcadia – Register in support
Mary Ann Giemza, Arcadia – Register in support
Gabe Pehler, Fountain City – Register in support
Farrah Boland, Independence – Register in support
Allen George, Arcadia – Register in support
Patricia Ann Riley, Arcadia – Register in support
Alfred Schlessor, Arcadia – Register in support
Bill Schlessor, Arcadia – Register in support
Gloria J. Herman, Arcadia – Register in support
Jerry Boberg, Arcadia – Register in support
Gary George, Arcadia – Register in support
Larry Soppa, Arcadia – Register in support
Rudy Kamrowski, Galesville – Register in support
Nicole Stenzel, Winona – Register in support
Robert J. Swartzling, Galesville – Register in support
Kathleen Dummer, Arcadia – Register in support
Dennis Bagniewski, Arcadia – Register in support
Roy Glodowski, Winona – Register in support

Charles Carhart, Trempealeau – Register in support

Eric Losinski, Arcadia – Register in support

Robert Losinski, Arcadia – Register in support

Kathy Lockington, Arcadia –Registered to testify in opposition. I am testifying here because I feel that regulation and that we need to trust these people that are going to be coming in. We live next door to a sand mine. It is like putting a LED flashlight in your bedroom window, you don't even need to turn the light on when you go to the bathroom. Also, we need to understand that, are these people that are starting to do the sand mine, going to be the ones finishing it in 20 years and how many other companies will own this prior to that time. I also would like to put this out there. Our water was never tested prior to this. It was \$550.00 to have it tested for the polyacrylamides, etc. out of my own pocket. Our water softener has sand. The guy came and said you have sand in your filter. I have drawn out water and if you set it in a white bucket, the sand is in there. They have come and told me that the lights will be changed. Yes, I believe that they will, but I strongly recommend to those people close to it, get it in black and white. What it looks like and what is going to happen to your property. I guess I ask the counsel and township here to take it very slowly and to just be very cautious about everything. I am sorry I didn't do more soliciting prior to this meeting.

Bice called for any other testimony three times. Budish stated he has a good number of e-mails to read.

Trempealeau County Resident (submitted a letter in the DLM mail box) – I'm asking you to please not pass the mine application of the "silica sand". First, because there are tons of kids and elderly around there. It is extremely dangerous to their health. Second, the rest of the people's health that it will affect. Third, the roads the taxpayers will have to replace the roads sooner then they normally would have to. But, out of these stated the most import reason to vote "no" to passing this mine comes down to health. Meaning that chance of getting cancer and other health related illness including autism. I have loved ones around where they want this mine and I don't want it to affect them. But, since the sand goes into the air which travels into houses around them, even if they're not there directly, they can have the doors, windows, and vents closed and it will still come in. The noise – people work different shifts and many people have little kids that need their sleep. They should be able to visit with family without having to yell at them, just to have a nice family conversation with them. Again, Environmental Land Use Committee please vote "no" and remember your vote "will" affect our future. Bice questioned if there was a name on the form. Upon Budish's reply that there wasn't a name, Bice instructed Budish not to read any forms without a name on them.

Rebecca Larson letter, Blair – At this extremely important Committee public hearing, I request that the Environmental and Land Use Committee deny approval of another non-metallic mining –quarry and rail load out in Trempealeau County. Just because the noted applicants and ALL ENERGY "beat the moratorium clocks", does not make this proposal any less destructive, any less hazardous, to our community, and our families, our Earth. We will still be faced with health issues, environmental issues, and ethical issues. As stewards of this wonderful gift of creation, I strongly believe that it is our responsibility to cherish the land that no one owns.

Millard Wettlaufer letter, Arcadia – I am not in favor of the Haines/Cortland Farm LLC/Pronschinske sand mine, because I am unsure of the ramifications to environment, local economy, including the tax implications and disturbing the natural beauty of this area.

Diane Waniorek letter, Arcadia – I am concerned about the proposed sand mine in the County Road J area of the Town of Arcadia (Haines Mine). My concerns are many; the environmental impact; the health concerns in relation to the mine; the potential for impact of noise, air and water pollution; and the decline in the value of my property. I am most concerned however that I will no longer be able to maintain the farm that has been in my family for over 100 years. Having sand mine so close to my home will decrease the property value and quality of life so that it may force my family to abandon land on which the Kube family has lived for over a century.

Please consider not approving the ALLENERGY Silica mine being proposed for County Road J in the Town of Acadia. Please consider keeping our piece of history in tact.

Kathy Korrison, David Korrison, Dorothy Kowalsky e-mail, Acadia – As I understand it, there will be a vote this morning in regard to the frac mine on County Road J. Please note my position in opposition to the granting of a permit for this mine and the 500 car rail spur that is also being considered. In the interest of time, I cannot list all of my reasons now

Jeanne and Forest Nutter e-mail, Strum - I have spoken many times before this Committee and I am so very sorry that I cannot be here today. Trempealeau County can not sustain the number of mines that have been permitted. It is beyond reasonable. I do not support yet another request for a frac sand mine in the Town of Acadia. On Sunday I was the reader in church... I read Psalm 37 and oh did it hit me where I live. I would like to share it with you and this Land Use Committee. “Put your trust in the Lord and do good; dwell in the land and safe pasture. Take delight in the Lord, who shall give you your hearts desire. Commit your way to the Lord; put your trust in the Lord; and see what God will do. The Lord will make your vindication as clear as the light and the justice of your case like the noonday sun. Be still before the Lord and wait patiently, do not be provoked by the one who prospers the one who succeeds in evil schemes. Refrain from anger, leave rage alone; for evildoers shall be cut off, but those who hope in the Lord shall possess the land.” For all of us who sit in this room and listen to the schemes that will make some rich, or create a ton of new jobs and free us from oil dependency... we know the end result will be in the destruction of our lands, the water, the air and our health.. We will never give up. We will be patient and continue to fight for our lands.

Budish noted he had an e-mail way beyond 250 words. He was asked to summarize it by Lien and Bice.

Bobbi or Richard Halvorson e-mail, Acadia – They moved into their home in Thompson Valley near Acadia in May 2011. At that time we were not informed that the sand mine would be operating so close to us or we would not have moved there. The first year was relatively quiet as they worked at the mine sporadically. I did, however, notice on days that they worked that the noise from the mine and the trucks going were increasingly higher than before. At this time we felt the inconvenience was annoying but livable. My opinion of the annoyance being livable completely changed the second year that we lived there when the mine began operating constantly. Twenty four hours a day you heard the constant noise as trucks drove by paying no attention to the speed limit and the machines at the mine continually made high level amounts of noise, often waking me from a deep sleep in the middle of the night. The only way to hang your clothing out on your clothesline was to watch which way the wind was blowing. If it came anywhere from the direction of the mine, the items on the line would come back dirtier than when I placed them in the wash. We also began to have problems with one of our vehicles and when we brought it in for service the mechanic was astonished about the amount of sand caught in the air filter, he replied that he had never seen anything like it before. If our car air filter looked like that what would our lungs eventually look like and what possible health issues would we face if we continue to breath in all the sand, dust and dirt this mine was producing. The mine began blasting earlier this year and we were told it would not be an inconvenience and we would hardly even feel the effect of the blast. This was not true at all. Let me be the first to say that it is like watching a bomb go off in the back yard. The amount of dirt and dust spread into the air was enormous and the sound was so loud I thought that my house was falling down around me. The entire house shook to the point where things began to fall off of our walls and articles on tables would move from the sheer force of the blast. The dirt blown into the air settled into my windows with a high frequency. Sometimes as much as a tablespoon could be found. I would clean it out and within a month it would be back. My daughter has asthma which grew progressively worse, but has since dissipated since we moved. I lived with a constant headache and my five year old had continuing problems with allergies that have since disappeared. The destruction of the roads became obvious as the sides began to crack and the damage was connected to the mine as the roads had been in good shape before they began the constant traffic on the road. We moved in June of this year as I saw no other option open to secure the health of my family from being further damaged. As I have written previously the symptoms I had

described are no longer a problem after moving away. After experiencing the damaging effects of the mine my advice would be to move if you are anywhere close to a mine, your risking your family's health and the propaganda put forth from the mining companies is full of half-truths or no truth at all. They will not only destroy the land, but your health as well.

John & Kortney Glodowski e-mail - As a family with young children, we are deeply concerned about the effects of the sand mines in Trempealeau County. We are strongly against them. We feel as though it is selling Mother Nature for a quick dollar and the people that are paying the price are friends and neighbors and most of all our children. These sand mines could have a catastrophic effect on our water supply. Although, some people may feel that the sand mines are a quick fix to add jobs for the County, what is going to happen when nobody is going to be able to live in the area due to severely tainted or worse no water supply? Please take into consideration that, as long time citizens of Trempealeau County, we are very against the sand mines.

Bob Steenlage, Arcadia e-mail - Please read my letter at the October 9 meeting. My wife & I moved to the Arcadia area in 1977, and raised our family here. From 1977 to the present I have been a farmer, school teacher, and business man. I have a B. S. degree in engineering from one of the top rated engineering colleges in the country, and first started teaching science in 1970 in Minnesota. I have taught every science subject offered from grade 7-12. I would like to offer you a historical view to the subject at hand. With my 43 year extensive science background and interest, I have followed countless projects of this or similar type where they rush to get the project started without due time for responsible scientific research. Historically most projects that begin without proper scientific research end up in some type of environmental or health disaster for the area. So what's the rush? Wait a year and allow the scientific community to do their work. There is too much at stake and would be a very unwise decision to do otherwise. I could have picked any place in the U. S. to raise my family. For many valid reasons we chose pristine Trempealeau County, WI. Please don't take a chance of ruining it for us and our grandchildren, and everyone else in the county.

Sherrie Sacia e-mail - I would like you to consider not starting this mine until health studies are made. I work in an area of the lab at Gundersen Health that diagnoses leukemia and lymphomas, some of these are due to environmental factors that the patient was exposed to. Is there anything in the running of the mines that will add to the chance of developing disease? Better to slow the process down until we are sure of any health impacts, all of our families health depends on you.

Lois Taylor RN, Trempealeau e-mail - I'm against the Haines/Pronschinske/AllENERGY mine application at present because there are no community impact studies to support another sand mine in the Arcadia area, particularly when 3 other large mines have been approved, thus encircling Arcadia. I believe there needs to be a land use impact study focusing on health risks related to air and water quality to Arcadia residents and the neighboring area, at least under the present situation before more mines are approved.

Nancy Bergman, Arcadia e-mail - My concern with the proposed AllENERGY mine rests with the manner in which the plan was approved at the town level. I attended the meeting at the town hall where a 13 page plan, complete with a picture of a train, was presented to the Town Board. It seemed quite thin for a proposed \$35 million project. At the end of the meeting, AllENERGY miraculously discovered their "real" plan which was substantially thicker. The Town Board proceeded to vote on the project without reading this new plan. One Board member voted against it but Mr. Tuschner and Mr. Pronschinske voted to accept the plan even though they had no time to review it. I feel this project has not been adequately studied. The mining operation will impact a sensitive ecological area near the river. Rushing ahead with this rather ephemeral project might have negative consequences for both the families involved with AllENERGY, with groundwater, air quality and the environment.

Pat and Mary Slaby, Arcadia e-mail - We will not be able to attend the meeting regarding the rail load out in the Town of Arcadia, so we are sending you this email to express our concerns. Our farm is less than a half mile east of this project, which includes land that is in the flood zone. This past year alone the river bridge crossing had been closed on at least three different occasions and should have been closed much longer but they let traffic travel through the water. We have been battling high water in our fields, roads, and basements and each year seems to get worse. The area proposed for this load out provides many acres for water overflow, especially on years like this. Can we really afford to keep giving up our greatest asset on battling flood water? In the past there were a few occasions when the Town of Dodge was in danger and were sandbagging. Know that it seems like every year they are warning the people in Dodge to prepare for high water. Do we even care about how our actions affect people and communities up or downstream? It seems that this project will benefit a handful of people but affect many. For many years I had been hearing about the narrow stretch of river that is less than a half mile below the Gary Haines property. Rock Cut on the Buffalo County side of the river and the train tracks and high bank on the Trempealeau County side. This pinch point has been blamed for many of our floods and there were rumors for years of somehow to widen this area for water flow. Know by allowing this rail load out you will be narrowing the channel down even more. This will affect landowners up and downstream of this project. The site being proposed for this load out should be off limits to any development. Only a few will benefit while taking a valued resource from the community. Being that Arcadia is a river community and we deal with it's flooding each and every year we hope you would consider stopping this project and protect us now and for years to come.

Abby Johnson e-mail - This letter is written in concern to the AllENERGY Sand Mine. I have a few concerns that I would like to bring up prior to the vote today. Groundwater is my first concern in regards to this proposal. Phases 7 through 10 are based off of two soil borings. The borings were numbers 5 and 6, both of these soil borings hit ground water at approximately 51 ft and 45 ft respectively. Although, sand mines are allowed to mine within 10 feet of the ground water, the soil bores also reveal the top soil amounts. Boring 5 has roughly 33 feet of silt overtop of the sand, this would leave approximately 8 ft of sand available for harvest, not to mention who knows if this 8 ft of sand is of the desired size. Who is going to monitor the activity taking place this close to the water table? Wetlands are very important ecosystems that need protection from developments and/or drainage. The location of the rail spur is around/in a wetland, destroying approximately 1.6 acres. The area surrounding the defined wetland is a Seasonal Wetland. Seasonal Wetlands are areas that flood in the spring or during wet periods and stay wet for a few weeks to months at a time. Various species of waterfowl use these seasonal wetlands as their breeding grounds. A rail spur would decrease the livability and functionality of these unique ecosystems that are important for maintaining a diverse population of waterfowl and plant species. Please carefully consider the concerns brought forth today.

Charles and Karla Johnson e-mail - SUBJECT: Comments for Public Hearing of AllENERGY Permit.

1. We oppose a Conditional Use Permit for a Mining-quarry. We believe Trempealeau County currently has too many permitted/active mines. Until the reclamation work is complete on those sites no additional mines should be permitted.
2. Proposed mine and rail spur is located next to the Trempealeau River in a wetland/flood plain. In early spring this area has standing water. Filling in this area will cause flood water to inundate other lands. Given the track record of other mines run-off is a problem which can cause serious repercussions for communities on both sides of this site.
3. Trout Run Creek is a class 2 trout stream with sediment problems already. Opening up a mine next to it will cause even more run-off into this stream, which will further destroy the trout habitat.
4. Other concerns which also need to be addressed.
 - a. Air quality from particulates matter and radon gases
 - b. Increased noise

- c. Ground water contamination
- d. Aesthetic degradation
- e. Loss of agricultural land
- f. Looking at the plan that was submitted by AllENERGY to the Township of Arcadia for this mine and rail spur one has to question if they will be run with the same lack of attention to detail. This leaves many unanswered questions.

We pray that our county leaders will carefully and wisely consider all concerns before voting to approve this permit. Do financial benefits to a couple residents outweigh the adverse impacts to the environment and community?

Daryl Kramer, Trempealeau e-mail - I strongly urge the Environmental Land Use Committee to NOT approve the sand mining permit for the Haines/Pronschinske/AllENERGY mine. The County has committed to a moratorium to study the effects of frac sand mining in our area. Trempealeau County already has a highly disproportionate number of mines in the state. The Town of Arcadia already has a highly disproportionate number of mines within the County. AllENERGY appears to have a poor reputation, and both the plan they submitted and the manner in which they submitted it should put anyone on alert to the point where it could easily be regarded as irresponsible to approve this mine.

Duane and Theresa Matelski, Arcadia e-mail - We would like to ask the Committee to please re-consider allowing this mine to go forward. We are new to your beautiful and unique area of our state. After living for over thirty years in the flat part of the state, we marvel everyday at the breathless beauty in the ridges and valleys that make up our County. It saddens us greatly that this unique beauty is so quickly disappearing, and the eyesore of yet another mine dots what was once a beautiful vista here in Trempealeau County. It is alarming at how quickly so many mines have popped up in the couple of years that we have lived here. We are GREATLY concerned about the wetlands that are involved. Once that eco system and ultimately our good fresh water are damaged, it will be too late! Do you realize how very lucky you are to have good water?!? When we lived in Southeastern Wisconsin, we did not have good water and many of our neighboring townships and towns also did not have good water. Simply said, we live in a time when water is not something to be taken for granted.

Eva J. Gamoke, Arcadia e-mail - I am writing this in concern of the mines in Trempe. County. In particular the mine on County J. I am against this for the many things talked about at the meetings that have been held over the weeks. We have one of the most beautiful areas in Wisconsin, and it is our responsibility to be overseers of this land. I say NO to these mines.

Noah Slaby e-mail – Slaby stated that he read the e-mail already today.

Paul Winey, Arcadia e-mail – Winey had already read his information into the record.

Budish noted he had some telephone calls; one from Robert and LaRayne Kupietz noting they were against the mine. They thought it was pushed through the town and the Town Chairman took the letter upon himself to vote and stated to vote “no”.

Budish stated there were actually two letters from the town. The first letter from the Town of Arcadia was dated August 6th, 2013 which didn't have any conditions attached. The letter stated the Town Board of Supervisors have been informed by AllENERGY, Cortland Farms, Pronschinske property that they have applied to the Trempe. Co. DLM for a Conditional Use Permit. The Town of Arcadia Board of Supervisors has passed a motion at their August 5th, 2013 board meeting stating they have no objection to the Trempe. Co. E& LU Committee issuing a CUP for nonmetallic mining to AllENERGY, Cortland Farms, Pronschinske properties. We will develop our conditions that we will incorporate into the eventual CUP that will be issued by

Trempe Co. Budish stated the other letter that was sent was dated August 29th, 2013 and contained the conditions to attach to the permit. The letter itself stated attached is a copy of the original letter stating the Town Board of Arcadia Supervisors have no objection to the E & LU Committee issuing a CUP to AllENERGY Silica. Also attached is conditions forwarded to the Town of Arcadia in addition to the standard nonmetallic mining conditions. There is a slight change in condition #2 from the previously e-mailed copy sent Tuesday, August 27th, 2013. All the other conditions remain the same. I am e-mailing a copy to Jake Budish today, August 29th, 2013. Ron Tuschner will personally hand deliver a copy also. There being no more public input/testimony, Bice closed the public hearing at 12:36PM and recessed the meeting until 1:15PM.

Bice called the meeting to order at 1:24 PM. Bice asked for a motion from his Committee. Low made a motion to approve the Conditional Use Permit/ Reclamation Permit, Bice seconded the motion. The applicant had asked for the opportunity to address concerns after testimony, so Bice gave them the floor at this time. Dean Sukawaty, of AllENERGY Corporation introduced himself and stated he is also the major shareholder of AllENERGY. Sukawaty stated one of the questions that came up was about the different LLC's that AllENERGY has. He stated he is the sole managing member of each one of those LLC's. and added that many business' have multiple names for business purposes, marketing. They all come back to the parent company of which he is the managing member/major shareholder of. In regard to the website, Sukawaty stated we are in the sand business; we spend a lot of money and a lot of time. We have wells and will continue to drill wells and will continue on our sand projects and our website addresses that. Sukawaty explained websites are about marketing and that is what we are doing is marketing and we hope that we are going to have sand in six to eight months to market. Riley stated the second item they heard brought up was the way that the Town of Arcadia process worked. Riley explained that earlier this morning, Ivan Pronschinske (supervisor) was present and Beth Killian (clerk) is here. The thing that Riley wanted to stress is that they went through their process, they had three public hearings and at the last public hearing, their attorney was there, he conducted the public hearing and it was done according to the rules of the Wisconsin Towns' Association. After that hearing they subsequently sent the letter to the County which Budish read earlier. In a subsequent meeting after that, ALLEnergy discussed with the town, in a public forum, the conditions which are now going to be part of the CUP if they are approved. AllENERGY feels they have met (noting that the town only endorses the project, they don't approve the project as that is the DLM and Committee's job to take a real serious look at all the documents, etc.) the requirements. In regard to the moratorium, Eric McLeod, Counsel for AllENERGY stated he hoped that Rian Radtke would be here and certainly he could have addressed this issue as well, but McLeod stated there were several people that spoke this morning, suggesting as though this Committee ought to treat this application as though it is subject to the moratorium. McLeod thought the Committee is certainly aware that the moratorium does not apply to this application and that the same standards that have been applied to CUP applications for nonmetallic mining in the past are the same standards that this Committee should apply to this application. One of the speakers earlier raised the issue of equal protection and McLeod stated that equal protection again requires that the same standards be applied to this application that have been applied in the past. The moratorium is prospective meaning that it applies to future applicants who are going to be prevented from a hearing. McLeod stated we do not fall within the scope of that moratorium. Don Vry stated we tried to listen very intently and the topics they are bringing up are things that we've heard and felt should be addressed. In regard to dust and health concerns, Vry stated they are very valid concerns and he understands why people are asking. He has spent the last 2 ½ years working on a mine site and developing a site very similar to this and it was the most heavily instrumented, monitored site in Minnesota and that information is all in the MPCA (Minnesota Pollution Control Agency) website. It is also in the Minnesota Health Department. As the result of that 2 ½ years of work on that site, the Health Dept. has just come out with new recommendations. They recommended three micrograms per cubic meter at receptor (at a residence). We're seeing undetectable levels at 500 feet from the dry plant on that site and it is being tested every month. We are also testing for TSP (coarse dust) and we are testing for PM-10 which is the smaller respirable sizes. Those testing levels (they have upwind and downwind monitors on that site), the guidelines are set by the EPA, so the EPA standards which are designed to protect sensitive population, so if you have asthma or breathing difficulties, that is what

the standards are designed to protect. The standard for TSP is 260 micrograms per cubic meter. We're typically, on that site, wanting a 100 at a 1000 feet or something like that. When we see 100, the winds are blowing off the highway, next to us or the agricultural fields. When we see a 50 number, they are blowing off the mine site. Vry added, it has been very interesting to watch and all of that is public data. On the TSP the standard is 150. We're seeing numbers in the 30 to 60 range, again the 30 is when it is blowing off the mine site or from that Louisville Swamp Wildlife Preserve adjacent to that mine site, and when it is blowing off the highway or the agricultural fields around, it is higher. What we are seeing on a site that is very similar to this, we're seeing it has been monitored, it has been proven to meet all of the standards that are out there for sensitive populations, and it is meeting the new standards that are out there by the health department. When Vry helped ALLENERGY design this site and we went to the movable, portable crushing and the conveyors and the pit, that actually reduces the dust impact from the quarrying operation by about 50%, compared to the site Vry has just been working on. Vry is very confident, from the experience that we have and the public data that is out there that this site will perform and be very safe. Jeff Kramer introduced himself and stated that he wanted to address some of the comments regarding concerns about wetlands or waterway impacts or potential impacts. Kramer has been consulting as a wetland ecologist for over 12 years. He works with various clients on different types of projects throughout the U.S., although primarily here in Wisconsin. Kramer can assure us that Wisconsin is very well known for having some of the toughest and most stringent wetland regulatory laws in the nation. Any projects that are proposing to have an impact on the wetlands go under very detailed review by the Wisconsin Department of Natural Resources. They have a very large staff of professionals that review these applications. The wetlands within this project area are also regulated at the federal level by the US Army Corp. of Engineers. They will also be reviewing any project plans that are in proximity to wetlands. In order to obtain a permit to construct a project near a wetland, one has to demonstrate that there are not significant impacts to the wetland. One has to go through the wetland mitigation process if one is going to impact the wetland to offset those impacts. Kramer stated this project is in compliance with all of those regulations. There was also discussion regarding, what Kramer would regard as secondary impacts to wetlands or waterway which is erosion or runoff. Kramer thought it was important to look at the current conditions of the site. There is exposed soils that drain into the waterways and wetlands right now due to agricultural activities where there may be crops half of the growing season and there is exposed soil and runoff occurring. This project is going to result in minimizing and improving the current conditions by controlling runoff and storm water through construction of storm water retention basin and infiltration basins as well. Matt Hieb introduced himself stating he is a civil engineer working on the project. One of the issues that has been brought up is the low lying areas and the flood plain/flooding issues. Hieb stated a detailed study, meeting the DNR standards have been done on both Trout Run Creek and the Trempealeau River. By law, DNR standards, they are not allowed to affect upstream properties by their activities by more than 100th of one foot. Hieb explained that they cannot change the water surface profile, in a 100 year event, more than 100th of one foot, and they have the modeling that shows that it does not. In addition, the rail spur itself, is above the 100 year flood elevation. Vry added that the other thing they heard is concern about pond breaching. Vry had attempted, in his description of the wet processing plant, to explain some of that. Vry again explained that there were two operations, not related to ALLENERGY, in northern Wisconsin that had pond breaches that are actually being litigated by the Department of Justice right now. Those operations did not have a clarifier or a belt press, so what they did is they took their water system and dumped the water into these big ponds and hoped that the mud would settle. They had a big storm event and those ponds washed out. Vry stated they have designed this system that they do not have those ponds full of mud, so that there won't be the opportunity to have them breach like that. That alone was over a one million dollar expense to the project, but they saw the problems of the other operations and made a definitive capital commitment to do a better job. Vry had heard a comment that they should be doing well testing. Vry would say that, as an applicant, prior to them starting any blasting on the site, they are certainly willing to do structural and well testing at a 2500 foot radius and they are willing to commit to that. Vry heard a discussion on land values and stated it is a bit challenging because there were no details. As part of Vry's work, he has worked on permitting mining operations where land values have been a discussion point before, and he worked with the Shanahan Group out of Minneapolis (they work all over the country), so Vry has done this in

five different states on five major projects. They go out as certified appraisers and they do a land study of all the values and all the sales, and they come back and usually it is a question of residential housing next to a mining facility, or something like that. The net in all of those studies is, the opponents have never been able to show that there has been a depressing effect on values by the mining operation. In this particular case, where we have no facts to go on, Vry has to rely on his experience and those five studies and say it has been looked at fairly extensively and he believes that a mine properly operated within the conditions of your statute won't impact the values. Vry heard a question about the depth of mining. There was concern about ALLIENERGY mining into the water table. Vry believed the Ordinance requires a ten foot minimum separation. They have said in their application that they agree with the ten foot minimum separation and will do that. Vry stated they don't feel there is an issue there. Riley stated that pretty much summarizes the main issues that ALLIENERGY heard raised by the people. They appreciated the public forum and think it is helpful for people to get their issues out so that the Committee can here what they are. Riley hopes that their responses have been comprehensive, concise and answered any questions. Riley turned the meeting back over to Bice. Lien had a couple of questions. Lien stated that on the one map, Figure 4, the field delineated wetland data, it shows a W-8 wetland but yet Lien didn't find reference in the plan. Lien continued that it was overlooked by staff but was brought to their attention that the wetland wasn't referenced and Lien was wondering why? Kramer commented that the text is a written description characterizing the wetlands that were identified on the site. Kramer thought it may be an error on the printing of the report because on his digital copy he does have a description of wetland 8. Lien asked if it was in any of the plans. Committee consensus was that it wasn't in any of the plans. Upon Riley inquiring with Kramer that the digital copy up on the screen shows it, but the hard copy that is in the report does not, Kramer stated that was correct? Kramer added that the wetland data is on the very southwest part of the project area that is outside of any affected portions of the project. Lien asked what was different about wetland #8 that it was designated differently. Kramer responded it is connected to wetland #3 from outside the project area so it is a different boundary. They numbered the wetlands differently when there was a different boundary associated with them. Lien stated he just wanted to make sure that DLM gets copies of it. Budish noted the wetland was on the DNR map also. Lien stated he and Radtke have been working the last couple of weeks on the revision of the Ordinances related to nonmetallic mining. Through revising them, Lien stated we are learning that there may have been some oversights along the way. Lien continued that one of the things that is unique to Trempealeau County is the state standard of NR-135 (Chapter 20 of our Ordinance) that everyone has to abide by and then the County has Chapter 13- Nonmetallic Mining, so we hold a public hearing for the two at the same time. Lien explained that one of the things that has come to light is that we probably haven't done a real good job of tying that reclamation plan and phasing to what it is intended to be. Lien stated in today's presentation, it was stated, "we're going to mine Phase 1 and then reclaim Phase 5 as we go". Lien may have missed something, but in the plan it states that after mining is completed, reclamation will take place and what kind of reclamation will take place. Lien didn't think there was anything in the plan that definitely ties a timeline down to the reclamation and phasing. That is something this Committee has realized needs to be added to the plan. Lien inquired if that was something that the applicant had that was not in the plan or if that is something that could be created in the next few minutes. If not, perhaps that is something that should be brought back to the Committee at a later time, but it should be concrete in the plan that states, "when Phase 1 is mined, Phase 2 or whatever will start to be reclaimed and when that Phase is reclaimed the next phase will be started and it all should be associated with a time line. Lien understood things can change, but it sets a timeline and facilitates enforcement. Without having a detailed phasing plan, the DLM really has no way to take enforcement action. Vry stated as Phase 1 is opened; the overburden has to go someplace. There is no place to start reclamation if nothing has been done. The initial overburden on Phase 1 will probably be put on Phase 5. Lien questioned the word "probably" and stated we need definite plans. Vry responded that was no problem. Vry continued that it works a lot better, as every phase has a slightly different amount of tons in it and a slightly different amount of overburden. Typically what one sees is "x" number of open, active mining area, so one can have 30 acres open and then you have to be reclaiming. One can't open up more acres than that unless one is filling behind so it is always filling behind as one is going. Vry had no problem writing a description like and no problem working with Auth Engineering and part of that is in the documents. Hieb thought there was a

description in there. There is a general time frame of approximately how long it will take. Hieb added it starts about starting one phase and then ending one phase, etc. Hieb thought what he was hearing is that Lien would like that tied to a time frame. What Vry has seen that works well is to have a yearly report that is required to be filed by a professional engineer that says, "At the end of the year this is our status". So every year the applicant gives a status and then the County never gets in the situation where there is a huge area open. Lien commented State of Wisconsin requires that and DLM does that, but in a sixth month period on one site, we went from 30 to 60 acres open to 169. Vry suggested making it a quarterly status. Lien explained that what happened is that the market changed. Because of that mines ended up with a lot of excess washed sand, etc. that was too fine to market, so then it starts getting stock piled in probable areas instead of delineated areas, then there is a rain event and problems happen. Lien stated we are trying to find a way that we can narrow that open acreage down and define it more in the reclamation portion of the application. For us to accept a good reclamation plan, it needs to be a little more defined instead of generalized. If we can do that right now great, if not that might be an amendment that has to be brought back. To define it would alleviate some of the problems that DLM has encountered in the past. Vry explained and thought that just a simple time line was needed, i.e. six months of processing, six month of quarrying activity and the overburden goes from Phase 1 to Phase 5 and gets stockpiled in a temporary berm as we have to have a place to put it. Any excess sand, any excess overburden is folded back into the beginning of Phase 1, we start reclaiming and so then continuously as Phase 1 is mined it keeps getting folded in behind and we just keep moving. That temporary berm that they put on Phase 5 is the last piece that goes into Phase 5 and then they are done and then that process just continues. Lien replied that right now, if one reads what is in the plan it is just very general. Holst mentioned they would do it any way Lien wanted it. Bill Holst introduced himself and stated he has been in this business for 35 years. He agreed with Don Vry as the way to do this is to set the limit on the acres one can have open at any one time and that basically limits one to how much can be disturbed or else one is in violation. Brandt stated there is another aspect that goes along with what Lien is talking about and that is the definition of reclaimed. Brandt added not only have we been working on tightening up our Ordinances so that folks who apply know what to expect but also so staff knows what they are enforcing. The other issue related to reclamation has to do with its' ability to support agriculture. Every single person who has come here has stated it is going to be agricultural land when it is done, but they don't define what agricultural land is and neither do we. In the course of the discussion last month, we came up with a number – 70% of the crop yield on average for that year for that area. Brandt noticed in the plan, when reclamation is talked about, it talks about soil that is able to support a variety of low level grasses and that is the DNR requirement. The requirement of the DNR is that something can be defined as reclaimed when 70% of the land is covered by some kind of grasses. What we are talking about now is actually "upping" that, calling the applicants out, so to speak, that if one is going to say "agriculture", this is what it is going to have to do by the third year. Brandt thought it was also important that everyone understand what we mean by "reclamation". Does it mean 70% ground cover or some kind of grass or does it mean that it is actually agricultural. Brandt continued that ALLIENERGY also has in the reclamation plan, a temporary reclamation, which Brandt understands to be standard procedure because one doesn't know when they are going to need what is underneath there. Staff needs to be able to understand what part of the reclamation is temporary and that it is designated as that. Brandt thought all of these things play into what it is the reclamation permit is going to require and that becomes an enforcement tool. Brandt added that is something the Committee needs to keep in mind as well as the applicant. Upon Bice's inquiry about what should be done, Lien commented he thought the Committee had the ability to condition a limit on the amount of acres open and that may alleviate the one issue, but again the babysitting job is up to DLM staff to repeatedly run out there and do checks all the time of which they don't have that time. Lien would ultimately like to see an addition to the plan, where there is that detailed phasing aspect and it can still be limited by acres. That way there is a long term plan too. Brandt mentioned that Radtke has stated that the reclamation plan is the reclamation plan and anything that deviates from the reclamation plan is a violation of the conditional use permit. Lien added or they can come back to amend it. Vry understood the staffing issues and that DLM didn't want to play the role of inspecting these operations and asked if it would help at all if there was a third party review. Every six months a third party comes in and certifies where they are at in regard to the plans submitted to DLM. That at least would

alleviate some of the administrative burden. Lien responded the problem is that we are the only ones given NR-135 authority and that is where this applies, so whether DLM is reviewing engineering plans or out there visiting the site, we still have to put time into making sure things are compliant. It still falls on the DLM shoulders. Lien elaborated there hasn't been only one, but several cases where that has been modified and we just haven't addressed it very well. In the multiple meetings that Budish and Lien had with the applicants, this hasn't been "nailed down" specifically because we didn't realize that is where we were at fault with some of these. Lien felt tying it down to a timeline and probably acreage would be better. Riley stated because of their three distinct properties of which Cortland Farms has 130.8 acres that they have delineated in these five phases. In order to get back to Francis Pronschinske's or Gary Haines', they have to go with overland conveyors, etc., so they are not going to be opening up those areas while they have a bunch of area opened over here. The second impact of that is that as soon as they open up the areas, they understand that current laws in Wisconsin is that it goes from \$4.00 a taxable acre under agriculture, to \$15,000 per acre, so we are going to want to get that back to agricultural land as soon as possible to minimize their outlay for taxable purposes/assessment. As a corporation that is trying to be profitable, Riley stated they are going to be monitoring that too because there is that financial impact. Also when Riley had talked to Lien and Budish about what the bonding or financial assurance portion of it is, their application is for 260 acres and Phase 1,2,3,4,and 5 is 130 so Riley asked if it would make sense that , that is what they bond for initially or are they going to have to bond for the full 260 acres even though Francis Pronschinske's requires an overland conveyor and they have to go over Trout Run Road/ Trout Run creek and, i.e going back to Gary Haines', they have to put another conveyor in. Because of the physical breakdown of these, Riley thought that they could provide DLM with a plan that shows what is going to be open, when it is going to be reclaimed and as Radtke has said, that is the plan and therefore they have to conform to it or come back and ask for a variance/change to that plan (which they would do). Lien stated their plan references basically what NR-135 states about a seed establishment to be determined as reclaimed land. Lien stated we have had a past history of saying that two years after it is reclaimed one must be able to meet 70% of the crop production of , i.e. this years crop, which is a reasonable goal otherwise it is really hard to say that it is cropland if one is not meeting those minimums. We have done that on other plans and the only impact with that is that we don't sign off on it as being reclaimed until that is met, where NR-135 states if there is 70% sod cover that is considered reclaimed and that is the difference. Vry's only comment on the process is if we set the 30 acres of active mining and we have folded the soil back in and replaced the topsoil's and plant the first crop and we're struggling to reach the 70%, but still working at it, we don't want DLM to say they can't mine anymore until this grows really good as they want to keep mining. Brandt commented it is related to when the bond is released. Just to be clear, Hieb stated the plan did call for Ag land and also some open space just to create slopes. In looking at final slopes, Lien asked how difficult it would be to delineate from those final slopes what is going to be ag production land and what is just going to be seeded down into grasses. Hieb responded it would be very easy and that they could definitely provide that. Lien noticed these weren't the typical contour maps and inquired if AllENERGY had LIDAR flown. Hieb responded they did not. They had their survey crew do some shooting and they used some of the USGS maps for the preliminary mapping. Bice asked if Lien was comfortable that there was a reasonable resolution on when reclamation will take place. Lien responded he thought that, at a minimum, it needs to be amended into this plan and that the acreage needs to be set. Lien stated open acreage means not only what is being mined but what is being reclaimed. Anything that is disturbed is open acreage, so that is the limit that should be established by the Committee, and then have the plan amended to show not only what will be cropped besides seeded down and then a detailed phasing plan. Bice inquired if Lien was asking the Committee to establish conditions, i.e. 30 acres open? Lien responded yes, whatever the Committee feels comfortable with and also the applicant. Lien reiterated that he thought there should be an established amount of acres that is dealt with, being opened and reclaimed at the same time, as well as a detailed amendment to the plan so that we have that to use as a tool. Brandt stated it is clear from their maps that each phase is between 25 and 30 acres, so the 30 acre number is not outrageous. Brandt asked Lien what the status was of the rail load out processing area in relationship to this open land. Brandt asked AllENERGY if, when this is done, they intend to reclaim that area of the processing plant and the rail load out. Hieb believed it was a part of the third party review comments and

to address that, it stated that after the mining is complete, the plan would be to remove buildings, abandon the well but not remove the rail spur. Hieb added that the plan would be to bond for the amount to remove the processing facility and everything associated with that. Brandt asked if that is considered part of the open land or should we deal with that separately? Lien stated it is considered open land because it is not reclaimed and Lien didn't think it should be associated with the 30 acre limit because those 30 acres are a processing facility and the active mining facility. Riley stated the land they are mining is under a nonmetallic mining lease whereas the land on the other side of the rail or County Road J they are purchasing and they will be the owner of it. Upon Brandt asking who puts up the bond for the nonmetallic mining leased area, Riley responded they do. Brandt stated it would be possible to make it part of the conditions that a detailed reclamation plan, approved by staff which maintains not more than 30 acres open at a time be provided. A brief discussion took place on the reclamation. Vry stated with 30 acres total they don't have enough room to turn the equipment around. Lien stated Brandt was really talking about 60 acres because each Phase is 30 acres. Brandt did have more comments some of which have been expressed by the members of the public, others that are just reminders to the Committee. Brandt stated it is the Committee's responsibility, in a way that's difficult to understand but it is written into our Ordinances,(the zoning part as well as the land conservation part of it) that this Committee represents the water and the soil. Our main concern is providing continued water quality as well as minimizing the amount of soil erosion. That is something that we need to be taking into consideration. That is who it is we speak for and what we represent. How it is that we approach these kinds of applications, Brandt felt it should be geared towards that. Whatever promises are made in regard to ground water quality, surface water quality, Trout Run is a real issue. We shouldn't, not take into consideration the possibility of silt coming from the mine site just because the farmers up the way are loading silt into Trout Run. That is problematic and this County has been working for decades to get a handle on erosion, that doesn't mean we shouldn't take that into consideration with the mine site especially when there is so much land that will be open and so much erodible material will be stacked. These are issues we have to take into consideration. The other issue Brandt wanted to speak on is the Trempealeau River. The Trempealeau River, especially this far down, is historically not predictable. The applicant presented some great aerial photographs and even an untrained eye can see where it is those oxbows were and where it is that the river was. It is unpredictable and it may be 500 yards from you this year and next year it might flow right through your railroad yard. Brandt stated this really makes a difficult sell. Brandt didn't think he would put money in this, but if the applicants think they can make it work, then it is your job to do so and convince Brandt and the Committee that you can. Those were Brandt's concerns. Brandt added that this river moves and it gets high fast. Brandt wasn't sure how the people in Dodge manage. The issue for Brandt was the water. Lien wanted to clarify a statement that Paul Winey had mentioned that five out of five of the sand mines are under violation and Lien stated it is actually six out of six and they are all under citation or Dept. of Justice correction. Lien's point being that the applicant has a very difficult task because they are not the first applicant that have stood here and stated, "We're going to control this". Lien added that the applicant is in a very environmentally significant area; along that river and the wetlands, etc. Lien continued that our job here is to tighten up those restrictions. Lien stated what we are finding is that those violations are usually tied to open acreage and when there are large volumes of rain; one has to be a very good engineer to keep the sand on site. Hieb responded that they went significantly above and beyond the requirements of the County and the DNR in regard to storm water. The ponds are probably three times the size that they needed to be. Hieb added they did very detailed work on the analysis of the 100 year flood of the Trempealeau River to insure that they are not going to be flooded. In addition to that Hieb stated they added safety factors on top of that. So they not only did the study and came up with a theoretical number and tried to correlate that with historical data but they also took additional safety factors above and beyond that. Lien asked what inches of rain they used for the runoff event for 24 hours. Hieb responded 6.1. and he explained how and why they used the data that they did. In regard to soil and water, Bawek stated as he had gone through the plan, he made a number of notes and he came up with a summary as to how he sees this project. Upon Bawek asking if it would be appropriate at this time to read the summary, Bice acknowledged it would. Bawek read aloud, "The property is a rural parcel of land comprised of wetlands, ag fields and existing rail line. The property contains two significant, contiguous areas of wetland. In 2012, seven wetlands were

identified and delineated within the property. Wetlands one through four are connected and central to the proposed spur siting. Wetlands five and six border the spur site on the north. Wetland seven borders the spur site on the east. Noteworthy was the reference of unusually dry conditions at delineation. During 2013, the boundaries of wetland three were extended. 2013 Field Delineated Wetland Boundary mapping shows an eighth mapped wetland. Reference is stated under Wetlands Identified as an additional area that may be a wetland which was identified near the middle portion of the 2013 survey area. The provided reference material was revised July, 2013, yet wetland eight which is shown as mapped has no further explanation equal to the prior seven wetlands. To go along with that lack of information, as of October 9th at 9:00 AM in the reference material provided, are blackened out sections of sentences in the Endangered Resources information. These blackened out sections name or describe a fish: a fish, a state endangered plant, a state special concern plant. The proposed spur location is bordered on three sides by hydric soil. Hydric meaning pertaining to or adapted to a wet environment. The proposed dry plant site is also bordered on three sides by hydric soils. The majority of the remaining soils on the two sites are indicated to have possible hydric inconclusions. Wetland investigation by NRCS Soil Survey of Trempealeau County have identified LV; loamy alluvial as the dominant soil around the wetland. Wetlands are generally classified as WE: wet alluvial land. Alluvium is a deposit of sand/mud that is formed by flowing water/sedimentary matters deposited in the valleys of large rivers. WE and LV soils are generally found near streams and rivers which are consistent with the proximity of this land to the Trempealeau River and Trout Run Creek. Trout Run Creek is located easterly in the proposed spur siting. An indicated 300 foot setback is infringed upon on both sides and along the westerly side of Trout Run Creek for a considerable distance. WE and LV soil types are shown as zero to two percent slope. Very poorly drained soil underlying by loamed deposit at 16 to 51 inches – this is hydric soil and both are subject to flooding. DUB – dunnville fine sandy loam is also shown as farmed land in the proposed spur site listed as non-hydric by NRCS Soil Survey of Trempealeau County, yet found during field investigation to have hydric soils present. Secondary indicators visible in the aerial imagery also give cause to deem this site “suspect”. Based on information given, upland mining is to take place which could have a large impact on present water flow patterns. This may lead to unforeseen consequences to neighboring properties up and down from the site. The potential for a larger flood plain now exists. Not only will upland mining change patterned water flow, much has to be said for the potential of undiscovered pre-historic cultural resources being destroyed. High ground above a large section of bottom land where creeks and rivers merge and flood were highly prized by prehistoric cultures. Once such site is catalogued as a campsite/village of unknown prehistoric culture. The Haines site – TR-0227 – recorded in 1993 and discovered during the surface survey of an agricultural field. The recorded archaeological sites within a mile of the project limits consists of four unknown prehistoric campsites and an isolated find. The historical record in regional archaeological records suggests that the area may have the potential for the existence of undiscovered resources. Based on the information given as reference, my own findings, and my own understanding of that information, this proposed wet plant/dry plant, rail spur siting and mine does not seem to be located on soils or topography suitable to be considered the best use of the natural resources of Trempealeau County, nor for those neighboring properties in the vicinity of this site. Future generations may also be adversely impacted by the potential loss of such unique resources, both natural and cultural.” Bawek stated that was a summary and he also has a lot of questions yet, but stated he would wait with them. Bice instructed Bawek to ask his question now. In regard to the wet plant, Bawek inquired as to the amount of tons that will be in the wet pile and if there is an impervious surface under that pile and if the infiltration pond borders in the 300 foot setback of an intermittent stream? Vry responded that the size of the stockpile is 3 to 400,000 ton at maximum capacity and that the stockpile would only be at maximum capacity in the fall when they are trying to get ready to run through the winter. They would build it up all summer and it would get to maximum capacity and then they would consume it all winter and start all over in the spring. Bawek asked if there would be two separate piles of 400. Vry responded it would be one pile of 300 to 400,000 ton. Hieb stated they are not within 300 feet of a navigable waterway. Bawek clarified he stated an intermittent stream. It appeared to Bawek that the infiltration pond is within the 300 foot setback of an intermittent stream. Hieb thought it was not a navigable waterway, so he didn’t believe it was. Kramer stated it is within 300 feet of a mapped intermittent stream however that is a mapped feature. Based on field verification it is not what is

considered a “navigable waterway” and that is where there is a 300 foot buffer. Upon Bawek asking if they were within that, Kramer responded it is not a navigable waterway so there is no regulatory buffer. Bawek stated it showed an intermittent stream on his map. Kramer responded that the mapping is a historical mapping of a waterway. Hieb added that he, Lien and Mark Sylla went out there and walked the waterways. Lien commented that it was identified on a map as an intermittent stream, so Lien met Hieb and Sylla out there to make an official determination. A couple of things change an intermittent stream from “navigable” to “non-navigable” and by DNR definition it has to have a defined bed and bank, a base flow and be able to float a skiff one day out of a year, so a waterway meets all of that (a waterway that would flow water) with the exception it does not have a base flow and defined bed and bank. Typically what one will see in the bottom is nonvegetation in a portion of that stream. Lien stated if there is scour line and base flow, he is going to call it a stream because he knows during rain events that one could float a skiff in it. So that dotted line on the map, even though it is classified as an intermittent stream (because it will flow waters) it is more like a waterway than it is a stream and because of that determination there isn’t the 300 foot setback from it but it is still a source of contributing water. Lien added that when one goes up a stream, there is a point in a stream where there no longer is that defined bed and bank and a base flow but everything above it contributes in it. DNR does allow, at that point, that it can still be viewed/regulated as a stream because it directly contributes. Lien stated this one, as far up as they went, there was nothing like that. It is nothing more than a dry water run, most of the year, but in rain events it will flow water. Bawek inquired if that didn’t flow down to a dam site right before the river? Lien responded that anything dumped into there in a rain event is going to go directly to the river but because it doesn’t have that base flow and defined bed and bank, it doesn’t have the DNR setback protection like a navigable stream. Lien added it is something that needs to be taken into account and considered. Hieb commented the one thing they did take into account is that they aren’t grading in, they are leaving the existing vegetation that is there so as not to cause additional runoff. Bawek inquired if there was an impervious surface under the sand piles. Vry responded there is basically drain tile under the piles. The diagram shows there are two ponds on that side, one takes the runoff from the pile and one is a storm water pond, so basically underneath those piles there will be drain tile to the first pond, it will have a pump in it, it comes back into the storage tanks. Vry added that is processed water that is coming off those piles and that pond is going to have a lining of some sort; clay liner, plastic liner, some kind of liner in that pond to catch that water. The other pond is a storm water pond which Hieb designed. Hieb explained that pond is designed for, and again it exceeds by far, the 100 year storm event/rain production. The first pond overflows into the second pond to further control it. The first pond with the under drain system is not only pumping back, it is designed to hold and not discharge a 4.2 increase. Above and beyond that, then it does discharge. Upon Bawek inquiring again if there was an impervious surface under the sand pile, Vry responded there wasn’t. Bice asked Bawek what the advantage was to having an impervious surface. Bawek stated that the use of flocculants in the screening process, will be draining directly into the soil. Bawek thought that was something that should drain into a pond and be cleaned out and put into the reclamation area and not have the potential of running from pond one to pond to down the waterway, down to whoever’s dam that is and then overflow into the Trempealeau River. Bawek added that dam, way down river, is right next to the river. Bice asked Bawek, when it came to conditions, if that was Bawek’s concern here? Bawek responded yes. In addressing the flocculants, Vry stated (and he understood Bawek’s concern) they attach to the mud particles, they change the ionic charge on them, they make the mud particles stick together and make them settle in the clarifying system. They don’t really attach to the sand particles so it is a few parts per million that is in the water that ends up in that sand, so there is a little bit out there. Vry didn’t see it in the County regulations anywhere, where there had to be an impervious surface under there, but if that is the issue, they would be willing to put a plastic liner underneath the drain tile under that pile. Vry stated that isn’t a problem for us. Bawek stated they are going to be putting two conveyors under County Road J and two culverts. Bawek asked if there would be water flow going through those culverts at all. Hieb stated there is a small area (the area from the culverts and right up stream) that will flow through there. They ran a 100 year depth through there and it was less than an inch flow. They did try to minimize what was coming through that area for surface water. Upon Bawek’s inquiry if there would be new culverts, Hieb replied there would be two new culverts. Hieb added there was a culvert there which they are keeping and then

they directed the water that they could physically get to that existing culvert, to go to that culvert after they install the new box culverts. The area was perhaps an eighth of an acre and then that will go through the culverts because they will be pitched to slope across from south to north. Bawek asked if any of the water will be coming off of the crushing site/circuit. Bawek reiterated, asking if any of the water will be running off the site through those culverts. Bawek asked where the water was coming from for dust control on that side of the road where the crusher was going to be. Vry responded that first of all, if one looks at Phase 1, they are excavating Phase 1 so it becomes a depression on that side. There is the small area that the rain falls right around the opening of the culvert where the conveyor is going, and then actually runs down hill into the excavation by the crusher. The water infiltrates in that excavation area. For dust control water, Vry stated they could certainly run a small line from the plant through those culverts and pump water over there. It doesn't take very much on the crusher. It takes three or four gallons per minute to do dust control on the crusher or they could also haul over there with a water truck. Bawek asked which one they were going to do. Vry responded it didn't matter as long as they do dust control and they are allowed ten truck loads per day to go across County Road J. As long as they stay within their truck loads, Vry added that it wasn't specified what is in the truck loads, so they can haul water, mud out of the clarifier, etc. Vry thought they would do that initially as it is cheaper to have a tank over there and turn on the water truck. In regard to the 10 trucks per day, Bawek asked if that was one truck or ten trucks by 10 trips, etc. Vry stated it is ten truck trips per day. Riley thought it would only be 3- 4 trucks per day but they didn't want to limit themselves to that because of the water issue, etc. so they took it to ten. Riley added that is also part of the road use agreement with Trempealeau County that it be up to ten trucks per day. In regard to base construction on the spur, Bawek stated the applicant had talked about spending 45 million dollars and asked if they have a timeline as to when that money will be spent and the spur would be completed? Bawek commented there is only a picture of a spur in the plan but there are no phases on it. Riley explained that initially their plan is, depending upon how the vote goes today, that they have excavating contractors that are working on quotes as we speak and their hope would be to start the construction of the wet plant area and the grading yet this fall and also do the under County Road J culverts so that they don't have to worry about spring thaw as they would have those done. From a cash flow standpoint, they estimate to spend about 12 ½ million dollars in the first 30 days. That money goes to pay for the land that they are going to be purchasing, down payments to both the dry plant contractor and the wet plant contractor and the excavation and some initial payments made to Canadian Rail to get in the cue for switching. It will be ordered and installed next spring. They don't plan on starting the construction of the rail siting until next spring because that is wetland delineated area and they have to wait for approval from the DNR and the US Army Corp of Engineers for the plan that they submitted to them. Riley stated the rail load out will not be built until next spring, obviously depending upon how the weather goes, that could be April, May or June. If it is like this year, it could be July. Their plan is by next June, to have spent about \$38 million dollars with remaining dollars being spent depending upon how fully they build out the rail spur and that will be spread over the next eight months. They actually had a cash flow projection that they submitted to their people just to get an idea of when they were going to need funding. Bawek asked how high the crushing circuit platform would be above County Road J. Vry responded that they could get that answer but they thought it might be 8 feet tall, they weren't talking about a big tall machine and it will be sitting at the bottom of the excavation. Discussion took place about excavation/elevations and ALLENERGY determined it could be approximately 22 or 23 feet to the top of it. Zeglin asked if the conveyors were going to be opened or closed as the applicant was going to have quite a few conveyors going. Vry replied it was going to be a combination of both. The conveyor from the wet plant to the dry plant is a covered conveyor. If they are running from the quarry to the plant they don't have to be covered. If they are adding moisture at the crusher then those conveyors don't tend to blow dust around, so they could do either one. Zeglin asked Budish to bring up the wetland map. Zeglin wanted everyone to see and also to clarify it for herself, the 2.56 acres of wetlands that will be traded with Boggy Acres wetlands. Zeglin also wanted to know what would be on those mitigated wetlands. Kramer stated they are under contract with Boggy Acres to purchase mitigation credits at a ration of 1.7 to 1, so almost twice the amount of wetlands being impacted would be mitigated by Boggy Acres. The wetlands there would be a combination of forested wetlands, Kramer didn't know the exact acreage, but there will be a percentage that is forested wetland and a percentage that is wet or

sedge meadow restoration. An aerial photo of the wetlands was brought up for all to view. Kramer verified that Zeglin's question was where the wetland impacts are occurring? Kramer and Hieb explained that the dotted line shows the extent of where the wetlands are located and pointed out where they would be crossing the wetland. Zeglin verified that it was rail line. Zeglin generally commented that, in the forty years that she has had the pleasure of living in this County, there have been how many 100 years floods, so she has seen a couple hundred year floods. Zeglin stated the applicant had mentioned that they had met with the superintendent of Arcadia Public Schools. Zeglin asked what transpired in that meeting. Riley stated he had tried to get in touch with them every since the article came out regarding the Blair situation. AIENERGY wanted to find out the details on that because that article talked about increased valuation and also decreased enrollment and they wanted to find out which was the more contributing factor to the decreased funding - was it enrollment going down or was it valuation, etc. Riley stated they called Mr. Ferguson back in late August, followed up again with him in September and yesterday they actually dropped by his office and he was just leaving so they met with him this morning prior to this meeting. First they introduced themselves, then they asked him for the financial status of the district, and thirdly they talked to him (once they get up and running and are profitable) or asked him, as part of being a good corporate citizens, what areas he thought the school could use some additional funding. One of the things they talked about was, in their current bond referendum, he is planning on adding/ or could use money for the STEM (science, technology, engineering and math) area for equipment, etc. AIENERGY made no commitments, because they are not profitable yet, they don't even have a permit but they have made contact with him and a couple of other entities within the Arcadia area to provide funds back to them once they are operational and profitable as a good corporate citizen. Brandt commented if they need information related to the property values, related to the trends in ownership and sales as they pertain to mining in Trempealeau County, or for that matter taxes, assessments, etc., the Real Property Lister (Nick Gamroth) has been following this very closely and would have been able to give or still can give the applicant the information as to what it is that transpired in Blair, in terms of the state aids and students and how that broke out with industrial valuations. Discussion took place on the assessed values on these sites. Lien stated he was told by the assessor that comes out that does the industrial tax that any lands that were not disturbed but were under permit are still assessed under ag or recreation or whatever they currently would be, but if they are actively open it was a \$7,000 per acre assessment. Noreen Haines talked to the assessor for the Town of Arcadia and he gave her a figure of \$15,000. Lien responded that the local assessor has nothing to do with nonmetallic mining as he doesn't do any of the assessment on it. That assessment is done by a State assessor out of Madison because it is an industrial use. Haines stated the assessor told her he does it on the mine, but he doesn't do it on the wet and dry plant or rail spur. Lien commented he would be the only one in the County that Lien knows of and added it might be an evolving process with the State as things change. Lien thought Riley's point is that it is an incentive for AIENERGY to get it reclaimed back to reduce the outlay of capital. Bawek and Lien had further discussion on the valuations of the mine and assessments and the issues in the Blair School District. Lien commented it can all have effects and he felt this Committee might possibly have some ability in the future to try to address some of those issues because if it is a consistent negative impact on the taxpayers of Trempealeau County that is a definite and is controversial from public testimony we read in today where they talked about increased tax benefit, etc. in the community. Zeglin stated that both at the town board meeting and early in the presentation, AIENERGY said that the rail spur would be only open to this particular mine and closed to other mines and outside customers, but then later in the presentation in regard to the rail spur it was mentioned that the rail spurs would be expanded as customers are defined. Zeglin asked if they are going to have open or closed. Riley responded closed and added that was a great question. Riley explained that when they were first shown this property, one of the brokers they were working with had talked to them about the possibility for outside transloading activities. One of the first meetings they had was with Ashley Furniture. They met with Todd Wanek and Jason Lockington (we heard from both of his parents today) and we talked to them about what transloading they were doing. We quickly realized that nobody was going to want to come down 6.2 miles farther on the rail to our facility to transload when Ashley was doing a variety; putting skins back in containers for sending to China, they are putting dried distiller grain (DDG) back in the containers and sending them to various locations, so we decided we are going to have enough work to do, working with the Canadian National

Rail to handle our own product, which is sand. So not only are we not going to truck in any outside sand, that rail spur, as you would hopefully approve it today, will be limited to our use internally for our sand activities. At some point in the future, we might come back but that is not in our plan today. We are very happy with just having that rail spur be for our use and our use only and we will be happy to have that be one of the restrictions placed. Vry commented this is pretty simple. Today we have zero customers and so in regard to the rail spur, you don't build the entire rail spur and all those tail tracks until you have a customer base. The customer base would be sand customers for our facility. They have to go out and secure those customers and you don't spend the money until you start securing customers. You build the initial loop, you build the pieces that you need to start and then as you get more customers and the plant gets up to full production, you build the rest of the train tracks. Zeglin said that you stated that you are going to close this to other sand mines. Vry stated there is no outside sand coming in here, this is just our customers. Zeglin questioned what Vry meant by "just your customers", for this particular mine? Riley stated our selling sand to Western Canada, to Marcellus shale, etc., our internal customers for our sand. Riley thanked Zeglin for helping clarify that? Zeglin asked if they would be open to a condition that this be a closed rail spur to other sand mines. Bice asked if it would concern Zeglin, if there was a lot of grain growing very close to that rail spur, if they hauled grain. Zeglin responded yes. The public hearing at the town level said absolutely nothing about grain and that would involve a lot more truck traffic on both County and the town roads that has not been addressed at this level. Vry commented they wanted to be very clear that they never asked for that and that is not what they told the town and that is not what we're doing. Brandt stated in the narrative of their mining operation, they talk about (as every other mining applicant has done) the hopeful scenario that they won't have to blast in order to get at the product. Brandt thought they are going to have to blast and there are contingencies for blasting here that are part of the standard conditions which has to do with notifying people that one is going to blast, it has to do with previously inspected wells and foundations, it has to do with following all of the rules related to blasting. We have adopted the state standards and Brandt inquired if ALLIENERGY knew all that. Riley responded yes. Brandt noted that we heard the description from the Halverson's of what it is like to live next to a mine when it is blasting and that is one of the things that we want to mitigate as much as possible is the well being of the people and their property. Brandt added the other thing that hasn't been mentioned is the high capacity well which is going to require a permit for the DNR. Brandt wanted to get back to something that was mentioned earlier. Budish and Brandt were talking earlier and Budish got a last minute call from Ron Tuschner (Town of Arcadia Chairman) related to conditions, which we haven't gone through, from the Town of Arcadia. In his imitable way, even on an answering machine, Tuschner managed to confuse both of them. Brandt thought what Tuschner was trying to say was "clarification", but what he said was "confirmation". It seems to Brandt that what ALLIENERGY anticipates or what you would prefer to do, is to begin construction on the processing plant and the rail system prior to meeting all of the standard conditions that we have or we generally put out, specifically the one having to do with the inspection of the wells and foundations. Brandt thought that is what Tuschner was trying to clarify. The condition that comes from Town says, "Inspection of wells and foundations prior to any activity on the mine site" and Brandt thought what ALLIENERGY was anticipating was that it would be "inspection prior to any blasting". Brandt stated it is one of our standard conditions that those happen before the CUP is approved. Brandt just wanted to put that out there as this is going to be a point of discussion. Brandt felt something that would need to be "nailed down" is the timeline ALLIENERGY had in terms of beginning activity as it seems ambitious because we don't have the permits from the DNR, we don't have the inspections done and you don't have the property bought. It just seems ambitious with the process that you all need to go through before you can begin anything as it may take you a year. Brandt wanted to be sure that everyone knew that and that we are all on the same page. In regard to possible Ordinance revisions that relates directly to this, there is a possibility that within the next couple of months we will have significantly revised Chapter 13 and you had mentioned that you would be hoping to mitigate with neighbors in terms of the processing and going to 24 hour processing, getting waivers from the neighbors to allow you to do that, which of course means that you anticipate not being able to meet the 45 decibel level at the receptor level, if you needed a waiver for that. The other thing that we've talked about which maybe hasn't been publicized very well is that we're trying to nail down the concept of when a permit lapses. We have twelve months in the Ordinance and it isn't defined as to when it starts and

when the twelve months ends so there is a possibility within the next couple of months if your site is permitted, you will be getting a notice saying that, from that date (when the Ordinance is revised and approved) you have twelve months in order to complete all of the conditions prior to any activity and then after that (beginning activity) if you cease for twelve months then the CUP lapses. Brandt wanted to make sure the applicant understood that as well. Brandt added that the point had to do with the inspections and the standard conditions. Generally those are things that happen before the CUP is issued. Riley responded that when they received the proposed conditions yesterday from Budish which included the towns (which they were familiar with) and also staff recommendations for them to review, they noticed that in condition #2 (Town of Arcadia) it says “prior to commencement of any work at the site” and Riley called Tuschner this morning and asked him, “Ron, any work or blasting” and according to Riley, Tuschner said “I understand that you guys want to move dirt this year and said we would be ok with the fact that if you’re moving dirt, but prior to any blasting all that has to be done”. Riley met with the DLM a couple of weeks ago about this and they said Mark you have to have structural review and well testing and ALLIENERGY started making some calls to firms who do that. Several of them, including one local one, High Cliff , Emery Palmer, who according to Riley said, “we can get it done in a timely manner, but that typically has not been a requirement prior to the start of moving dirt, it is prior to blasting”. So ALLIENERGY again, which was on one of their first slides, wanted to address this issue, because they understand that their schedule is aggressive and they don’t plan on jeopardizing their situation with the DNR. Riley stated “some people say it’s better to ask for forgiveness than it is permission, that is not our plan; we are here to ask for permission not forgiveness”. Brandt felt this was an opportunity to clarify and asked Lien what the call was on that. Lien responded it is up to the Committee. We have done both because we have raw extraction sites that do not require any well and foundation investigations because there is not blasting associated. Other sites where it has been a condition from the township that we require that prior to any excavating, or anything at all, they need to meet all the conditions before we issue the permit, then that becomes a condition. Lien reiterated that it is up to this Committee. If the Committee wanted to make it a condition that prior to any blasting that wells and structures be structurally checked, etc. that could be done and then if they met all of the other conditions we could issue it, but at no time are they allowed to start any kind of excavating activity until the Chairman has signed the CUP. Brandt stated that includes preparing the processing site. Lien agreed and stated you can’t do any excavating activity at all until the permit is issued, so whatever conditions the Committee puts in place they need to meet those conditions. If the Committee makes that condition as it is stated here from the town, that would mean that well and foundation investigations have to be done first, if the Committee modifies it and says “prior to blasting” then that would allow the Chairman to issue that permit but they just can’t do any blasting and before they would do any blasting then the foundation and well investigations have to be done. Brandt thought it was also important that the characterization or the implication that Ron Tuschner can speak for the town board at 8:30 AM, the day of the phone call, is a bit of a stretch. Brandt thought until his board meets to clarify that we will assume that it is a point of discussion. Riley stated he actually sent an email asking to be on the next town agenda. Riley added the other thing was that they told Tuschner there would be no blasting as part of their going under the County Road, there is no blasting as part of their grading and building of the wet plant site which is high up on a hill so there would be no blasting involved until next summer (potentially) late spring when they would start the mining process subject to the approval of the CUP. Brandt was reminded that this schematic as well as part of the ALLIENERGY’s presentation talked about how the rail road will be elevated above the surrounding area, there is a wetland in the middle of the circle there. Brandt asked where the water goes. Are there culverts that are going to be going out through the turnaround there? Brandt saw the retention ponds. Hieb responded yes there will be a culvert going underneath. There is an existing culvert that goes underneath the CN rail. They will have a culvert crossing that part of the rail construction. Hieb explained the water will be directed to their storm water ponds first obviously, for treatment and rate control. Bawek inquired where the excavated ditch that is talked about in the wetland and runs from the wetlands to the Trempealeau River. Hieb responded it is existing area (Hieb pointed it out) that already flows that way. Bawek asked if when the rail is put in if they are closing that off. Hieb stated they will put a culvert under and it will be sized appropriately – it will be the same size as the one crossing the rail now, even though they will be reducing the rate it will still be the same size. Brandt commented it has been mentioned a couple of times that ALLIENERGY

is the only experts in the room that we have to rely on for your information. Brandt asked if a road bed for a siting like that – does it have to be as strong as the road bed for the actual rail road, in other words are you going to have to go down into the soil in order to build a breaker rock bed. Hieb responded that they do, they will strip the topsoil off as one doesn't want to put the ballast or sub base of the whole structural component of the rail on topsoil, so they excavate down and then fill it back up. Brandt asked how they could go down in an area that has ground water depth that high? Hieb replied they did soil borings in the area and if Hieb was remembering right, there were only a couple of feet that they would need to go down. Hieb stated the groundwater was down further than that – it varies. Hieb thought they had done about five supplemental borings down there just so that they knew what was going on with the groundwater and it varied from four to six feet, Hieb thought. Hieb explained that they are required, as part of their submittal to the DNR, to maintain separation distances for infiltration and line their ponds. Hieb added you are relying on some of our input but it does get submitted and checked through the DNR. They have a storm water engineer in Baldwin and he will be reviewing this for all the storm water requirements. For the construction grading permit, Hieb stated they submit to LaCrosse but then there is a regional engineer that covers four areas and this will not only go through the LaCrosse reviewer, Roberta Walls, but then it goes to Erik Henningsgard in Baldwin and he is a professional engineer.

At this point Bice stated we have a list of things some of which the Committee should consider, some of which the Committee must consider and we are going to go through that now and that may answer some questions or promote some discussion. Lien referred the Committee members to the two page stapled sheet that was handed out to them prior to the public hearing. In regard to the Nonmetallic Mining Conditional Use Permit criteria, Lien asked the Committee members, as he is reading through these to feel free to put notes down or think about each of these items and as we go through ask the applicant or staff when you have questions. Lien read #1 – Whether the proposed project will adversely affect property in the area. Lien added we have discussed that a lot and it is one of those unanswered questions. Zeglin said it has been stated that there has been no loss in property values associated with these mines. Zeglin stated that has not been proven simply because the only properties sold in Trempealeau County near sand mines have been purchased by the mine itself. Other properties for sale are just simply sitting there. Zeglin questioned if ALLENERGY has or will they enter into any buyout or property value agreement with the adjacent property owners as there are people that may find it impossible to live near the mine and not be able to sell their property to any one else? With Riley out of the room and unable to answer that question, the Committee agreed to take a five minute break.

After the break, Bice asked Zeglin to restate her question. In regard to property values, Zeglin stated they have not been proven one way or another as to if they change because there has not been a good sales base to either approve or disapprove. The only sales that have been done near sand mines has been property sold to sand mines. Zeglin questioned if ALLENERGY was willing to go into buyout agreements or property value guarantee agreements with all of the adjacent landowners should they want to sell and find they can't sell – if they want to move for health reasons, etc. Riley stated, first of all (referring to a flyer he had), between their second and third town meeting in Arcadia, he was meeting with a family and a young lady said, "Mark, I have some information from the people that don't want your project to proceed, I don't have any information from you regarding the positive points of it". One of the things ALLENERGY did, because adjoining land values was a concern, was have on file at the Town of Arcadia (and they would be happy to get it to the DLM) a copy of the report/study done by the Chippewa County Treasurer. They did an objective third party study on property values immediately adjacent to mine sites and Chippewa County has a lot of mine sites. The study shows that property values increased on homes adjacent to mine sites every year except the year the Farm Property Tax Relief law went into effect. One of the things that concerned Riley is (when they asked the people who were going to do their structural review) there were 240 structures within the 2500 foot radius. Riley didn't know exactly how many homes that would be, but they are not a real estate developer/company at this point. Riley doesn't know as they haven't addressed that. Based upon this study, there hasn't been an issue. Riley guessed, to be a good neighbor, they would be willing to address those on a case by case basis, should something come

up, but to go on record and say that we are going to get in the real estate business with any adjacent landowner, that we are going to cover the cost difference with them, Riley thought that would be a hard point for him to concede to today or to agree to, because that hadn't been something that they had even considered. The implications of that 2500 foot are they have that buffer that they're working within. Zeglin responded that values are not the same as actual sales and should for instance, the Slaby's decide that, with their three little children, they can't live there, they put their farm up for sale, a buyer comes in and the only way they can sell it is for half of the stated value, Zeglin asked if AllENERGY was going to make up the other half. Zeglin added that essentially you are holding all of these neighbors hostage. If they can't sell and move, if they find this intolerable, you have taken away their rights, a lot of their money and who knows what else. There has to be some guarantee that they can leave if they want to without any financial negotiation to them. Sukawaty stated he has already talked to a couple of the folks that are nearby and frankly that question came up. According to Sukawaty, those folks said, "we really don't want to leave" and they had a fairly in-depth discussion about what the expectation level will be during the construction phase versus the mining phase. They both came to the conclusion that during the construction phase there is going to be a lot more activity than there would be when they begin mining and processing. Going back to Zeglin's question, Sukawaty stated if somebody says, "I want out of here, I want gone", (he thinks they've addressed all the different issues and the studies that have been done), what they would be willing to do is to look at it on a case by case basis, look at what the house is assessed at, look at appraised values. Sukawaty spent ten years in the real estate business so he understands what Zeglin is saying about market values, etc. and he would be happy to talk to the Slaby's and others, because as long as it is reasonable, we'll work with them. Sukawaty has already talked with some folks about that already. Zeglin commented she would like to see something in place. She wasn't sure whether the Committee could condition that. Zeglin didn't want anybody to make a huge profit on this; we just want it to be fair. Sukawaty agreed. Brandt commented that Radtke has discouraged the Committee from trying to do that in the past. Radtke stated, that in the past, he has said there are issues with imposing that type of condition. Radtke continued that there are so many variables of why a property value may be decreased, a lot of it comes down to is there an interested buyer, what are the conditions of the property, how fast does the person want to get out. There are a lot of factors that can change how much the value would be worth. What Radtke has been asked in the past about, is if there was a property guarantee type condition where it said if they can sell the property (i.e. they can only sell it for 50 % of what it was assessed at or appraised at) can we make a guarantee or condition that the mining operator would pay that balance. The way Radtke viewed that is why anyone would ever buy a house nearby and pay any more than 50% or whatever the percent is in the condition because they would know that there would be a subsidized purchase essentially by the mining company. Further beyond that, Radtke questioned who would be doing the appraisal and who is going to be monitoring the sales and the valuations of these various parcels. It puts a lot of burden on the DLM to oversee this and ultimately Radtke's concern would be is that this could be basically a requirement that the mining company purchase or partially purchase neighboring parcels in order to get a permit. Sort of pay to play scenario which again Radtke had some concerns with. It would be no different than saying, "you can get your permit if you donate \$10,000 to the fire department or something like that". Radtke knew it wasn't exactly the same thing but it kind of looks like that as well. These were some of the reasons that stood out for Radtke as to why, in the past, he has had concerns about creating those types of conditions. Radtke stated what he has recommended to the Committee in the past is (as it is something they are to consider) valuations of property value, if there are neighbors that are having significant enough problems, this would be grounds for the Committee to deny the permit, if they feel this is not a good site because of that. What Radtke has said in the past is that what could/should happen would be that, if that is a real concern, that the applicant make arrangements with the neighbors that are having those problems to mitigate that on their own, that way it is not a public record and the County does not have to oversee and administer that and essentially the neighbors would come and say that they've worked it out where they don't have that problem anymore. Then, that is not as much of a problem in considering whether to grant or deny the permit. Basically Radtke recommended not to make it a specific condition that we oversee here at the County so that if it is an issue, go ahead and let the applicant work that out on their own. If it is still a problem then the decision the Committee makes is a tough decision already, but this makes it just that more tough because now

you have to choose between someone concerned about their property values versus somebody who may say that one side or both sides or neither side is being reasonable. It is a difficult issue and basically that is what Radtke has said in the past and he doesn't see a reason that he would change his opinion today. Under the statement of being a good neighbor, Zeglin urged the applicant to contact the adjoining neighbors and "hammer" something out with them. Riley stated they would be happy to do that. Riley thought he had made multiple calls to the Slaby's and Noah was kind enough to call Riley back once but Riley never had a chance to visit with Dr. Slaby other than seeing her at a meeting like this. Riley stated they would be happy to set up a meeting to pursue that discussion. Zeglin commented that she hoped they do. Riley responded they will. Bice mentioned, that if these mines aren't approved, the land in question drops from (what Bice has heard) \$15,000 an acre to \$7,000 an acre to probably \$3-4,000 an acre so it clearly has the potential to cost the applicant some money. In speaking about the Slaby's, Bawek stated on George Lane there are phases 7, 8, 9, and 10 and inquired if ALLIENERGY was going to access those mining areas from George Lane. Riley explained they have the easement with Gary George as he has an adjoining piece of property that would allow them to connect and have an overland conveyor go over his property. Riley stated they provided a copy of the easement to the County and have entered into an agreement with Gary George so they will not be putting anything on George Lane as far as truck traffic. In moving forward, Lien stated the first series of questions are items that the Committee could consider. The next item 13.01 are items the Committee must consider. In the essence of saving time, Lien asked if the Committee wanted to go right to the ones that must be considered or if they wanted Lien to continue where he was. Bice suggested moving ahead and if necessary then the Committee could come back. Lien announced he would move on with 13.01. Lien read aloud, "in addition to taking into consideration the general criteria governing the granting of a CUP, the County must specifically analyze nonmetallic mineral mining proposals in light of the County's interest in providing for;

1. The wise use of natural resources." Bice asked for any comments from the Committee either negative or positive. Zeglin stated this is a highly sensitive area with the extensive wetlands and the river and the history of the flooding. Bice stated there is mitigation in progress and it wasn't too long ago when the DNR got involved, the majority of the people used to think that was sufficient, so Bice's take on it is that we need to do our job, let them do their job. Lien read aloud "2. The aesthetic implications of the siting of such a mine at a given location". Brandt commented that he has said it before and some people really like to see trucks, lights, machines and things and other people don't. That is fairly subjective. Brandt suggested the folks who live in Trempealeau County didn't come here for the lights and the trucks and processing plants and the aesthetic implications are an issue. Brandt also wanted to point out that when Bice had said, "we should do our job and they do their job", they look at us and in a sense take their lead from us. All of these enforcement activities that are currently going on with the existing mines happened because Budish brought it to the attention of the DNR. It hasn't been in writing but Brandt is getting a sense that the DNR looks to us and our CUP process to more or less give our stamp of approval on a project and that will determine how they look at it (if it is ok with Trempealeau County, we're not going to "step on your toes". Every applicant says that they have to abide by DNR, MSHA and environmental laws; Brandt has a feeling that again we haven't seen anything in writing. Brandt's experience leads him to believe that we are the people that make the first and most important decision. To respond to Brandt, Bice commented that we have many situations in agriculturally zoned areas (i.e. chicken barn, etc.) and some may find that objectionable and some may not. Bice thought that was subjective and it is something that has been allowed in Trempealeau County in agricultural areas with a CUP for many years. Brandt commented that Bice wasn't around for the "chicken barn fights". Bice stated many people have called him and asked why they can't have windmills. Bice tells them he thinks they can and that is a different subject but the point is that there are some things that people will find ok and there are things that people will object to. Lien read aloud, "3. The impacts of such a mining operation on the general health, safety and welfare of the public". Zeglin commented that the Committee has been over health concerns numerous times. Depending on which study one would like to believe there are health impacts. Bice responded that he has asked time after time (he would even go to the example of Badger Mining) and put a Letter to the Editor (of which he thought everyone in Trempealeau County saw that) and in there he asked for just one name or one person from Badger Mining (mining sand for 40 years touching Trempealeau County) and not one person called Bice, not one

person sent him a letter, Bice asked for just one individual/person who has come down with a lung or health disorder and either there is a massive cover up system or the sand industry is not as harmful. In all the research that Bice has done and everything that he has ever been able to research, he finds that the mining of silica sand does not have the fine particles that will cause health issues. Bice bases everything he does on facts and those are the facts, that he can't see the health concerns. He can see that we do bring people in and employ people. Everybody he knows needs a job and needs to eat. Zeglin commented that one can't eat sand. Bice responded you probably can but it is not good for you. It was Zeglin's understanding that the employees of Badger Mining are under a confidentiality agreement so she wasn't sure if any of them could come forward if they even wanted to. Bice didn't believe that was legal but he accepted that Zeglin had heard that. Bawek brought up the Bobbie Halvorson letter which stated that she and her family had issues with living next to a mine pertaining to health. Budish commented that was correct and that he had read that. Bice commented that he would need something with a little more factual information. Bice stated that people had a chance to respond to him (he thought there might be somebody in this room) and send him the information that verifies what you have said and they haven't done that. Bice added it is a tough one and certainly in the real world there are some health issues here but there are health issues for everyone that lives here. Everyone who drove here today put their health at risk. There are issues. Bawek asked Budish if Halvorson hadn't stated that she moved. Budish responded that he believed that is what the letter said, but he no longer had the letter in front of him as it was in the DLM office. Bawek asked if her and her child's health got better after they moved. Budish responded he had to summarize the letter as it was over 250 words. Lien commented he would get copies to the Committee if they wanted to read it. Bawek thought that the letter being sent here and brought to our attention was a pretty big deal at this point. Brandt stated it has been said several times and getting 200 people to vote for us and put us on the County Board doesn't make us experts on anything and that is the beauty of this system is that there is a lot of us, so not one person can speak for the Board and each of us can bring our own experience to the problem at hand and our own perspective and that is really all we can do as elected officials is bring our perspective. Brandt wanted to thank Bawek, Zeglin and Patzner (who isn't quite as proliferous), especially as they represent the producer members of Trempealeau County, town boards and FSA (Farm Service Agency) and they are each bringing that perspective to this discussion so from each perspective they are all based on our own experiences, not because we are experts. Patzner relayed an experience that he had during a flood. Lien read aloud, "10.04(5)(a) In approving conditional uses, the Zoning Committee also shall determine that the proposed use at the proposed location will not be contrary to public interest and detrimental or injurious to public health, public safety or character of the surrounding area". Brandt stated one of the things that was brought up in the presentation or one of the people who came to speak in favor is the happy workers from Barron and Chippewa County who are proud of their jobs at the mines and they were describing a situation where guys come in after work to the convenience stores and gas stations to get items. While they were speaking Brandt was thinking that, for Kwik Trip in Whitehall and Arcadia, the people who are coming in and out are folks who work at the Health Care Center, Courthouse, Ashley, Gold N Plump, Nelson Muffler, etc. Brandt thinks the point has been made and maybe it is being missed, but we have full employment in this County. We already have that vibrant and sustainable economy that makes it possible for anybody who wants to work to get a job in this County. One of the reasons people move to this County, lower wages aside, is because of the character of the area and that's what is being affected. Brandt thought once it becomes seriously affected and noticeable to more than just a handful of people in the County as to how the County is changing because of nonmetallic mining and the landscape and the traffic, lighting, sound and in terms of the issues in the community that changes the character of the area. A number of people have said, the decisions we make here today are going to be significant for the people "down the road" not only for our children and grandchildren in terms of the land that they have to inherit but it is also going to affect the character of the area and whoever wrote this for us to consider had that in mind. How it is going to change the character of the area, how has it changed it already? Brandt knows churches that are split, families that have divorced, neighbors who don't speak to each other, sons who don't speak to parents and brothers who won't speak to brothers. This is all over the issue of mining. We have mining interests who are trying to redefine our municipal borders for their own benefit. This is a significant change to the character of the area, and our decisions affect those, so it will have a detrimental and injurious affect. Whether we choose

to accept that and vote for it, that is our business. If we decide that is fine with us that's another thing. To answer Brandt's question, Lien stated most of these are directly out of Chapter 13 which is our Nonmetallic Mining Ordinance which all these comments and directives in there came directly from a citizen advisory group. The last item, from Chapter 10 is the Conditional Use chapter of the Comprehensive Zoning Ordinance but all the other items are from Chapter 13. Lien read aloud from Chapter 13, "In order to grant a Conditional Use Permit for nonmetallic mineral mining, the County must find the proposed operation is an appropriate land use of the site in question and based upon the considerations of such factors as; existence of nonmetallic mineral deposits, proximity of site to transportation facilities and to markets; and the ability of the operator to avoid harm to the public health, safety and welfare and to the legitimate interests of properties in the vicinity of the proposed operation." Bice then went back to "i" which was the existence of nonmetallic mineral deposits proximity to transportation facilities and markets. Bice commented that the mineral is there, the transportation is close, possibly the best application that we have ever seen to satisfy that requirement. Bice couldn't think of one application that was better. Brandt mentioned that Winn Bay's lawyer hit hard on this point and Brandt felt that is what convinced the Committee at that time. Bice stated this area is also a very remote area so if there are negative impacts there are considerably less, it is certainly not as close to Arcadia or the City of Blair. Lien read aloud, " Factors to be Considered for Adopting Conditions.(a) When considering an application for a non-metallic mineral mine permit, the County shall consider, among other factors, the effect or impact of the proposed operation upon; (1) public infrastructure, including but not limited to streets and highways, schools and other public facilities; (2) present and proposed uses of land in the vicinity of the proposed operation; (3) surface water drainage, water quality and supply; (4) soil erosion; (5) aesthetics, including but not limited to scenic beauty and the conservation of natural resources of outstanding quality or uniqueness; (6) the market value of lands in the vicinity of the proposed operation; (7) the physical practicality of reclamation of the site after the operation has been concluded; and (8) the public interest from the standpoints of smoke, dust, noxious or toxic gases and odors, noise, vibration, blasting and the operation of heavy machinery and equipment. Zeglin stated with #6 we get back to the market value and she asked ALLENERGY to be a good neighbor and do something about that. Zeglin added that in regard to reclamation we really don't have a firm reclamation plan yet, it would be nice to see something in writing. Bawek questioned the mining areas where they don't have a storm water pond per se unless they have a problem. Bawek stated usually when you have a problem isn't that a violation and so does it take a violation to trigger an automatic storm water retention pond to be installed on these sites? Lien answered no that the DNR requires them to receive a storm water permit and they have been working on that. Lien explained that is how the DNR is viewing every site, regardless of what the plan says, because they have learned through the school of hard knocks that every site is to be considered a discharge site. Once the operator is up and running and they can prove to be internally drained, they will modify the plan. Lien added we had a bunch of internally drained sites in the beginning and every one of them failed. Lien talked to Roberta Walls who is the DNR Storm Water Specialist in the area and she has said that every single one will be viewed as a discharge right now until they are able to get up and running and sustain that they can be an internally drained site. Brandt asked if it required a different kind of permit. Lien replied it is the same permit but it is viewed differently because if there is discharge they have to control the discharge. Every one of the violations from the six operating industrial sand mining sites are under scrutiny because of discharge. Bawek asked if they had it in their plan. Lien responded they have several different areas with retention ponds for that and Lien felt this plan may take on internal draining eventually. There won't be points of discharge but Lien felt in working with Roberta, she is telling them that she is going to view it as a discharge permit until you have everything in place to demonstrate you are internally drained. Hieb responded correct. Bawek commented, from his understanding, the plan shows that they are not going to do it until there is a violation. Hieb responded that the term "violation" is incorrect and stated the plan shows that they are going to be done if it isn't internally drained. Their intent would be to internally drain the site. If some of the sites, like Lien referenced, don't internally drain then they have sufficient space to provide onsite treatment and rate control, so they would do the same as the other ponds. Bawek questioned if they were already going to have this area in place even if it is internally drained? Hieb replied the area is set aside for it, yes. Upon Bawek clarifying it was for the storm water if it needed to be put in, Hieb responded correct. Bawek asked if there was going to be an area where it

could run over without it running out on the site. Hieb explained the attempt is to drain the mine area so it is internally drained. Patzner stated when Riley first came out he said they were going to have storage tanks? Riley responded we are talking about two separate areas; one is the mine site which is what Riley thought Bawek and Hieb were talking about. Riley stated they were going to have a storage tank which is called a clarifier tank over the wet plant and not have settling ponds like other mines do have. Bice announced that at this point the Committee was going to work on conditions and he was hoping that they can be discussed shortly and then they will be put together and approved when the Committee is done. At this point Budish provided the Committee with a copy of the Town of Arcadia conditions. Lien started reading the towns' conditions first.

1. ALIENERGY Silica---Arcadia non-metallic sand mine shall complete an approved road use agreement prior to any mining.

Brandt commented that the Committee has been assured that they wouldn't be using any town roads. Lien voiced that it was a town issue. Bice instructed the applicant that if they see anything that they don't understand, object to or whatever that they inform the Committee immediately. Radtke commented his concern with this one is exactly Brandt's point as to what road the town is recommending this for. Are they recommending this on behalf of the County? Radtke didn't know and inquired if there was any use of any of the town roads? Riley responded Pronschinske Lane is going to be used by their employees to get in and out and their "up to ten haul trucks per day" will go down Pronschinske Lane to County Road J, take a left, go down 3/10ths of a mile and back up into the mine site. One of the things they were talking about with the County is that several years ago there was a situation where one of the milk trucks hit a combine on a foggy day as it went down the little dip in that township road and ran into the back of the combine, so they have asked ALIENERGY to bring that up a little so there isn't that severe a dip. Riley thought they were probably going to widen it a little for more traffic, so they are working with the township on it. Radtke clarified that this is a road use agreement for Pronschinske Lane with the Town of Arcadia? Riley responded that was correct. Upon Budish inquiring if there were going to be any trucks brought down George Lane, Riley responded no. Riley explained they have the conveyor easement and they don't want to truck anything they don't have to. Radtke had some proposed language and thought Budish could type it in if the Committee agrees with it. Radtke suggested leaving it as is but after the word "mining" say with the Town of Arcadia for Pronschinske Lane. The Committee agreed with that. Brandt asked if it was necessary to put in writing that no mining traffic will be driving on George Lane. Lien commented that in other cases where there is no haul route stated, etc. than it would be considered a violation of the permit if they are on roads that don't have road use agreements.

2. All structures and wells on the properties within 2500 feet immediately adjoining the Conditional Use Permit site shall be inspected and the conditions of each shall be recorded prior to 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 staff requests. Inspection and damage costs shall be borne by ALIENERGY Silica-Arcadia.

Riley commented he had asked Tuschner (Riley knows he can't speak for the town board) about the third line specifically the phrase "any work". Tuschner according to Riley said, "no, we didn't mean that you couldn't start grading and getting the project going, what we meant was blasting". Riley has sent a request to be on the township board meeting agenda so they would hope that it could be changed to "blasting" so they can get going. When they found out that there were up to 240 structures to be inspected and an associated number of wells, they plan to do that and they are happy to do that as they want that base line data. Riley heard of one situation where someone claimed there was some structural damage at a site because they had said there was going to be blasting on a Thursday but due to weather they didn't blast, and Monday the people made a complaint due to structural damage even though the blast never happened. Riley added they want to protect themselves by having that baseline data both from the well standpoint and a structural stand point. Riley stated they would like to start construction yet this winter if they can, realizing some of the impediments that were mentioned earlier. That is the one change they would like to see and they are going to ask the township to make that change and they hope that this Committee would allow them to have that caveat because Lien said earlier that in

some situations the Committee has allowed that to happen and in some you haven't. Riley stated they would not do any blasting under/during the construction process. Brandt commented he would like to help Riley with his wording as they are not impediments they are precautions. Riley stated it was noted. Radtke stated that Riley had mentioned meeting with the town and getting this approval from the town, and Radtke wanted to clarify that these are "recommendations" from the town being made to this Committee asking the Committee to consider this to be included in there. This Committee has the authority to either adopt them as is, not include it at all, or alter it in any manner that this Committee desires. It would not require the applicant to go back to the town to get that change from the town in order to get it approved here. Radtke wanted to make sure that was clear that this Committee can do what it wants, it has the authority to make whatever conditions it wants and these are just "recommendations" from the town. Bice stated Lien knows what the Committee has done in the past and this is a very significant issue and asked Lien what his thoughts were on it. Lien commented the Committee has allowed in the past, for just raw extraction/haul sites not to have that requirement put in place and then on sites that have blasting included in their plan, the Committee makes that a condition and they cannot begin anything until that condition is met. Lien continued we currently have one site that is working on meeting all those conditions and they can't do anything on the site until that is met. Lien felt it was at the discretion of the Committee, but Lien urged the Committee to be consistent and not arbitrary and capricious in decision making. When blasting is part of the plan and expected this is a standard condition. Brandt told a story about a spring on his property which stopped running after they had put an addition onto his house and there was no blasting. Brandt added when one is talking about water flow, especially when we are talking about a water table that is as low as it is here, it can be affected by something that isn't blasting as has been Brandt's experience. Personally Brandt didn't have a problem with going with stating "before blasting" as part of the condition. Zeglin stated "should thereafter be inspected the first and second year" seems to be rather limiting to her especially when you aren't getting to Phase 7 until 10 years out or so. Zeglin didn't know that we can put a limit on just first and second year. She then read aloud, "then further inspections will be completed upon staff request" and asked if that was DLM staff? Lien's assumption was that it would be DLM staff because they're the ones who oversee the conditions and enforce them. Upon DLM staff request there could be additional well or foundation inspections required. Riley asked if we could add in that sentence, "after blasting starts". Riley added as far as the inspections taking place first and second year after the blasting has started. Zeglin suggested adding, "at each phase". Riley stated he would have no problem with that. Some discussion took place. Vry thought the suggestion was valid. Zeglin suggested changing "phase" to "parcel to parcel". Lien questioned that as the applicant is moving through phases they are getting farther from some wells and closer to others, so it would seem somewhat redundant to continue to test wells that they are getting farther away from, and to not focus on ones they are getting closer to. Lien would like the staff to have some flexibility to fluctuate a little bit. Lien suggested that initially all would be done but as the applicant moves through the phases he could see continuing to do more testing in areas where they are headed, but as you're leaving ones, and they haven't been problematic, he didn't understand what purpose it would serve to retest those wells. Zeglin asked if Lien was comfortable with the way the condition was written. Lien responded if one wants to add the language, "after blasting commences", that would make sense and then "on an as needed basis". In the past mines, Lien stated if we don't get a complaint or haven't had a problem, we haven't been requiring additional monitoring. If there is a problem, we are going to require testing on everybody around that mine site. Bawek asked if the Committee would be "nonconsistent" if we do what Brandt wants to do. Bawek questioned if we didn't want to stay consistent from one mine to the next. Lien thought that was correct and that the idea was not to be arbitrary and capricious or consistent. Lien added it depends in how you look at it. We have been consistent by saying if you don't have blasting in your plan we don't require well and foundation investigations but if you know you are going to blast we're requiring that before the conditions are met. Lien asked Riley if he was assuming that they could operate for a while without having to blast. Riley responded that what they were saying is, the way that this is currently written ,if it were adopted as part of the conditions that ALLIENERGY would have to work under, is that they cannot start excavating or even going under the road yet this fall until all the structure and well inspections have been completed and with 240 structures (the estimate by two different firms) that is going to take three or four weeks. They would like to get going before winter hits, not knowing when that is going to

be, and see what they can get accomplished yet this fall because that means the dollars start flowing into the County from a construction perspective. Riley suggested the condition read, “prior to starting mining or starting to open up any mining area” they would have to have the structure and well testing – not even making it to blasting. So next spring if they start, and they are just using a backhoe to get at the sand they would have to have the structure and well testing completed to start mining. Riley stated they would be happy to have that be the restriction rather than blasting. Vry suggested thinking of it this way in the County, that a majority of the quarries or mining activities you have dealt with don’t have the dry plant or rail facility so if you think of the stuff east of the road which is the quarry, treat that the way you have treated all your other operations; before they can start blasting, mining or before they can open that piece up they need to test. The other part is kind of an industrial complex as part of our plan and treat that differently because you don’t typically have that in the rest of your plans. Lien commented we have had it in some and again Lien’s concern is being arbitrary and capricious with decisions. Lien asked Budish to look it up, but Lien seems to recall some language that said, “before mining activity”. Budish stated he could get three plans right now with approved conditions that will say, “Prior to any activity on site”. Budish noted Cameron Rail as having that condition and they are contingent upon that. Budish read aloud, “All inspections have to be done prior to anything at the site”. Vry stated that was correct but noted that was also the continuation of a mining permit or an expansion of a mine, so they still had a mining permit in place that they were running under even though they were blasting. Vry added it was one of the original mines but that was a little different. Budish also mentioned the Hwy 53 mine which can’t do anything out there because they are still doing all their inspections and that is why there is no construction out there. Riley commented earlier when Bice mentioned that this project was probably one of the best applications he has received, Riley thinks this is a great site and in order to make it a great site they have gone to great expense to design it that way but also we are going to great expense to build it out that way. It would be Riley’s proposal that, although you don’t want to be arbitrary and capricious, he would like to have the Committee consider the fact that because there is no trucking involved, they are not going to be putting 150-200 trucks on the highway each day, other than 3/10th ‘s of a mile they aren’t going to be tearing up the road and they have already entered into a road use agreement. Riley stated, as Vry said, look at the south of the road which is where the wet plant and dry plant are, as separate entities of an industrial facility and allow them to potentially start construction there including the culvert going under the road. Radtke wanted to speak to the term “arbitrary and capricious” and where that is relevant to this Committee if its’ decision were to be appealed. Radtke stated one of the things that is looked at is was the decision “arbitrary and capricious”. Radtke continued that “arbitrary and capricious” essentially means similar things that the decision was made on a whim or not really related to the facts or the mine before you. Radtke wanted to make it clear that if the Committee makes a decision about one mine that is different than the three previous ones that does not automatically mean that it is arbitrary and capricious. Our Ordinance says deal with each applicant on a case by case basis, so Radtke wanted to make it clear what that term means and where it is relevant and the impact on decision making by the Committee. Lien thought that was a good point and stated there are no two mines that are alike, they are all unique in character, location and all have different aspects. For staffing reasons it is nice to have things consistent as that makes our job somewhat easier. Lien added the Committee has the ability to amend the recommendation from the town. Low suggested striking the words “any work” and replace it with the words, “any blasting or mining”. Bice asked if the Committee would accept that as written. Brandt responded the answer is yes but we have an Ordinance now which defines mining and asked if this would be consistent with the new definition of mining. Brandt was trying to make sure that we are not just changing words and making it the same. Riley added they wouldn’t be processing any sand until they start mining, they will just be constructing. Radtke was looking into the wording and read aloud, “nonmetallic mining shall mean all or any part of the process involved in the mining of nonmetallic minerals including but not limited to commercial extraction, conglomeration, beneficiation or overburden and the production of refuse, it does not mean exploration or prospecting”. Upon Bice asking Radtke if he was comfortable with the Committee leaving what was written on the screen, Radtke stated he had some other comments. Radtke noted this was for condition #1 as well as he forgot to mention it, that typically he likes to recommend “owner/operator” instead of naming the actual entity because sometimes there are sales and that way the County wouldn’t have to go back and amend

the conditions. Instead of saying "AllENERGY Silica Arcadia" put in "owner/operator for one and two. In regard to the comment about, "upon staff requests", Radtke felt it might just be that much clearer to put "DLM staff" so that it is clear especially since this is a condition coming from the town. Bice asked if anyone from the Committee disagreed with that. There being none, Bice instructed Budish to make those changes. Bice announced that Corp. Counsel was comfortable with moving forward and asked if the Committee is comfortable leaving the condition as it is now. Bice asked for a show of hands of everyone who is comfortable leaving it as it is written up on the screen. Bice stated he had at least five hands agreeing to change it to what is written on the screen so that is what will be done. Lien read condition#3.

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 AllENERGY Silica---Arcadia 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 in succession the 1 (one) year period will restart.

Lien asked if the applicants knew what that meant. Vry stated he knew what the intention was. Vry tried to explain that the intention in the comment that they heard from the town was, "if you shut down for a year, we want reclamation to commence, we don't want you to "moth ball" this thing, walk away and leave the mine open". Vry thought that is what they were attempting to do with the condition. Radtke commented the Committee has sent this condition in the past from the town and he recommended just getting rid of it all together and his basis for that was, first it is asking owner/operator to follow a pattern of phasing set out by the Town and it is confusing. The County should be the one that is directing in which phase and in which order. What sites should be reclaimed and what time, that is addressed in the County's Ordinance. Inactivity as well is in the County's Ordinance and all of those things are in the County administration and authority to enforce. To have it in here duplicates really what is already in our Ordinance and it is confusing that it would be something that the town would be involved in. Upon Bice asking if anyone on the Committee would object to striking condition #3, there was no response. Bice announced condition #3 from the town will be stricken.

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.

Bice commented to the applicant that if they have promised the town certain things, you might want to follow up on those but Bice stated we are only working on what we as a County are going to follow up on. Riley stated they respect that relationship that they have developed with the Town.

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 AllENERGY Silica--Arcadia non-metallic sand mine activities must always comply with the most recent DNR standards.

Vry clarified that the only change would be to change the operator name to owner/operator and felt other than that it is a normal standard and they were fine with that. Radtke thought the Committee has seen that as well before and commented it is one that the Committee could remove as well because if it is not in there they are still going to have to comply with the most recent DNR standards whether the County has that as a condition or not. Zeglin commented if that wasn't "a given" if the DNR standards change regardless in 5 or 10 years they would still have to meet those standards. Bice asked if anyone objects to taking out condition #5 completely. Since there were no objections Bice stated condition #5 will be stricken.

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.

Radtke had concern with this condition for a variety of reasons as again it is having the town board review final site plans, it is confusing. It directs the owner/operator to the town when this really isn't within the authority of the town to do. Committee consensus was to remove condition #6.

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

Bice believed that was in other conditions. Lien commented he thought our Ordinance is slightly different as he thought it just says, "adjacent property owners as well as the County must be notified 24 hours prior to blasting", so the 2500 feet is consistent with other things and probably isn't a bad thing to leave in.

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

Brandt questioned what continual blasting was. Radtke commented that in the past we have seen this same condition and we have taken out "continual". Committee consensus was in agreement.

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

Lien commented that is something already in our Ordinance that our staff has already been working on with ALLENERGY depending upon the outcome today. Riley questioned if "excavation" was of the mine site or any excavation at all. Lien responded that after condition #2 was modified it would be of the mine site. Budish asked if it should be made clear in the condition. The Committee was in agreement.

10. The Town of Arcadia Board should meet with ALLENERGY Silica---Arcadia 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 had the same comment as he made earlier regarding the final site plan which was just to strike it. The Committee was in agreement to strike #10. Lien reiterated what Bice had said as to just work with the town.

11. The Town of Arcadia shall be responsible for signage of Pronschinske Lane.

12. The Town of Arcadia Board of Supervisors shall review the conditions, compliance, and complaints of the ALLENERGY Silica---Arcadia non-metallic sand mine mining permit with the owner/operators on an annual basis.

Radtke had the same comment as the last condition that it be struck because it is confusing and it directs to the Town. Committee agreement was to strike #12.

13. A 50 foot of flat, undisturbed setback adjacent to the property line must be reclaimed at a maximum of a 3 to 1 slope.

Bawek questioned what was meant. Lien commented this is perhaps one that the town would need to clarify as to their intent. Riley stated he actually asked Hieb and Hieb stated he didn't know what it meant. Lien thought he understood their intent as they have done this several times. Lien thought what they were saying here is that there should be 50 feet of undisturbed setback area and from that point the slope at a minimum of 3 to 1 from that point. Lien called on Beth Killian, Town of Arcadia clerk who was present to comment. Killian thought it was flat for a certain amount and then the slope started. Lien thought this needed to be clarified and added we have had this with other sites that there is a 50 foot setback. Hieb stated that is how they laid this one out based on that understanding. Bice asked if it would be ok to take out the words, "of flat" in that first sentence. Lien suggested lining out "flat" with a period after the property line, so it would read "50 foot of undisturbed setback adjacent to the property line". Lien added that reclamation doesn't allow for it being steeper than

3 to 1. Further discussion followed about the wording and the intent. Lien noted to the applicant that area cannot be used as a haul route. Brandt suggested the wording, "50 feet of undisturbed setback adjacent to the property line shall be maintained". The Committee was in agreement with that language.

14. A 20 foot berm shall be established along Wayne Haines property lines at a 50 foot setback.

Lien asked Hieb if that was designated on the applicants plan. Hieb responded that was not added to the plan as he thought that came after the fact. Hieb understood the intent and what they were asking and ALLENERGY agreed to it. Lien clarified that at a point of 50 feet back we're going to have a 20 foot high berm and that it does not say for how long. Lien asked at what length Wayne Haines' property bordered ALLENERGY's land. Lien thought it should be stated as to how long the berm is to be otherwise DLM staff will expect it along the entire property line border. Bice asked what the 20 foot berm was. Lien explained it is a screening berm and it is usually used to stop stock piled topsoil. Hieb asked if that was the towns' intention that it be a 20 foot high berm. Riley stated Wayne Haines is present. It fits in with their phasing plan so they are ok with it. Riley was looking at one of the maps of the mining site that shows Wayne's house. Discussion followed on Haines' location to the mining area and the berm. Vry suggested a 15 foot berm with a 400 foot length and stated that fits with what we are talking about regarding reclamation phasing because he is in that final phase of that first section and that is where we moved the additional topsoil. Vry stated that will work. Lien clarified that he was hearing 15 feet high by 400 feet long. Riley added that when they are done mining that area, they would remove that because they would use that topsoil in their reclamation plan. Upon Lien asking if the setback was from his Wayne Haines' property line, Riley responded yes and added it joins the mining site because his property line goes down to County Road J and there would be no reason to do that. Lien directed Budish to change "20" to "15" and then it should read "15 foot high by 400 feet long at a 50 foot setback from that (Wayne Haines) property line".

15. No truck or equipment staging on Pronschinske Lane

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

Riley asked that instead of blacktop, in case they decide to concrete, it read an impermeable surface or hard surface? Lien responded that his question with that is, what is the distance? Upon Riley asking what Lien would like it to be, Lien and Budish discussed what it was on other sites. Bawek thought it was 75 feet. Lien asked what the applicant had in their plan. Bice thought the Committee would be fine with concrete. Riley thought maybe they would just say "hard surface" that way they have some flexibility. Lien suggested taking "blacktop" out and putting "impervious" so it reads "Entrance and exit driveways shall be an impervious surface for a minimum distance of 75 feet". Riley suggested putting in "or greater if the plan shows that" to cover it. Upon Riley asking if it was no less than 75 feet, Lien responded yes that was fine. In looking at the plan Hieb stated he didn't see an actual dimension but if he scales it off it would be somewhere close.

17. ALLENERGY Silica---Arcadia 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.

Lien suggested changing the operator name to "owner/operator". For the record Lien stated this should never happen but it has happened in the past.

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

19. All mining trucks leaving will be tarped.

Lien commented that shouldn't be an issue other than the material that is being brought back which is going to be a wet mud but it should still be tarped.

20. All lighting shall be shielded and directed towards operation of the AllENERGY Silica---Arcadia non-metallic sand mine.

Brandt wanted clarification as he heard that they would haul some of the wet sand back in the processing plant but he also heard them say that there is a second conveyor that will be running it back to the mining site for reclamation. Vry responded that was true. Brandt clarified that the trucks are in an initial stage and then it is all going to be on conveyor. Vry replied that they have a waste stream off of their water treatment system that goes through a belt press and the water is squeezed out but it tends to have a lot of clays and silts in it and some months of the year that will not go through the conveyor system so they have the ten trucks per day built into the system to haul that across to the quarry site. Vry added all the other waste will go through the conveyor. Brandt thanked them for the reminder. Lien reread condition #20. Lien thought that condition should be struck as it has been addressed in staff recommendations, but reminded the Committee again that we heard multiple testimony today about light pollution. Lien thought that was a really big thing to protect. Committee consensus was to strike that condition as it is in the staff conditions.

21. AllENERGY Silica-Arcadia 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 again changed the operator name to “owner/operator”.

22. No more than 10 (ten) trucks per day will be on Pronschinske Land and County J to haul waste material back for reclamation.

Lien assumed “land” was supposed to be “lane” and instructed Budish to change it.

23. No sand will be brought in/trucked in from other properties.

Lien asked if that included rail and if there were any plans to rail in other sand as the County has had that happen. Lien didn’t know if that was a Committee concern as to if other sand would be railed in. Brandt commented that it is a concern only if it changes the reclamation plan. Lien thought it would depend on the nature of what is brought in. Bawek asked if they hold other properties in another area, if that is considered their property? Lien responded no because it says from other properties so it doesn’t matter the ownership as it says from other properties outside of this application. That was Lien’s legal analogy but asked Radtke for clarification. Radtke stated if you wanted to limit it you could just state, “trucked in from sites other than the permitted site”. Zeglin asked if it should include “conveyed from”. Radtke thought the words “brought in”, even if one took out the word “trucked”, “shall be brought in” whether one brought it in a wheel barrow, train car, truck, etc. from sites would cover other than the permitted site. Vry was fine with the language but wanted to clarify the intent. Vry stated the town was adamant that AllENERGY not truck in from other sites, that they not put trucks on the highway, so that is what Vry said they were addressing. Vry stated whatever the Committee does to clarify but the town was adamant that there not be trucks on the highway. Discussion followed on the wording and Radtke and Lien worked on the wording for this condition. Vry stated that they were asked specifically that they would not truck. According to Vry, Riley had to answer that specifically for the town about four different times. Lien stated that ends the list of proposed conditions from the town and announced the Committee would move on to staff recommended conditions.

1. Property lines must always be clearly identified and posted with warning signs at 300 foot intervals.
2. Duration of the Conditional Use Permit is 5 (five) years from the date of issuance. After the 5 year time period, the owner/operator may apply for a 2 year extension with the County.
3. The stumps and wooded debris from stripping are to be chipped and utilized as mulch on site.

4. 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.

Lien noted this really shouldn't pertain to the applicant because they are proposing to drop directly from conveyors into hoppers, etc. that are going to be enclosed or water. This is mainly when trucks are dumping material into the crusher, wash plant, etc.

5. Service road entrance will be appropriately locked & gated to prevent unauthorized vehicular access.
6. No truck or equipment staging on Trout Run Road, Pronschinske Lane and County Road J.
7. A flocculants usage and disposal log must be maintained by Owner/Operator including test results and disposal procedures.
8. A draw down analysis on the effects of the high-capacity well cone of depression will be provided from the Owner/Operator to the Department of Land Management prior to issuance of the Conditional Use Permit for the expansion of the current mine site.

Lien noted "the expansion of" should not be in this condition. Lien commented that if the intent is like blasting, to do excavating prior to issuing this is going to be a hurdle for the applicant because it states "prior" to issuance of the CUP for the current mine site. Lien asked if the applicant had done the drawdown analysis on the high cap well with the cone of depression, etc. Hieb responded it was not done yet. Lien thought that would be a hurdle prior to doing any site preparation. Vry responded they certainly understand and have no issue doing the drawdown analysis for the high capacity well. Vry thought that should be a condition in the permit but he didn't see why it should be "prior to issuance of the permit", it should just be a condition. Lien commented that our only possible scenario would be, if we don't make that a condition prior to CUP, that one goes in there and prepares the site, starts putting in the rail load out and you put in all this work and then all of a sudden your drawdown analysis adversely affects several wells in the area and you realize this isn't going to work, now we have to go to "Plan B" and that is where Radtke has urged the Committee in the past not to make conditions contingent upon some other agency's approval because it could put you in a hard spot/situation. Lien added that historically, along that Trempealeau River, you're going to find that there is fairly abundant ground water supply but that is historically and Lien couldn't say for this site. Vry responded that he absolutely understood what Lien was saying and he has run into this on many projects. It is the old Catch 22 – the DNR doesn't want to act on a permit application until you have a project CUP and you don't want to issue a CUP until we have the permit application. Vry thought it is reasonable to have that analysis as a condition in the permit that we supply it to the DNR. Vry had no issues with that whatsoever. If ALLIENERGY starts site construction certainly that is at their risk and they understand they have to have a permit. Brandt thought what we have here is a unique situation. We have this preliminary approval stage and then we have a signed Conditional Use Permit which allows the full operation. Preliminary approval comes from this Committee based on the expectation that you get all the DNR permits, a high cap well, almost all the plans we have provided a drawdown analysis, so Brandt was sort of surprised not to see that. Brandt didn't think it was an unreasonable expectation. Brandt couldn't imagine it was that expensive although cost really shouldn't be an issue. Speaking to that Riley stated one of the things is timing and as Vry had said, we're obviously at risk if for some reason the draw down analysis shows we can't get what we need to run the plant. As Riley had mentioned earlier, should the vote go in their favor today, that they would like to start construction yet this fall, and if that is one of the requirements for the CUP then that would be an impediment to that. Vry apologized to the Committee and stated it may be a case of where he can't read this late in the day, and asked if the intent here is that ALLIENERGY supply DNR with a drawdown analysis for the well, because they can do that. Lien replied not only DNR, but the Committee and DLM staff. Vry responded if that is the intent, they can do that. Vry was reading it as, to supply the analysis they have to complete the DNR permit, they have to have all of the pieces in place. If we have to supply the analysis and we have to know that the well is viable and works and we have to supply that to the DNR, Vry stated they can do that. Lien commented the reality is we don't want the Chairman

to sign that permit if we know your drawdown analysis adversely affects several of the neighbors in this room. Vry replied fair enough and they will get it done.

9. Owner/Operator to conduct an on-site investigation to determine the groundwater elevations prior to issuance of the Conditional Use Permit.

Lien commented a number of those items have already been determined in the wetland information.

10. Appropriate road signage for County Road J roads will be put up with cooperation with the County Highway & also a Road Use Agreement.

Lien stated he assumed the applicant has been in contact with Highway Department. Radtke commented that he would really like to see it as two different conditions. Instead of saying "County Highway" it should read "County Highway Department". Also by saying "& also a Road Use Agreement" isn't real clear. Radtke knows they are working with the Highway Department on that, but Radtke would recommend a separate condition that just says "Owner/operator shall enter into and maintain a Road Use Agreement with the County for County Road J regarding reimbursement for damage to the road." Radtke explained that then it is real clear that it has to be entered into and maintained. This was made condition #19. Radtke reread the condition for the record as stated previously. Lien then read condition #13. Budish reminded Lien to read conditions #11 and 12.

11. Non-metallic sand mines that are within 1 (one) mile of each other shall not simultaneously blast. Lien noted this was a reason that the County requires a 24 hour notice and the DLM keeps a blasting log is so the County knows who is blasting when.

12. Storm water ponds are designed for the 100 year, 24 hour storm event.

Lien noted those were minimums and Hieb had mentioned they had designed for that.

13. 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.

Lien stated this was a number one complaint this summer especially when it was dry and dusty.

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

Lien commented this was key if we are going to have a sustainable crop field in the end.

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

16. 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.

Lien stated in the past we have required up to three air quality monitors and we learned that those monitors were pretty much ineffective. They were just collecting ambient air and we didn't know what kind of dust we were collecting or if it even had any adverse health impacts. One thing Lien could say was that through the Health Dept. right now they are doing a study and they are going to be bringing in two air quality monitors very soon into our County and Lien thought those might set a standard for what will be. Vry mentioned that was going to

be his question because there are multiple levels of sizes one can test for and this doesn't tell Vry what the monitor has to do and it doesn't tell him what they're going to need, so if there was anyway that we can clarify what the County is looking for or if it could be clarified later, Vry felt that would be awesome. Zeglin stated that the last two mines the Committee has added the PM 2.5 Lien agreed that the language was added to that level. Lien felt the key was the removable filter that can be analyzed because we all know we're breathing dust right now, etc. Lien added what we are looking for is that crystalline silica at PM 2.5 and we're trying to find at what point that drops off. Lien thought is sounded like Vry had some experience with that working with Minnesota. Vry again asked for clarification as to what they are testing for as there is a difference in monitors and in the filters that one uses. Vry added they definitely want to do whatever it is the County wants them to do and the right thing. Vry added as this evolves if the County could clarify more or help them out that would be great. Lien commented he thought that is why the language was put in there by staff because we are learning as well and we've learned that past monitors that we had out there weren't effective. Zeglin reiterated that, at a minimum, she would like that PM 2.5 language added as she would like to be consistent with that language. Lien suggested after, "Air quality monitor" adding "measuring a minimum of PM 2.5 with removable filter". Zeglin was in agreement with that language. Lien asked what the levels were that Vry tested in Minnesota. Vry responded they tested TSP, some reports suggested a PM10 and then they did NIOSH (National Institute for Occupational Safety and Health) testing so they did the same kind of testing you would do on an employee in a building and they did it out at the property line.

17. 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.

18. Per NRCS water-tight standards, concrete bottoms must be in all wash ponds that may contain flocculants.

Lien commented that Riley had mentioned earlier about a liner, and stated this Committee has made it a standard that it be concrete lined meeting NRCS standards. Lien mentioned if the applicants wanted to see one there is one going in on the Guza site right now. Brandt mentioned that Bawek had talked about the impervious surface underneath a stacking pad. Lien explained this one is talking about ponds that store the material that is being drawn off from that. Lien stated if Brandt wants to make it a condition that there be an impervious pad under there with drains that go to this pond that would be an additional condition. Lien explained that on a previous site they actually had an impervious pad that the stockpile was on so any leach from that was either surface directed towards a pond or brought in thru drainage tubes. Lien further explained, so to make it clear to the applicant, that underneath the stockpile there would be an impervious surface and the applicant would have inlets that would be drained and go right into this pond. Vry wanted the Committee to understand that Hieb hasn't designed it yet so it may slightly change in shape as they adapt it to that but noted that they do understand the intent. Riley commented they do understand the reason that Bawek is asking for it. Brandt stated so the condition would be the washed sand? Lien clarified that the concern was with the stockpiles that retain the polyacrylamides. Brandt responded yes, potentially. Lien explained it could be waste or processed. Lien asked if Brandt was concerned with that because of the close proximity to groundwater of this processing site. Brandt responded yes. Lien added that same material goes back into reclamation and right into the ground. Vry's understanding of what the Committee is requesting is an impervious liner underneath the washed, concentrated sand stockpile, the 300,000 ton stockpile and the drainage way to a concrete lined pond. Brandt stated it is the surface that the stockpile sits on. Discussion took place on what the Committee had required at other sites. Hieb stated it wasn't the whole pond; it was the bottom and the ramp to it. Lien commented that the one that is going in now is all concrete including the sides so that it can be maintained easier. To be clear and answer Bawek's concern, Lien explained that typically the polyacrylamide which is of concern, is in the material that one is not using and Lien questioned where that was going once it is washed? Once it is washed out the polyacrylamides are bound to the fines and the majority of that is probably going to come out through the plate press and be in

that material. Vry responded the majority are squeezed out and go right back into the system and they reuse those chemicals. There is a residual amount that goes in those silts and sands that are put back into the mine site. Lien added those silted sands are going to be what drops out of the plate press which typically drops into something concrete so you can load them up. Vry commented they will either drop it into a truck or a bunker where it can be loaded up. Lien stated it will either be an impervious bunker or a truck; it is not going to be on the surface or the ground? Lien continued that the other residual will be in what? Vry answered there will be 3 or 4% moisture that drains out of that washed stockpile and what they did is they built a drainage system in a pond to capture that but they didn't have an impervious surface underneath that whole stock pile and what they're hearing is that the County wants it so they are willing to do that. To be clear, Hieb stated the stuff coming off the crest also goes to that same pond. Lien stated that is going to be concrete lined. All Lien was trying to get to is that maybe the washed stockpile has very little polyacrylamide in it at that point because the majority of it is in the fines. More discussion continued on the ponds and what is in the fines and where the polyacrylamides would be. Lien questioned the need to put anything under the washed pile because the majority of the polyacrylamides are removed from that, but again Lien noted he is not a mining expert. If there is a percentage of it in there that is of concern then we are in very close proximity to saturated soils on this site. Vry said it is a very small amount and so he thought we were headed in the right direction – deal with the fines off the press, put them into a bunker or in an area that they catch the water as it drains out of that bunker area and they will accomplish what Lien's wants to do and then there is a processed water pond, with drain tile under that stock pile so they are still going to recover the majority of that water coming off that stockpile as that is the intent as they want to recirculate it. Lien explained that typically what he has seen is the poly acrylamides are attached to those fines and they either have a truck backed right under the plate press or it drops into a concrete bunker and it is loaded from there. Lien thought that is where Bawek's concern of separation is, to try to keep that stuff in an impervious surface so that it doesn't have direct contact on this site because groundwater is so close in proximity. If you bring it back up the valley there is a greater separation and we understand that is part of the reclamation. To clarify Hieb stated where they have their dry plant; the wet plant is up 80 vertical feet above the dry plant and the low groundwater, so there is substantially greater separation at that point. Lien thought to get Bawek's intent and purpose, would be those fines that have the larger percentage of polyacrylamides and that be captured (there will be still be some moisture and Lien knew it was minimal after a plate press) so whether it goes into a concrete lined holding area or right into a truck for reclamation, Lien thought that is the purpose and anything that would leach out of that be directed to that concrete lined pond. Bice asked Lien if these polyacrylamides are similar to what the public sewage system uses. Lien responded probably identical as they are food grade polyacrylamides, the only difference is, that in all of those industries, they are land spread, ultraviolet rays break them down potentially and in nonmetallic mining reclamation they just get put back into a wet area and repeatedly they don't get that ultra-violet ray breakdown and that's one of the unknowns. Lien couldn't say it was bad but he couldn't say it was ok either. Vry has a bag of Scott's Miracle Grow moisture crystals that one buys to put in their house plants and it is 100 % polyacrylamide. Vry added that as they went through the town meetings, they learned that many of the agricultural people use that as a moisture enhancer so it minimized some of the watering in their fields. In testing at Grapevine Sand, they found that it was in coloring agents, in concrete and they found it was everywhere so they did background testing for six months before they opened the mine. They found polyacrylamides in the water before they started. Vry reiterated it is everywhere and stated the polyacrylamide is a fairly stable molecule; it is really not a problem. There is an acrylamide molecule that is a molecule of concern and it typically biodegrades in 7 – 10 days depending on temperature. It is an interesting thing but Vry said everybody is using it. Vry stated they understand the concerns and will be very frugal with it and will capture the water. Lien noted the other thing that was talked about but not made a condition was the issue that Brandt brought up that this land was intended to be returned to cropland. That within a two year period of it returning to crop land, it should meet a minimum of 70 % prior yield. Brandt commented there was a differentiation made between that part of the land which intended to become cropland and that which would be a 3 to 1 slope. Brandt didn't see it in the reclamation plan, but he did notice that the standard that they were using for reclamation was the DNR standard which was 70 % ground cover of various grasses, so it was something that in conversation was decided that staff and the

applicant would work together to determine which areas would be designated agriculture and which would be designated non-agriculture, therefore that standard would only be applied, Brandt assumed, to those flatter areas with low slope. Brandt stated, "Owner/Operator will work with staff to determine areas of agriculture use after reclamation." For the record, Brandt repeated Condition #20, "Owner/ Operator of nonmetallic mine work with DLM staff to determine reclaimed areas that are designated agricultural. Release of bond for those areas would depend on 70%. At this point Radtke interjected and stated that this type of condition is really more appropriate in the reclamation permit other than the CUP because, at the point of enforcement, we are talking way at the back end of this thing. Our enforcement tool or leverage is the reclamation bond and not anything that we would have under the CUP. There would be no leverage by saying we are going to revoke the CUP so there really should be something in the reclamation plan that is approved or it could be added as a condition to the reclamation permit. Brandt did have a couple of other issues that came out of the third party review and were addressed; one has to do with the flood elevation model because of the disturbance on the processing site as that was a recommendation from the third party review as to some idea of how many more inches of water are going to be going through Dodge, for instance or backing up to Arcadia because of the disturbance here. Hieb inquired if Brandt wanted him to answer or just make a note. Hieb did state that they are not allowed to change the water surface profile by more than 100th of a foot. Hieb added the DNR does not allow them when they do the modeling, they are not allowed, it won't be proven. Brandt was ok with it being something that DNR would be looking at. Brandt continued that the other thing had to do with another recommendation which was by ALLENERGY's consultant which was that there be further coordination/consultation with the State Historical Preservation Office and Brandt added the Mississippi River Archeological Center of historic resources. The Trempealeau area and Trempealeau County and Trempealeau River is ground zero for a lot of culture in the State. Brandt understood there are some National Historic Preservation Act requirements when this sort of stuff is done so Brandt would hope that would be one of the conditions as well. Kramer responded they have record of known locations and they are avoiding those. Part of the permitting process through the U.S. Army Corp of Engineers, for the wetland impact, also does require no significant impact on cultural resources, so they will be evaluating that as a condition of the wetland permit. They will likely coordinate with SHPO (State Historical Preservation Office) for that part of the review. Brandt stated that is a little different than what he is asking for. Brandt has friends at the Mississippi River Archeological Center and what they do is go in before a housing development, figure out what is there, chronicle it, pick up some bits of stuff, take it to the archeological center and then they come and bulldoze everything. so that obviously backs up the applicant's timetable, but it is more than just avoiding the site, it is identifying it if one comes across it and then having the appropriate study done on it and to that extent. That is why Brandt was adding the Mississippi River Archaeological Center. Kramer felt Brandt was talking about doing the Phase 1 or Phase 2 site investigation. Kramer stated they have done the initial phase and usually if one is going to go and do an actual field survey for artifacts of cultural resources, it is going to be based on recommendation from experts at SHPO because you are in an area that is highly probable to have artifacts or significant cultural resources. What Kramer was saying is that they're going to base that next step on the opinion of the State historical society. Brandt asked if there was a way to make that a condition or does that become a "given". Brandt wanted to push for a condition just to try to rephrase what Kramer had said which is to follow recommendations of the State Historical Preservation Office. Kramer responded it is a federal agency. Lien suggested Brandt make it a condition that they contact Mississippi River Archeological Center and that they in turn would send the County a letter either saying there are or are not "hits" in that area. Brandt commented they are also talking about some federal requirements to do different types of analysis in the area depending on how significant it is. Lien thought that would happen through the process that Kramer is talking about. Kramer stated one of the things they will look at is, often times there have been surveys done in some of these areas of significance and those are lots of time confidential so we don't know about them. So the office has all those records and they may say that they feel there has been enough surveys near the site/adjacent to or even on the site and that there are no additional issues. They could come back and say they don't have enough documentation or surveys in areas of this location, we would like you to do field testing. Lien's experience is they don't give that information out because they don't want people out there digging around. So when one sends in that request, they'll know if there is something significant in that

area so they will do more research. Brandt asked if Lien felt comfortable with them communicating with the State offices. Lien responded that is how his engineering staff has to do it right now. They have to go through that same exact route for conservation projects on the land and if there is something in that area, they won't tell us it is there, but they will do further investigation on it – otherwise we get a letter back saying no “hits” were there and we are good to go. Lien added that doesn't necessarily include the Mississippi River Archeological Center. Brandt wanted to put in the conditions that the applicant contact the Mississippi River Archeological Center in the event that historical/ archeological sites are reported. Kramer thought that was someone that they would potentially hire to do the survey and Kramer wasn't sure they should be mandated on who they should utilize to do the survey because there are other consultants that do that work and are qualified. Brandt read from the applicant's consulting service recommendation, “Further coordination and consultation with the State Historic Preservation Office be done to ensure all compliance with Section 106 of the National Historic Preservation Act prior to any land disturbance.” Kramer added it is illegal to dig out human skeletal remains, if that were the case and that is something that they would have to deal with. Brandt pushed on that this is prior to any further land disturbance. Kramer stated yes, it is confirming compliance with the Act and it may require additional surveys or it may not. Kramer was going to leave that up to the discretion of the agencies to determine if the applicant is in compliance. Brandt responded that, at this point, there is nothing to tell us that you've done that. Hieb commented they wouldn't be issued their permit to grade without that confirmation as that is part of the review process. Hieb stated he has already sent a letter prepared by Stantec to Roberta Walls, DNR for review so they do review it and she then talked to the people within the other departments. So before the permit will be issued to do grading, exceeding an acre, which means we have this whole site that we have to confirm, that will be done. Brandt conceded saying ok you guys talked me out of it, go ahead. At this point Budish asked Brandt about the other condition that he wanted in regard to the 70% crop cover. Brandt stated the rest of the condition, “which acres would be designated agriculture after reclamation”. Lien commented with that stated, they would modify the plan and show us those acres. Hieb stated he would submit a plan that shows the slopes, reclaimed area, etc. so it is clear. Radtke and Brandt talked about putting the reclamation bonding language into the reclamation permit today. Lien suggested putting it under a “Reclamation Permit” heading and calling it condition #1. Brandt stated the condition as being, “The release of the financial bond will be determined by DLM staff when 70% crop yields are reached on agricultural fields”. Bawek inquired about the flocculants asking how much was used per ton on a wet sand basis and if it was 2/10th pounds per ton of wet sand. Lien responded it really varies on the quality of sand one is working with. It is a process that can take them months if not years, (Lien commented he should be letting the applicant answer) but that fine line between how much flocculant one uses to clean up the water, the sand, it is a balancing act that can take a new facility awhile to figure out. When Bawek asked for a variable, Lien replied there are several people in the room that could answer that. Vry responded the 2/10ths is a starting number and it is 2/10ths based on tons of material one is trying to settle not the total tons through the facility. Vry explained you don't need the flocculant to react to the sand, you only need it to react to what is in the water so we think that the fines loading might be somewhere in the seven ton an hour range. Again, it would be determined as one starts mining, we don't have perfect numbers on that, so it could be 2/10s of a pound per ton per hour or per ton of fines in that clarifier. Vry added we process 500 tons per hour in that wet plant, your not adding flocculants to that because the sand doesn't need flocculant. You are only adding flocculant to a percent of what you are trying to settle in the tanks so the percentage of material smaller than maybe a 250 mesh sieve and that's at 7 tons per hour of the 500. Bawek questioned how much flocculant a site with 10 feet of sand will use? Vry responded it is going to depend on how fine the sand deposit is and how much material is smaller than 250 mesh. Bice commented the flocculant only cleans up the water, they don't use it on the sand. Lien added it is the material one is washing out of the sand that the flocculants are used for, so depending on the quality of sand, it is going to vary. The 2/10ths is a starting point and then they go up or down from there. More discussion took place on the process with flocculants. Bawek asked how much flocculant will go back into the reclamation if it is 100 feet deep? Vry responded saying let's pretend we're taking out a 10 foot area of sand of which roughly 2-3 feet is fine sand coming back (no flocculant) roughly 7/10th of a foot is the material with the flocculent. Out of a 10 foot section, .7 foot. Bawek needed to know how many pounds of flocculant was used in a ton. Vry responded in a ton of

sand he thought it was .14 pounds per ton of sand. Vry stated this math gets really complicated and he actually has a technical memo from another project and he would be happy to provide some information on this. The molecule of concern in polyacrylamide is the acrylamide molecule. One gets a Certification of Manufacture from the manufacturer that tells one how much molecule is in there. It comes down to your dealing with parts per billion by the time one figures out how much of that molecule is in there. Vry couldn't pull the numbers out of his head he would have to refer to the technical report but reiterated that he was happy to do that. Vry felt Bawek's concern was groundwater and stated he was going to answer Bawek's question in a different way. Vry explained that the site he works on in Scott County (2 ½ years of testing) they had wells around where the water and acrylamide was going into the surface. So they had nine different test wells around that site and they were actually pumping the water in the waste stream back into the groundwater surface on that. All the things you don't want to do we were doing there. The wells were 100 feet from the edge of the open pond and we were picking up zero detectable acrylamides and we tested for a year and a half because the acrylamide molecule biodegrades. We knew the transfer time it would take for it to move through the groundwater surface and we knew how fast it biodegraded. Lien stated we are on the reclamation permit conditions. We briefly discussed earlier about the phasing plan and this is a place where we would add the condition on the reclamation that there be more of a detailed phasing plan that stated a maximum of 60 acres open at any given time and then we would have a detailed description as to what phases your going to "leapfrog" through. Radtke, Lien and Budish worked on the condition. Zeglin asked if there was a buffer anywhere in this material designated for the stream. Lien responded they have stayed the required 300 feet away which is required through Shoreland Zoning and they did delineate that so they are not disturbing that area. Zeglin would like to see the conveyor be covered from the "four year" mine site to the plant. Vry responded that was fine. Vry asked if Zeglin minded if they cover them inside the tunnel as it makes it easier for service. Zeglin responded sure. Radtke stated he spoke with Jim Johnson, Trempealeau County Highway Commissioner and he indicated that ALLIENERGY would need to install a deceleration lane prior to the haul trucks. Upon Radtke inquiring if that was on County Road J, Riley responded that was correct. Radtke thought it should probably be a condition that prior to use of County Road J the deceleration lane is installed. Nelson stated he thought the Highway Committee decided that Radtke should put that in but he wasn't at the meeting! Radtke stated the condition aloud for Budish to record, "Prior to any hauling on County Road J, a deceleration lane shall be installed to the satisfaction of the Highway Commissioner". Riley stated there was some additional discussion whether they would do it immediately but as long as they are mobilized, cutting through the highway, they figured now is the time to do it to show good faith. Brandt had a suggestion for language under #2 in the reclamation permit. Brandt suggested taking out the phrase, "prior to any mining activity" and put it under "shall" in the first sentence so that it reads, "Owner/Operator of the nonmetallic sand mine shall, prior to any mining activity, submit to the Department of Land Management staff a detailed phasing plan". McLeod wanted to address one item as he thought there was an ambiguity in Condition #2 of the staff recommended conditions, it says "after the five year time period the owner/operator can apply for a two year extension with the County". McLeod assumed that is intended to track the language in the Ordinance which calls for renewal for additional time periods not to exceed two years. McLeod thought the way that it was written suggests that there is a seven year time limit and then there is no additional ability to extend for successive two year periods. Again, McLeod assumed the language here was intended to track the Ordinance language. Radtke addressed that by suggesting that the "a" be taken out and put "extension(s)." McLeod agreed to that. Lien commented that was more consistent with how the Ordinance reads. To save some time, Bice stated it appears that the Committee is comfortable with all of the conditions that have we discussed and changed here, so Bice called for a motion to change/amend those as specified. Low made a motion to add/change and amend the conditions that we just discussed, Nelson seconded. Bice called for any discussion. Motion passed with Bawek voting in opposition. Bice announced that we are back to the main motion which was a motion to approve the application. Lien stated that the original motion was made by Jay Low and seconded by Tom Bice. Bice called for any more discussion. Bice called for a voice vote. Bice then called for a roll call vote stating it was "yes" to approve this application or "no" to not approve it; Patzner – no, Brandt – no, Bawek – no, Zeglin –no, Low – yes, Vold – no, Nelson – yes, Bice – yes. Motion to approve failed on a 5-3 voice vote. Radtke stated what the Committee will do next is, under the Ordinance, when the

County rejects a permit application; it must do so in writing setting forth the reasons for such denial. Radtke instructed those who voted “no” to provide their written decision right now so that Budish could write it up. Upon Lien asking Radtke if the Committee could do it later, Radtke felt they should do it as this time. Budish stated he also needed the Conditional Use Permit signed by the Chair. Gamroth typed up the reasons for denial at the Committee’s direction. Bice stated for clarification that the situation is that the applicant has been denied and at this point we are having the Committee members that voted against it write/record their reasons for not approving it, but that will not change the denial. Bice clarified that it has not passed and it is not going to and Bice is not in position to offer the applicant any kind of recourse. Bice instructed Vold to give his information for denial. Vold stated he wasn’t here for the moratorium but felt it was a chance to negate the moratorium. Vold felt the plan was quite incomplete there were too many questions in application. Vold felt there were more questions than there were answers. Zeglin agreed that the plan seemed to be rushed; it was revised after the 3rd party review. Things should have been completed before that and it leads one to wonder how many times it may be revised again. Zeglin noted the lack of a reclamation plan provided in the initial plan. That should have been done initially. Zeglin added she has numerous environmental concerns about the significant wetlands in the area, the river at this point historically was/is constantly changing it is very hard to plan anything on a long range basis. Zeglin is very concerned with the water table in the area – it is very high. Zeglin hasn’t been convinced that it will not be disturbed. Zeglin stated the river constantly floods, changes course. Brandt stated his reasons for denial were wetland location is too close to sensitive water and wildlife resources and the inability of the applicant to negate those concerns of his to his satisfaction. Brandt added the possibility of possible danger/significant damage to ground water, by processes involved in mining, and the high capacity well. Another concern of Brandt’s was the significant change to the landscape and to the local cultural and social conditions (comes from our experiences over the last three years) Brandt noted the other concerns that have been brought up by staff and the public included the reclamation plan. At this point Brandt excused himself from the meeting. Patzner stated he represents the Farm Service Agency and he is for agriculture. Agriculture has a history of bringing stability and jobs to our local economy, where sand mines have a history of boom and bust on the local economy, therefore destroying good productive agriculture land is not a wise decision. We don’t want to destroy our outdoor recreation potential, like hunting, biking and other activities that attract visitors, retirees and people that love scenic beauty who choose to work and live here. There are health concerns with mining so we need to protect our residents. Zeglin restated her numerous environmental concerns noting the significant wetlands in the area. Bawek stated his concerns; based on information given as referenced and my own findings, along with public concerns given at this meeting, this siting does not seem to be in the best interest of our citizens nor in the best use of our natural resources of Trempealeau County. Soil around and in the site bring into question the potential for water problems. Trout Run Creek and the close proximity to the Trempealeau River deem this site as poor. The potential loss of some unique resources for both us and future generations comes into question. Bice stated that represents everything the Committee is going to do on this application and announced the Committee will be moving on with the agenda.

At this point Lien suggested making a special meeting to go over the Ordinance items (Items 8-12) on the agenda.

2014 Conservation Aids Application and Resolution- Lien stated there is only one application; Elk Creek Rod & Gun Club for the Borse Valley Stream restoration project on Borse Valley Soggy Bottoms LLC off of County V. The application is for \$16,325.00. There is no tax levy money used for these projects. This is money received from the DNR and is a matching program with the club. Gamroth reminded Lien of the resolution that needs to be signed. Vold made a motion to approve awarding the Conservation Aids Grant to the Elk Creek Rod and Gun Club, Zeglin seconded, motion carried unopposed.

Vehicle Purchase and Vehicle Trade Approval – Lien had talked to the Committee at budget time about trading a couple of vehicles. Lien explained that he budgets for this every year by billing back the individual programs that his staff has jurisdiction over so that he is not using levy dollars. Lien stated he has money in his

accounts. Lien received bids on the vehicles and went over the information with the Committee. Lien noted that staff takes good care of the vehicles which allows the Dept. to get good trade in value. Upon Bice's inquiry about warranties, Lien responded we get the full 3 year, 36 mile warranty, new tires, etc. Lien added the maintenance on vehicles has been minimal usually just some tires. Lien stated he was looking for a motion to allow the trade-in and purchase of the two vehicles for 2014 trucks, one for a difference of \$12,932.00 and the other for a difference of \$12,400.00. Zeglin made the motion to approve the purchase of two trucks, Vold seconded, motion carried unopposed.

LWRM and TRM Requests and Payment Approval – Lien presented one TRM Grant payment request:

Mike Wineski Grade Stabilization Structure \$5,169.50

Bawek made a motion to approve the payment request, Patzner seconded, motion carried unopposed.

Surveying Update and Payment Approval – Lien stated County Surveyor Joe Nelsen is working in the Arcadia Township, T20N-R9W and T20N-R10W. Zeglin made a motion to pay the survey bill/payment as presented, Vold seconded, motion carried unopposed.

Replenish Petty Cash (Kwik Trip Card) – Lien asked for \$50.00 to replenish the Kwik Trip Petty Cash card. Vold made a motion to approve the payment, Patzner seconded, motion carried unopposed.

Set Next Regular Meeting Date – The Committee set a special meeting date for Monday, October 14th, 2013 at 9:00AM (this meeting was later cancelled for lack of a quorum and rescheduled for October 21st) and the regular Committee meeting will be held on November 13, 2013.

At 6:12 PM, Chairman Bice adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary