ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

SPECIAL MEETING MINUTES
January 6th, 2015 6:00 PM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 6:05 PM.

Brandt verified that the Open Meeting Law requirements had been complied with through notifications and posting.

Committee members present: George Brandt, Michael Nelson, Wade Britzius, Jon Schultz, Curt Skoyen, Kathy Zeglin and Jeff Bawek Rick Geske was absent.

Staff/Advisors present: Kevin Lien, Virg Gamroth and Jake Budish, Corporation Counsel Rian Radtke and Pat Malone - UW-Extension.

Others present: County Board District 12 Supervisor - Tim Zeglin, County Board District 15 Supervisor Jeanne Nutter, Tom Forrer, Jim Sadowski, Anita Adams, Ken Schreiber, Julie Dick and Stephen Doerr.

Adoption of Agenda - Nelson made a motion to approve the agenda, Skoyen seconded, motion carried.

Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining – particularly action items or opportunity for any additional information from public. Brandt introduced Pat Malone, County Development Resource Agent from the UW-Extension Office and stated he wanted Malone to give a description of the process of how the group of people who were appointed to the Health Study Committee came to the point where they started the Study, because we see the result, and Brandt wants to know how they got to that process. Prior to the discussion, Brandt read from State Statute Chapter 59 relating to the responsibilities and the powers invested in this Committee as a zoning/planning authority. Brandt added there are also responsibilities and powers that are invested in this Committee as the successor to the Land Conservation Committee. Brandt read aloud from §59.59; Planning and Zoning Authority, "It is the purpose of this section to promote the public health, safety, convenience and general welfare. To encourage planned and orderly land use development. To protect property values and the property tax base. To permit the careful planning and efficient maintenance of highway systems. To insure adequate highway, utility, health, educational and recreational facilities. To recognize the needs of agriculture, forestry, industry and business in future growth. To encourage uses of land and other natural resources which are in accordance with their character and adaptability. To provide adequate light and air including access to sunlight for solar collectors and to wind for wind energy systems. To encourage the protection of groundwater resources. To preserve wetlands. To conserve soil water and forest resources. To protect the beauty and amenities of landscape and manmade developments. To provide healthy surroundings for family life and promote the efficient and economical use of public lands. To accomplish this purpose the Board may plan for the physical development and zoning of territory within the County as set forth in this section and shall incorporate therein a master plan adopted under §62.23". Brandt continued reading under Paragraph 4-Extent of Power, "For the purpose of promoting the public health, safety and general welfare, the Board may, by Ordinance, effective within the areas within such county outside the limits of incorporated villages and cities, establish districts of such number, shape and area and adopt such regulations for each such district as the Board considers best suited to carry out the

purposes of this section. The powers granted by this Section shall be exercised through an Ordinance which may determine, establish, regulate and restrict; the areas in which agriculture, forestry, industry, mining trades, business and recreation may be conducted except that no Ordinance enacted under this subsection may prohibit forestry operations that are in accordance with generally accepted forestry practices, b) the areas in which residential uses may be regulated or prohibited, c) the area in or along natural water courses, channels, streams and creeks in which trades or industries filling or dumping, erection of structures and the location of buildings may be prohibited or restricted, d) trailer or tourist camps, e) designate certain area uses or purposes which may be subjective to special regulation, the location of buildings and structures that are designed for specific uses and designation of uses for which buildings and structures may not be used or altered. The location, height, bulk, number and stories and size of buildings and other structures, the locations of roads and schools, building setback lines, density, distribution of population, percentage of a lot which may be occupied, size of yards, etc. Places, structures or objects with a special character, historical interest, aesthetic interest or other significant value, historical landmark and historical districts". Brandt stated that the rest of Chapter 59 outlines what all of those things mean specifically. Brandt commented that we have within our power the ability to determine where things go, in fact, it is required by Statute that we do such with a master plan and then enact such Ordinances as to make those things possible. Brandt added that it has been suggested that we don't have the power to do that and Brandt wanted to be sure to remind the Committee that we do. That being said, Brandt questioned Committee members as to if that is what they want to do and if that is what we are here for. Brandt quoted a section from Page 22 of the Health Impact Study which talks specifically about where we are at right now, "The County is now at a crucial point. Recent decisions to permit 26 nonmetallic industrial sand mines could be the cause of significant changes. The influx of those mining operations could disrupt the lifestyle of thousands of residents, change the property tax structure of county municipalities, disturb the strong employment sector and permanently alter the natural landscape. Public policy decisions or indecisions in the next few years will determine the stability of the County for generations". Brandt noted that was a conclusion of the Health Impact Study Committee. Brandt asked if this Committee agreed with that, to what extent do we agree with that and what is our response to it. At this time Brandt gave Pat Malone the floor. Malone stated that when Brandt opened up this conversation, he talked about what this body is and that you are a policy making body. Malone continued that this Health Impact Study Committee that was appointed, was not appointed as a policy making body, it was appointed as a research committee and given a very specific charge to look at the impacts of nonmetallic industrial sand mining on the health, safety and welfare of the County. There was a lot of debate and a lot of struggle and Malone wanted to reiterate again that the scope of the individuals took their job very, very seriously and put in literally hundreds of hours of work. In Malone's opinion they are some of the most informed individuals about the array of impacts that nonmetallic industrial sand mining has on communities. Malone stated they had four key concepts that were driving what they put down; 1) they wanted their recommendations to support community stability, 2) they wanted to improve pre-mining evaluation – essentially they wanted more time to be spent, upfront, thinking about whether or not this particular land use activity was the most appropriate one in the place it was proposed. It wasn't "no mining anywhere", it was "let's be thoughtful about where you put them and do some good work upfront so that we make better decisions". 3) They were adamant about requiring mining accountability – they wanted mines to be accountable for the potential impact that they were going to have on the County, 4) they wanted to ensure/guarantee that our natural resource base was still in good shape after mining is done. After they had done all their research and were crafting their recommendations, those were the things that were underlying in them. Malone noted the definition of "stable community" which the Study Committee came up with which was, "society, business, education and natural resources are balanced while allowing individuals or groups to realize aspirations and satisfy needs and to change or cope with the environment". It was a recognition that the environment can change but it was about balance as much as anything. Malone felt the challenge that the E & LU Committee is going to face is how does one incorporate balance into the

decision making process. Brandt opened up the discussion allowing anyone that wanted to talk to do so. Discussion took place on what the Health Study Committee meant by the word "balance". Malone felt the Study Committee was coming at it from the point of view that all these different parts had equal value and that they all had a say and that they all needed to be acknowledged. Schultz commented that his struggle was with compatibility. Schultz stated everyone needs to be able to move forward. One person's activities will affect another group's ability to essentially move forward. Schultz thought it was an unspoken order or directly spoken theme of a lot of conversations going on about nonmetallic mining – what's being researched and what is the direct or indirect cost – those are complex issues and takes a little imagination to extrapolate beyond the situation and think about what effects we are looking at down the road and what are the ones that we don't even know about. That is the scary stuff about all this because people want facts. Malone commented we know a lot more than we did but it would almost be appropriate to say that we have a better sense of, knowing what we don't know because some things haven't played out all the way yet and that seems to be particularly true when looking at the notion of the stable communities. There are benefits from any given particular activity but associated with those benefits are costs. The policy making challenge is how do you get to a place where, ideally you want benefits to outweigh costs. Schultz questioned who is bearing the risks and costs which is also a concern. We all understand that in any business there is some risk, but who is bearing that risk and cost. Schultz thought what was really being asked is that we are really adopting the precautionary principle on things – knowing what we don't know. Malone commented that she thought that is what was in the back of the minds of this group of people is that you can make some decisions and it is no big deal if it were the wrong decision because you can go back and fix it but there are some decisions that you make that have the potential to cause so much damage that going back it very challenging if not impossible and that is the idea behind the precautionary principle. Britzius commented that what Malone just said is an answer to Brandt's earlier question of if we want to do this. Britzius thought we do want to do this, he thought we have a responsibility to do this because of the implications of what is happening and these nonmetallic, industrial sand mines potentially have such a large effect on our society and our environment and our other business and economy's. It is an important decision and Britzius stated that is why we are here and we do need to do something and it is a daunting task. Upon Britzius' request, Malone restated the four elements of the "stable community" and that the Study Committee is looking for balance in; society, business, education and natural resources and it needs to be looked at on a broad basis. At this point Britzius brought in the notion that we also want balance to include these natural resources as having existent value of their own – that nature needs to be one of the stakeholders – it is outside of us as humans and what we do with nature. Malone responded that she believes that humans are part of it so when one messes with Mother Nature, you're messing with yourself. Malone added that when you put rules in place to protect the environment they work, so it is not just about having rules because you're grumpy or because you think you can, it's because you know that if you put those rules in place and you enforce them, you will protect the resource. At this time the Committee allowed public comment.

Ken Schreiber – In regard to the costs and benefits of sand mining, Schreiber's overwhelming impression that he received from the Health Impact Study Report was that the benefits are clearly for the sand mine company's and people who might sell or lease land to the sand mines. The costs really fall on the citizens of Trempealeau County whether one is talking environmental costs, economic costs, or health wise. Schreiber is very impressed with the report and they did a commendable job in really bringing together all the points that are relevant here. Schreiber's overall impression was that there is so little benefit to the regular citizens of Trempealeau County from sand mining. Schreiber thought the costs are overwhelmingly against the citizens and the benefits are overwhelmingly to those who directly benefit from sand mining. Schreiber has yet to be convinced that it is a net benefit to the County and suggested we continue, at least, in the direction that we have been going in terms of sand mining and its' related impacts.

Jeanne Nutter –County Board Supervisor – 15th District Nutter stated her comments pertain to a number of constituents in her area who have been living on the edge for almost three years with a pending mine and they don't know if it is coming or going so there is a whole element on how it affects the mental health of people living in the area that we don't really talk about very much. Nutter met with some of these people in the last couple of weeks who ask her what is happening with that mine, what is going on as we see them doing all these little things. These constituents don't know whether they should sell their property or what it is going to look like, they don't know what is going to happen, so there is that whole piece of how this industry not only affects physical health but a lot of people's mental health and just living with not knowing what is going to happen or how their world is going to change or how their kids' lives might be different. Nutter stated there is no communication between the perspective family that is doing the mining and the 15 families that connect to his land. People just don't know what is going to happen and that is very frustrating for people. Nutter added that we have lost some wonderful people in Trempealeau County as they have sold their property, moved and left. Nutter knew of 80 acres near her that was bought just a couple of years ago by four families in New Jersey. They never were able to come here and build their retirement home. They sold the land as soon as they knew there might be a mine a half a mile away, so there we lost four new family's coming into town. Nutter thought about that whole piece of how do we support people and the people living in our County who just don't know what is going to happen. That is one of the frustrating pieces for Nutter as to how is she to help these people. Nutter can't reassure them that their lives are going to be the same. It will be three years in March since the mine near her has been requested and to not know what is going to happen is unthinkable to her.

Tim Zeglin – County Board Supervisor – 12th District - Zeglin commented that he was taken by surprise at Malone's invitation to speak but he is going to take advantage of that opportunity. Zeglin perceived that Brandt and the Committee is trying to get some traction, trying to figure out where to go with this enormous job of constructing/creating policy based on the moratorium report. Zeglin's first injunction to the Committee is that they should do something. Enough time has lapsed since the report was released. The report, as acknowledged, came at the cost of a great deal of effort from a lot of people but also the report came out of a real sense of urgency that the County was being challenged with a force that it had never seen before and had no idea what to do. The momentum for the moratorium was to say that we are being overwhelmed by this, let's stop, take a look and research the whole problem and develop some policy here. We stopped for a year. We took a long look and it is now incumbent upon this Trempealeau County Board, in this Committee as a delegation of the Board, to do something. It was the second time Zeglin had said that but he wanted to emphasize that point. Zeglin didn't want to speak today, he wanted to sit back. Zeglin thought he was the only member of the Moratorium Committee that was present here although Tom Forrer should be somewhat of an honorary member since he attended all of the Moratorium Committee meetings. Zeglin's name is on the front of that Health Impact Study Report and it was the Committee's job to do the research, present this Committee with information. Zeglin thought it was primarily the responsibility of this Committee to do something.

Anita Adams - Adams is new to Trempealeau County**.** She moved up here a couple of years ago part time and now she is here full time and things are changing. Adams wanted to encourage the Committee to take the reins here. She knows this is a tough process but feels it is far better that we do it rather than somebody else. The Committee is invested here and if it gets out of our hands, it would be far more difficult for us, so she encouraged all to be a part of it and take on this tough task. From the standpoint of what Nutter was saying about all these people on land surrounding mines, Adams wanted to say that where she lives right now, she doesn't have a direct threat, but even when she has a decision, i.e. should I replace that sink, etc., she thinks about whether or not there is going to be a mine tomorrow across the street and perhaps she should sell now. As far as zoning right now, one doesn't know where the mine

might end up being, so from a personal standpoint, including her home or her property, she doesn't know if it is worth the investment and the second part is, as a business owner (horse trainer) she has thought about investing a good deal of money in creating a work facility which ends up being thousands of dollars, does she go ahead and put in an arena and build a practice here just to find out that there will be a sand mine down the road that is going to disrupt her business. So it is not only impacting those waiting on permitted mines, it is impacting all of us who live in this area.

Bawek stated Tim Zeglin, one of the authors of the study said that we should do something. Pat Malone also talked about that there is a lot of precautionary principles in this study and she also spoke of enforcement. Bawek added we must also allow some risk to go on. Bawek thought it was better off to establish a core group of enforceable recommendations than to have a large amount of regulation that is not enforceable. Bawek took it upon himself, after reading the report a couple of times and thinking how can I make this as short and sweet and head us in a direction, and wrote the following, "the September 8th, 2014 Final Report on the Public Health Impacts of Nonmetallic Industrial Sand in Trempealeau County disclosed 23 key findings and 59 recommendations. Of the 59, 34 were recognized by the DLM staff and Corporation Counsel as most likely to fall under the E & LU Committee abilities of possible enactment. In the spirit of focused discussion, Bawek settled on one key finding and followed that with seven relevant recommendations. The key finding that Bawek chose was that the residents of Trempealeau County value natural beauty, water and a small town, rural atmosphere and they want the local officials to protect these assets. Six of the 34 suggested recommendations by staff and Corp. Counsel and one not recommended by Counsel is what Bawek listed. The recommendations that Bawek listed in the order that he felt were most important were: Groundwater #1, Surface Water- #5, Air Quality- #1, Groundwater - #8 which talks about annual reports but Bawek modified that a little bit to say that, at least annual reports for the top three recommendations for the first GW-1, SW-5 and AQ-1 with available data upon demand. Groundwater #11 which is something that Corp. Counsel did not recommend, but said that we may deal with through an Ordinance change, Stable Communities #10 and Lighting #5. Bawek thought that would give the Committee a start to head in a direction of something that we could do that would #1-Protect our water, and #2- Dealt with natural beauty and the small town, rural atmosphere. As Bawek talked about the groundwater, Brandt asked Malone to talk about the water group and what the Moratorium Committees process was. Malone noted that the Moratorium Committee used the Health Impact Assessment model which has one formulate some key research questions and then evaluate the data and come to some recommendations. Malone stated the citizens of this County place an extremely high value on groundwater. Virtually every survey that Malone has ever done, whether countywide or community specific has put it at, if not the top, then darn near the very top, so in many ways it makes a lot of sense to take action to protect the groundwater; a) because it is valued and b) because it is valuable. In our County, all the drinking water, (unless you walk off and buy bottled water somewhere) that we use except during droughts is groundwater. All our municipal water is groundwater. All the rest of the people are supplied by private wells so it is an essential component in our lives. Also we have a lot of businesses, i.e. agriculture, food production, furniture, a lot of them use a tremendous amount of water and they are not using surface water they are using ground water. The follow-up to that is if this gets messed up, it is really, really hard to clean. Surface water moves, but groundwater moves much more slowly so when it becomes contaminated you have a problem that is going to be there for a longer period of time and because one can't get to it easily, it is very challenging to clean or to fix. That is where the cautionary principle becomes even more important. They thought a lot about groundwater. Brandt commented that within that section they included a recommendation from the Minnesota Environmental Quality Board (MEQB) that the distance of sand mining from an exceptional water source shall be increased as it struck Brandt that they know the value of water for their fish and they want to be sure that the water stays clean. Schreiber questioned what the criteria in the County is right now for distance to surface water or wetlands. Lien responded that right now the only thing that is in our Ordinance is a shore land regulation which is 300

feet, so that is the closest someone can be to the surface. Lien added there also has to be a set 10 foot separation from groundwater. Nutter commented one can mitigate wetlands and reroute trout streams if they get in one's way, so it really doesn't matter. Lien commented those items are out of the County's control and lie with the DNR or Army Corp. Brandt stated that in his reading of the Statutes, he understood that the County can regulate these things if it is put in an Ordinance, i.e. there won't be any filling of wetlands and we can increase the distance from surface water. More discussion took place. Brandt asked Malone to talk about air quality. Malone stated the Committee took a lot of time looking at the research and there were several items that came out of that. A lot of people talk about the silica or silicosis where the Study Committee chose to use the phrase "particulate matter" because in many ways it doesn't matter what the material is, it is "particulate matter" that causes significant health problems and smaller particulate matter less than 2.5 microns is the worst as it gets drawn deep into the lungs. They also found that if you control particulate matter levels in the environment, you will actually see health improvements. It is an investment that has a positive payback. They discovered we don't know a lot about what is happening beyond the mine boundary. MSHA and OSHA regulate particulate matter on the mine site and that is their job. Malone stated your job is to determine whether or not particulate matter needs to be regulated more stringently beyond the boundary and we just don't know very much about that. There has not been a lot of monitoring and we don't know what the impact is, literally, of stacking all the mines on top of one another, so they basically said in a case where we don't know where the problem could be, perhaps not good, one should take extreme caution. Be prudent, put in monitoring and then determine whether or not something is going on. Some discussion took place on the study by Dr. Crispin Pierce that should be coming out in October. Malone noted that the Study Committee wanted to be reasonable so the requirements that they put in follow the EPA guidelines. Discussion took place on air monitoring in Wisconsin and by the federal government. Upon Brandt asking Malone if she had any other comments regarding or about the Study Committee, Malone stated they were focused on what the science said, where science was available. Where there were reasonable examples or recommendations they used those. They really wanted to pay attention to a vulnerable population, so you will come across some recommendations in the report that are actually very specific to vulnerable populations. This is most particularly appropriate for the air quality issue because certain populations are at greater risk. Brandt stated he noticed that the stable communities section was a large section in the report with a lot of references to research and that research was fairly recent and asked if that was coincidental and asked if it happens that we are unaware that other people are also aware of this issue and have been looking at it from an academic standpoint. Malone responded that there is an increasing amount of research. Malone knew that with UW-Extension the first series of questions that they were getting had to do with economic impacts so that is where they directed more of their attention from the beginning. Malone elaborated on the 2013 Power & Power report which deals with economic impact because the mining company's had come forth with the idea that there were a lot of economic benefits associated with the activity and people asked them to prove it, so this was in many ways a response. Having said that, our economist believes them to be excellent economists that do good and thorough work and they're experienced with mining activity.

Stephen Doerr – Doerr was surprised to hear some of the things said here. Doerr stated the US Army Corp. of Engineers in an ongoing basis, in the waterways, intentionally mine sand and organisms of all sorts and toss them up on the river bank. Obviously that is a completely legal process. The laws required that once they take it out, then it is potentially a contaminant and so they have to clarify the water before it goes into the same river that they just took it out of. Doerr thought it interesting to hear that "we need to keep this darn mining out of the water" when in order to keep corn, soybeans, metals, etc. going down south we have to dredge the sand out (and the State of Minnesota actually spent hundreds of hours and actually had a concern with Preferred Sands, years ago, up by St. Paul and actually put out the monitors and they concluded that St. Paul is safe and the sand is not hurting anything and there is more concern with drying corn and the fugitive dust in the air and gravel roads and the

silicosis from them) Doerr found it disturbing to sit and hear things to try and shut down mining which of course is no surprise that Trempealeau County has growth in its' incorporated cities now because the County was deemed "we just can't deal with those people there". Doerr knows what they're talking about when he goes to some of these city incorporated meetings. Doerr added it is not that you guys can't be dealt with, thank you for letting me speak, but there is a business out there that is monitored. As Doerr understands, the Study Committee was basically charged with examining all information that is out there and see if there was anything in which best practices today could be improved, but to charge this Committee with going ahead to write some policies that will limit their ability to go ahead and get minerals that we need, Doerr stated someone mentioned the decision about buying a sink, Doerr stated that sink was probably made from materials that were mined. Doerr stated if it wasn't grown via agriculture, it was mined and that is just the way it is. Malone mentioned that Doerr did make a good point about the Mississippi and that is why certainly with the surface water quality, the recommendations had to do with exceptional water resources and trout streams. Some waterways aren't in good shape, but where we have high quality waterways, we should be careful and cognizant. Schultz commented they need to dredge the Mississippi to have navigable waterway and that is why the Army Corp. has jurisdiction on wetlands that feed into those systems. Ultimately the logic behind that is to minimize erosion caused by the dredging and that they have established a wide range of criteria to do that process. It is a long standing process that they have perfected probably as best they can as far as we know. Doerr commented that in his employment right now, he actually works with the Army Corp of Engineers dealing with wetlands and he works inside a mine site and he knows that the regulation is very thick and the federal government mandates that this is what must be done and most of the state laws, as Doerr understands, go beyond and are more strict than that. Doerr stated that Brandt has commented earlier that maybe we should go ahead and try and take some jurisdiction of what the Army Corp. of Engineers and Wisconsin DNR are doing for us. Brandt stated that in the beginning of the meeting he had read aloud the Statutes related to the powers and responsibility of a zoning committee/commission and one of them includes the ability to basically limit activity in certain parts of the jurisdiction. The way Brandt reads the Statutes, and he was not saying to go against Corporation Counsel advice but rather in having this discussion, it is a possibility that if this Committee deems writing an Ordinance to protect the wetlands which is stricter than the current state standards (which have been weakened to almost nothing at this point) than we can do that. Brandt stated Doerr has raised a couple of important issues. One has to do with what is going on in Trempealeau County in terms of nonmetallic industrial sand mining which has effects on the country and the world. The resource that is here is important in operations all over the world. The issue again comes down to us – do we want to deal with this or should we just let it be because what Doerr has said is that forces greater than us, who know better, have potentially determined that this is what is going to happen. The other point that Doerr has referred to, and Brandt would really like to know who is it that deems this Committee "unable to be worked with" is that apparently some municipality board felt that was the truth because they have chosen not to work with us and there are certain business's who have deemed us "unable to be worked with". Brandt wondered how that process works and why no one has bothered to ask Lien or Brandt or other members of the Committee anything about it. Brandt was opening up the discussion and inviting anyone who thinks that we can't be worked with to talk to us. Doerr responded that in all his dealings with sand mine permitting, he was coached that he needed to learn how to work the politics of it and that is the darn ugly truth of it. For Doerr it was literally going into poverty to try to secure something. Brandt expressed that he was glad that Doerr was outspoken and "put things on the table". Brandt added that is a question that we are struggling with as a Committee now is whether or not it is worth the work. Doerr mentioned an instance, where down in Trempealeau Township, they wanted $1 million of bonding on their township road and at first this Committee passed it and then Corporation Counsel suggested that the Committee go back and adjust some of the conditions. Brandt emphasized that Corporation Counsel's point, in that instance, was that this Committee cannot tell another municipal entity what to do and that condition was very much telling that entity what they could do. Doerr stated

that particular township wanted $1 million for two small pieces of road. According to Doerr that same township, within about a year and a half later, had an inquiry for bonding of about two miles of Whistle Pass Road and were required to post a $50,000 bond. This Committee wasn't bothered with it as it was left up to the township. Instead of a multiple page document, it was a one page document. Doerr's point was that, he personally couldn't afford that but a company that is going to spend $15- $200 million, they can afford to take risks to be treated differently and be political. Doerr also reminded the Committee that he was present for the Guza mine and according to Doerr, Brandt had stated, "these are the types of guys that we want to give a mine to, they are giving sand to the township, etc. and previous to that Brandt had apparently said he wanted a moratorium to stop the growth. Doerr elaborated on other permits that were issued. Brandt stated that what Doerr is talking about is how this Committee approaches each and every mine differently in terms of the issues that we use to determine whether or not to support or not support a mine and that is what we do. Brandt added this gets back to what Schultz was saying that we, in a sense, are perceived as a risk in terms of development and why are these companies unwilling to take the risk – because they are asking to be part of our community, to work within our community and Brandt assumed that anyone who comes to a community would be willing to abide by the rules. That is an issue of Brandt's that he has struggled with for a long time. Doerr believes, in the Ordinance, it states that at any time, the Zoning Director can bring the applicant back to public hearing where they would potentially risk losing their permit – after perhaps spending millions of dollars. Doerr stated there is also a clause in the Ordinance that says in the process of the application, the Zoning Administrator can actually add things that are required as he sees fit, so literally as Doerr was in the process of going through his permit he had to keep going back because there was another thing that Doerr had to do. According to Doerr after he was through with his permit, another applicant came through with a four page application which didn't even mention where the ground level was on his map, which was required in the Ordinance, and there was a unanimous decision by the Board to give him his mine. Doerr thought that people who come from out of town see those two things in the law, that you can change the law whenever you want at any moment and if the Director sees it fit, he can actually call a public hearing and bring the entire permit into jeopardy to potentially lose their permit. Brandt stated Doerr has brought some items which may be the cause for why it is some mining operations are shy about coming to this Committee for a mining permit. Brandt read aloud from the Ordinance the section which Doerr was referring to, "in the event that during the life of a permit, the operator seeks to have the permit conditions modified or in the event the County recommends further or additional permit conditions to be required to meet with concerns of the County under this section or under the Ordinance in general, upon request of either the operator or the zoning administrator, the County shall hold a public hearing in the matter of altering the original permit conditions for the remaining life of the permit. The County shall have the discretion to either impose additional and further permit conditions, to remove permit conditions or to allow the original permit conditions to stand". Brandt stated there is a reason for that section and that is because we hire the Director and staff to determine if the operator is operating in good faith and according to the conditions of the permit and if they're not, there needs to be an ability to not only enforce the conditions but even stronger, to shut them down if necessary which our Director has done, on a number of occasions, and also to consider that the operation has changed significantly and more conditions are required which has also been the case. Jim Sadowski, who works for Superior Sand, stated that Brandt had asked the question as to why sand mines are reluctant to come to the Committee. Sadowski explained that he has worked with Lien and he has always steered him straight and educated him and Sadowski had no problems with that. Sadowski thought there were two things in the Ordinance that gives the producers some anxiety, that being the noise (Sadowski understands it as he and Lien have had discussions about it) and the restricted operating hours. Basically 26-27% of the operating hours are taken out of the year so if a company wants to produce the same amount of tons that makes economic sense to them, they basically have to have a plant that is 26-27% larger to make those tons in reduced hours. Now that one has a bigger plant there is a bigger footprint and if there is bigger footprint, there is bigger environmental footprint and then there is a noise restriction on that, so it is a

fight against each other. For a producer who is going to spend, i.e. $50 million, instead of going to the city, they would have to spend $60-$70 million because they need to have a bigger plant or they could say we'll just sell less tons but it just doesn't seem to have the right payback. Sadowski noted that was his feelings personally and not Superiors'. Nutter wanted to bring the group back to balance and remind people that there is more than just the sand companies involved in this, there are also the people who live here and put their blood, sweat and tears into their land, etc. Nutter emphasized there has to be balance. When one talks about noise and lights, etc. how do we get balance. Nutter felt the Committee needs to go back to the report and talk about how we can support the industry and how can we support the people who live and work here and who love where they live and they came here for a reason. Nutter added that it is a bust and boom business. It is sort of in a "lull" right now because oil prices are below $50/barrel and how do we keep our communities stable and how do we keep everybody happy. How do we support the economy and the people who live here. Nutter thought the people who live here get the "short end of the stick". Nutter was only aware of two permits that were denied and that was in seven years. Nutter reiterated that she wanted the Committee to think about stable communities and balance and keeping everyone happy as that is this Committee's charge. Malone commented that this committee has just experienced one of the ongoing challenges of our group and that was being led off the subject and it being very hard to stay focused. The focus is looking at these recommendations and thinking about how you are going to process them. In terms of regulation (because there are a lot of recommendations in the Health Impact Study that have nothing to do with regulation, they have to do with communication and reaching out and education and research and data collection) when the Committee is talking about an Ordinance or a law the phrase that economists tell one to consider is something called "ICE" – if you want an effect law or ordinance you need to be aware of "ICE" costs and that is the cost of (I) information – what will it cost you to have people understand the rules. Some laws or ordinances are incredibly complicated and nobody figures out what they mean, so the Committee has to be cognizant of what that cost is. Then one has to talk about the (C) contract and what is the cost of making the arrangements – the permits, etc. The final one is the cost of the (E) enforcement. Some regulations are more expensive to enforce, others are less expensive. So when the Committee is evaluating these recommendations, ICE is certainly one of the things that they need to keep in mind. The other screen that the Study Committee would like this Committee to consider while going through the recommendations are the four things that Malone had talked about; how well does this proposal support community stability; how well does this proposal improve pre-mining evaluation; how well does the proposal support requiring mining accountability; how well does the proposal guarantee a good resource base after the mining is done. Malone thought those were some of the ways to think through each of these proposals and again, not all of them are rules and regulations. Brief discussion took place on reclamation/rehabilitation. T. Zeglin reiterated that he wanted this Committee to do something as if you don't someone else will. K. Zeglin suggested ending the public forum section here and after a brief break, the Committee start to do something.

Julie Dick wanted to point out that if people are concerned about the process coming across as indecisive or inconclusive, enacting some of these requirements should help with that problem. The Committee would have something to point to and say, "We are concerned about this or that and that is why we are requiring that".

Brandt confirmed that what Dick had said is that by not only verbalizing why it is we're doing things but then doing something in terms of changing the Ordinance or creating a policy, that will help to alleviate concern on the part of the public and keep the Committee from being viewed as being inconsistent. Schultz commented he thought Dick was saying that i.e. with road use agreements negotiating should never happen because it should be fair for everyone.

Nutter noted that the County mining ordinance was built by a large contingent of people, including the sand mine industry, citizens and board members, it wasn't just written by this Committee. It was a very inclusive group, not an exclusive group and Nutter thought people need to remember that, so when people want to shy away from our ordinance because they say it is too restrictive, it was built by a lot of citizens/people. At this time the Committee took a short recess.

Brandt reconvened the meeting by saying that Bawek has given the Committee a list of recommendations from the various subcommittees'. Brandt noted for Committee members that the #1 groundwater recommendation is on Page 84, the #5- Surface Water recommendation is on Page 86, the #1-Air Quality recommendation is on Page 124, the #8 Groundwater recommendation is on Page 85 as is #11, Stable Communities is on Page 64 and Lighting is on Page 97. The Committee decided to go to the summary. Nelson commented that we have spent a lot of time with Corporation Counsel's guidance doing revisions to the County Ordinance, particularly Chapters 13 (Nonmetallic mining) and Chapter 20 (Reclamation) and a lot of that is covered in this report. Nelson thought what the Committee should focus on is what isn't in Chapters 13 and 20. Brandt asked Bawek to take the floor and go over his recommendations. Bawek stated it goes along with the key findings that he focused on which was the water, natural beauty and small town atmosphere. From what Bawek has been reading in the report, he thought the most important thing was the water, so Bawek started with groundwater and he tried to pick out the recommendation that gave the most "bang for the buck". Bawek read aloud groundwater recommendation #1, "permit holders will develop and provide to the Department of Land Management a groundwater monitoring and mitigation plan. The plan shall include the following components; a) review of all available hydrogeological data and shall include an assessment of groundwater vulnerability throughout the life span of mining operations and reclamation; b) identification of all chemicals that will be used at the site. This information shall include all residual contaminants and known breakdown products. Permit applicants will also describe how the chemicals will be managed and identify potential pathways for the chemicals to enter Trempealeau County water resources; c) identification of all groundwater users within a one mile radius of the site; d) identification of potential contaminant sources within a one miles radius of the site. A review of any known groundwater contamination within a one mile radius of the site shall be included; d) identification of nearby surface waters that may encroach on the site during flooding. Bawek thought GW#1 recommendation does a real good job of protecting our groundwater. Lien commented that we kind of cover a lot of that in our Ordinance currently and through conditional use permits. Lien thought that we need more detailed information in future plans. Lien noted that here and in several other places of the recommendations it references one mile versus the 2,500 feet that we historically used. Lien questioned the scientific validity of going from 2,500 feet to one mile. Lien stated that in a couple of the first permits that were issued it was decided to designate 4,000 feet from the site for testing and then after Lien and staff had done some research, they found where noise, blast and other things have dropped off at 2,500 feet. Lien didn't have a good grasp of the reason for the one mile but he is alright with that if it is justified. Bawek stated he questioned that also because he knew that 2,500 feet was what the Committee had required in the past. Bawek is just going by the Study recommendations, but Bawek agreed with Lien and commented that if he was going to write it himself, he would stay with the 2,500 feet. This Committee had that established and it seems to be working. Brandt thought it is important to go back to the rationale that was outlined in the report prior to the recommendations. What the Committee found is how much groundwater is being used in Trempealeau County and it is a lot and the use has increased significantly in the last three to four years. Brandt continued that the majority of high capacity wells are still agricultural in origin/use. Groundwater use continues to increase. As Brandt recalled from the report it is very clear that it is not an infinite resource and it is something that we should take into consideration especially when high capacity wells are going to be used. Brandt added that the rationale for the concern is that groundwater use continues to increase and that it is an easily damaged resource and it needs to be protected. It seemed to Britzius that it is a precious resource and it is under stress.

Britzius addressed Groundwater #1 by stating that it listed in a real broad sense that we have to identify and review that data but it doesn't say what we are going to do with it. It seemed to Britzius that one has to continue with Groundwater #3 and #4 and perhaps #2 as to what we are going to do. You don't just identify all the wells within a half mile or mile, you test them and have a program that is spelled out for testing and monitoring. It can't stand alone is what Britzius was saying. There has to be monitoring. Bawek commented that if we examine the points in order, one will see that when we get to Groundwater #8, it talks about monitoring, so those top three points would be monitored using Groundwater #8 as a reference. Britzius added that somewhere in there it has to be spelled out what monitoring is going to be and where, etc. Brandt suggested going to the recommendation –Surface Water #5. Bawek noted that the recommendations seem to lead into one another because in Groundwater #1 it talks about identification of chemicals used at the site. If one goes to Surface Water #5 it says "applicants shall test sediments accumulating in the processing storm water ponds prior to reclamation for the parameters listed in Groundwater #4(so one has to go back to Groundwater #4 and see what those recommendations are). If flocculants are used on the site the applicant shall additionally test for the parameters listed in Groundwater #6 (so that feeds back to another recommendation). These sediment slurry's shall not be discharged to the mine or used in reclamation until they meet federal and state health based drinking water criteria from the contaminants in Groundwater #4". Bawek stated it is another broad based statement but it all deals with our water. In going back to the rationale for the recommendation, Brandt stated the polyacrylamides are the flocculants that are being recommended to be allowed as opposed to the acrylamides because they break down faster. The half-life of this stuff is almost nothing, so it not a hardship to require that the water or the sediments be free of these things because they do naturally break down quickly. Bawek voiced that these guys will come to those conclusions all by themselves when they realize that they have got to do this. They are going to want to use the best stuff that there is so that they don't have those contamination issues. Brandt responded that the issue related to groundwater has to do with what it is the water goes through to get to the groundwater and the use of those sediments is an important part of that. Bawek added that Pat Malone was talking about how hard it is once groundwater is polluted to clean it up. Bawek stated this is an effort in that direction to keep that from happening. Bawek then referred to the air quality findings when we monitor air quality and we do it at the boundary. Bawek read aloud from the Health Study, "Monitor the air quality for PM 2.5 and PM 10 at property boundaries of existing nonmetallic industrial sand mines that are one acre in area or greater and extracting silica. In addition to air quality monitoring at the mine site, monitoring should also be done at any location where the dry product is transferred, transported and/or stored and fugitive product can be generated. The monitoring should be done according to EPA guidelines regarding placement of monitors, filter types and allowable limits for daily and annual averages, etc. Though monitoring for PM 4 is not an EPA standard, sorting out PM 4 can be helpful in identifying the source of the particulate (silica) and has been used in a sited industry study". Bawek asked Lien if there was anything there that he would like to see changed. Lien responded "no, that it is fine and pretty self-explanatory". Jim Sadowski who was present commented that silica is really the chemical formula and you're really looking for the mineral quartz. Another issue, that according to Brandt, Malone had brought up was that the Committee intentionally used the phrase "particulate matter" and she pointed out (and it is in the report also) if you can keep the air clean you will improve the health of the population. It is as much to figure out the source of the particulate matter and to keep the air clean and to improve/maintain the health of the population. Bawek stated we have covered groundwater, surface water and air and questioned how we regulate that. Bawek found Groundwater #8 that states "all sampling and monitoring results should be submitted to the Department of Land Management annually. Any results that show potential contamination would be subject to additional monitoring and mitigation as requested by the Department of Land Management following their review of the annual results. Bawek stated he thought annual was fine but he thought we should have, at least, annual reports for the top three (GW #1, SW #5 and AQ #1), but there should also be available, data upon demand. Bawek stated if there is a citizen complaint we should be able to send someone out there and they should have

the criteria to either prove or disprove it because a complaint is usually done for a reason. Brandt thought the DNR's Storm Water Management Permits require an annual report and a report after every storm event or it be monitored after a storm report. They will also do an annual inspection but they will also inspect if there is a citizen complaint and that is something DLM does as well. Lien commented that is typically done with surface water not ground water. Brandt agreed but added there is a precedent for that form of monitoring which is , "yes, give us your annual report" but if we have someone who suddenly has bad tasting water we should have the ability to go out and see what is going on. Bawek said that is something that Lien is going to have to "put his thumb on" and tell the Committee when and how many and which ones. Lien responded that through the conditional use process we have the 2,500 foot perimeter where we require annual sampling for certain things but there is a resolution that will be coming before County Board shortly to request funds to do sampling outside of conditional use areas for people with groundwater concerns. Lien explained right now through a CUP we require the applicant to pay for those costs on an annual basis. There really isn't anything "built in" for funding complaint driven testing, but in the past when Lien has had these scenarios he worked with the Health Dept. to get water testing done to see if there was, in fact, a valid complaint. Bawek asked about the air, because Bawek wasn't sure if an annual report on air was enough at first. Lien responded he didn't think an annual report on air would be sufficient because he hasn't seen or read about a filter that can collect 365 days of material and also how valid that would be. Lien questioned Budish how long the monitors he has been working with are on a site. Budish responded 48 -64 hours. Lien stated the filter is then analyzed and moved to a new location. Lien added that is being done to try and get a base line established first, then we have different events, wind directions, and different placements. Lien thought it was a great starting point but it is something that has to be studied into the future. Lien stated we've already learned in the past five years that some of the monitors we have put out there were a waste of time and money. Lien explained we are picking up ambient dust and as Sadowski had said, if it is not something that is a health hazard then why are we monitoring it. The first monitors that were out there, Lien said we didn't know what we were monitoring other than particulates and even though it is not healthy to breathe all particulates, we are breathing them right now. Lien explained we want to be able to analyze the unhealthy particulates if they are present. We have learned that we need to have a removable filter and it has to be placed in an appropriate area and it can't stay there year around because our wind direction aren't always there. Lien felt this was a good starting point but that we are going to learn more as we go along (that is the reason that Doerr brought it up and Brandt had to elaborate) and so we need to have the ability to bring applicants back in so that we can change things as we learn about them. We also have to be able to justify why we are taking the actions that we are. There are a lot of unknowns and air is definitely one of them. Bawek commented that Malone stated it was our job to determine whether particulate matter should be controlled beyond the mine boundaries so that is where the air monitoring comes into play. Bawek questioned at what frequency of testing or reporting does one determine that? Is it once a month for a year? Lien responded he is not the most knowledgeable source but he has been to a lot of sites and has talked to a lot of mining company's. In Lien's mind the risk is during the blast because that is when things are emitted and are airborne. The weather is also a factor during a blast and that is when things can be emitted. In regard to washing, crushing and drying, Lien stated drying is contained so very little comes out of the dryer and that is regulated by EPA standards, the washing is a wet product. The stockpiles that are left (that people complain about) the PM's that we are worried about looking for are gone from those stockpiles. Even though you see the dust moving it is not the kind of dust that we are overly concerned about. The dust we are concerned about is small, cemented pieces that get freed up during the fracturing process because the end product that they are looking at are the round pieces of quartz and that is not the concern. It is the little pieces that get fractured from that or are cemented around those round pieces. Lien thought the blasting is the most critical when that should be monitored. If we know when the blasts are and we have a wind direction, Lien stated that is where we should be monitoring. A lot of these company's blast weekly, daily, it just depends upon the intervals. Lien added that we are learning all this as this is something we

weren't aware of when this all started. Lien commented that some people are often concerned about brown snow and typically that dust is coming off the washed stockpile and that is already the round quartz – the small PM's are gone, they are all in the filter cake with the polyacrylamides, they are kept moist and that goes back into reclamation. Sadowski agreed with Lien on that. Lien thought we are learning those things but we don't know enough about them so it needs to be an ongoing learning process. Lien questioned when there are five spots located within a short distance of each other, how much transfers outside of that boundary. Brandt reminded the Committee of a couple of things that were also brought up; the uncertainty of living near a mine or a potential mine and what that does to mental health as well as physical health. One of the biggest uncertainties that was raised around the Winn Bay/Preferred Sands site was whether it was safe or not to let ones' children play outside (there are approximately 100 people living around that site) and there wasn't anyone who could give them that information and that resulted in a lot of anxiety. Brandt stated that Malone also talked about the acronym "ICE" which has to do with the cost of information (helping people who are asking for permits to understand what the process is as well as what the expectations are as well as getting information out to the public), the cost of the contract itself (not only what is it going to cost somebody to get the permit but the costs that we would bear to some extent for enforcement). Brandt stated that Budish has been working on the air monitoring, but what Lien is talking about is trained personnel who not only know when the blast is a concern and when they are going to blast (as there may be multiple blasts going on in the County at any given time) but also where the monitors are and where to place them based on knowledge about wind direction, whether or not the filters were changed. Brandt was basically calling the Committee back to where any decision that the Committee makes are going to affect cost and specifically around the "ICE" acronym; information, contract and enforcement. Bawek stated if we enforce or recommend monitoring, at least at blasting, that is one step forward and is something that can be done. One knows when it is going to happen and one knows there is going to be particulate matter in the air. Lien responded that for almost every permit that has been issued in the past we have required three years of air quality monitoring. We didn't define it very well until the last few when it was specified that the unit needs to have a removable filter. Lien thought Budish had researched certain types of filters so that we had a better idea as that type of filter is more expensive than three we'd required in the past. We stated that it had to be a mobile monitor and that it have a removable filter so that we can do the testing. Lien thought it was this summer when he realized the major concern is during blasting. Lien reminded the Committee to remember what they have heard tonight from people. Lien stated we can change the Ordinance multiple times but he personally really feels that we are avoiding the big difficult question and that involves planning and perhaps doing an overlay district to determine where mining should or shouldn't be, but then one is stepping really hard on property rights. Lien added that is a part of zoning and what zoning regulations do every day whether it is farming or a new subdivision going in. Determining where mining should or shouldn't be is a land use planning aspect and that would make a lot of these issues go away because if mining companies knew where they/mining should take place that would make their job really easy. Lien reminded the Committee about what Donna Brogan had said at one of the public hearings; maybe by default we shouldn't amend our last Ordinance because we are going to have a mining district with these annexations. We know the railroad is a key part of it. The annexations are following the railroad. There are certain parts of our County where mining should be and there are places where it shouldn't be. Lien realized that steps on some peoples' property rights, if they want to mine and they are far away from the railroad, but we also have to look at the County as a whole. We are talking about a use that is at the heart, an industrial use. Every other industrial use lies within city limits. People fully understand that when you are in the city limits you are expected to have noise, lights, odor and dust anytime. It is not expected 24/7 in the rural area of Trempealeau County and that is why so many people show up to hearings. The only way to resolve all this is with good planning. Schultz commented that Brandt had mentioned the County's master plan and asked what the status was on that. Brandt responded we have a Comprehensive Plan. A couple of townships have revised their Land Use Plans. We have not brought those to County Board

yet and we can talk about what that schedule looks like at the next meeting. Brandt stated Lien has a recommendation for a zoning change which might assist us in locating mines as well as an overlay district, so those things are obviously being thought about but it is the "elephant in the room" that doesn't get spoken about. Brandt said Schultz raised the issue about risk and who is going to bear that risk and what risk is there to doing business in Trempealeau County and the discussion about the cautionary principle. If business is going to be part of the mix, Brandt felt they want to know what their risk is going to be and perhaps by being too cautious people don't know where we stand. It was a suggestion that if we just say what the standards are people are going to be more likely to want to meet with us. Brandt stated that was a summarization and the point is that we do have a comprehensive plan and we do take into consideration zoning and land use maps, etc. Britzius proposed starting the next meeting with a thorough discussion on that topic as it addresses the whole process of the mines going to the city's, and so many other things. Britzius also suggested Lien give a presentation on what the possibilities are and what the realities are of an overlay district of mining for Trempealeau County. Britzius commented he doesn't know anything about those rules or experiences that other places have had and assumed Lien knows quite a bit about that. Lien responded a lot of it is logistics as we have a rail system in the County and it is obvious that is the target from the industry as that is where we are seeing the most growth which make sense. Lien stated when we did the last revision to the Ordinance (a year ago) a caveat was put in there about additional hours of operation in relation to noise and there was no disguise that it was to perhaps stop some of the annexations and allow more hours of operation. Lien commented (and as Sadowski stated) if you are doing a business model and you have the option of running 24/7 or 24/5 ½, you're going to run the 24/7. Lien understands that from a business perspective, but when that business model is proposed in a rural area, where neighbors are not used to that, is when we see conflict. Lien thought the noise language in the Ordinance tries to address that if the people in that studied area are ok with it, why should this Committee care. If the people can live with 45 dba all night long or they mitigate the noise being louder and they mitigate for whatever reason that perhaps we don't even need to know or understand that and why should this Committee intervene with that. Again, you're allowing an industrial type use in a rural area, but if the people around it are ok with it, then why should the rest of us regulate it or be concerned with it. Lien added that if we don't address it, it is happening anyway. Right now it is being unregulated and it is probably causing more conflicts and more problems right now because it is being allowed through annexation. Lien didn't think it was the industry's first choice either, but it was avenue that works with their business model and by default the people who are left remaining in the rural area around it are being very adversely affected and those are the people we are hearing from the most. Lien stated that it is very possible that our ability to regulate this industry is going to go away. This County has been zoned since 1972 and people (towns, cities and County) have worked well together until recent years. If we, as a whole County, want to be able to regulate it we will probably have to make some changes and that all starts with planning. Gamroth made a general statement in regard to the noise, based on experience, that one of the noisiest things is the train which this Committee cannot regulate. The Committee needs to consider this when permitting another mine that there will be more rail involved which this Committee is unable to regulate. Zeglin replied that this Committee may not be able to regulate the noise but they can enforce berms, tree lines and things that can diminish that noise from the railroad. These are things that can happen that are not happening with annexation. In Zeglin's personal opinion annexations are popular because the industry does not want to be regulated and the cities do not regulate them despite any conditions or permits that are put in place. Zeglin added that our charge, as appointees to this Committee or elected officials whether it is County Board or Town Board, is to protect the health, welfare and well-being of the people of this community. The industrial sand mine industry is new, it has come to our County and numerous county's throughout this area to insert itself in a residential or primarily agricultural or primarily tourism area. Inserting itself in a residential area disturbs the businesses that are already there; chicken sheds, dairy farms or people that are just living there because they wanted to live out in the country. Zeglin stated we are charged with protecting them first and the industry has to understand that. There has to be

regulation. Brandt commented we have been predominantly a manufacturing county and have been for some years. Zeglin replied the manufacturing is around the cities. Brandt stated manufacturing is a major economic section within our County but we are a rural county with small towns. Brandt continued that the largest part of this report is the Stable Community aspect. The word balance was the word that came out of the definition of what a Stable Community was; "demands of society, business, education and natural resources are balanced while allowing individuals or groups to realize aspirations and satisfy needs to change or cope with the environment. Brandt stated they went on for sixty some pages to describe the research that has been done on what has been done when natural resource developments come into a community in terms of the businesses, employments, annual wages, and quality of life. Brandt thought this was getting to Zeglin's point of what are we trying to guarantee here. Brandt stated there is a very nice section in the report describing the research that has to do with quality of life benefit and the choices that people make to live in places where they may not be able to make as much money as someplace else but it is a place where they want to be, so in a sense we have to put on our long range glasses as well. It is placed upon us that we will protect natural beauty and the quality of water but there are also other factors involved in terms of the economy in the County and the ability to continue this diverse economy that we have. Bawek stated he agreed with the discussion that just took place, in a perfect world scenario, but we are where we are. If we could start all over it would be a lot different than what is going on right now. What we are trying to do right now is make the best of a bad situation, if that is how you see it, good or bad. The next recommendation that Bawek had addressed, after reading the recommendations was Groundwater #11 which stated that "water from a high capacity well permitted in Trempealeau County cannot be transferred or sold industrial or agricultural use out of the County". Bawek knew that was something that Corporation Counsel had said we may not be able to regulate but it was one thought that stuck in Bawek's mind as he read through the recommendations. The next one was Sustainable Communities #10, which has to do with our natural beauty and small town atmosphere, "tighten the reclamation plans to have fewer acres open at one time as well as shorten the amount of time these mine areas can be open". Bawek knew there was a lot of discussion as to the pluses and minuses of the areas being opened but Bawek sees a lot of nonactive mines and it is a detriment to the beauty of the County, so that was the sixth recommendation. Brandt thought what they may be referring to is our inactive acres fee. When we were permitting only hard rock mines or gravel pits, the assumption was there is a project that may take a week of digging and blasting. Processing may take a month or two but then they don't know when they are going to need that mine again so we could have an open acres fee where they don't have to do the reclamation because they know they are coming back to do something else. Brandt stated one of the charts in the report showed the number of acres that have been reclaimed at the time of the writing of this and Brandt thought it was like 3.1 acres of all the mining that has gone on, in all the years that it has been open. Thus almost no reclamation has gone on. Lien felt the tough one about this suggestion is that open acres are also regulated by NR-135 so the County's ability is limited to a point. Lien continued that the last revision to our Ordinance requested that if the acres are actually inactive and there is not activity taking place for a period of 12 months, we can require that reclamation be started at the site. We have had the same dollar amount for open acres since the inception of the Ordinance in 1997 and we can only charge for what we can physically be reimbursed for, so we can't just arbitrarily raise the price per open acre, we have to be able to justify the fee. If the additional annexations have lowered our overall funding to the staff or to support the staff we would need to increase the fee to make the program a net zero cost we could justify it. Brandt's issue had to do with the policy of allowing land not to be reclaimed. Brandt was thinking specifically of a limestone quarry as it has been a year or two and nothing has happened there but each year they pay a certain amount of money and each year we just sort of waive the requirement for reclamation. Lien responded saying we don't waive the reclamation requirement. They still pay an "open acres" fee but we don't require reclamation after 12 months of vacancy as we separated those out in the Ordinance (aggregate versus industrial sand) because the aggregate sites have a much smaller footprint. We don't typically have the erosion and runoff from the those sites and they are almost all internally drained so

very few if any have storm water permits whereas the industrial sand sites each and everyone of them has a stormwater permit. There might be a couple of sites internally drained. According to Lien, you have to get a stormwater permit and once you've proven that you are internally drained then they will waive the requirements. There is that option and some of them are striving for that. Lien reiterated there is a difference in our Ordinance as far as the aggregate sites versus industrial sand and the "12 month, no-activity" only applies to the industrial sand sites, but there was a reason behind it. Brandt said the recommendation is to figure out when to minimize the amount of openings. Brandt commented we had this discussion during the NR-135 training. The discussion was mostly about being flexible in terms of what their plan was but it stuck out for Brandt and Bawek as well and there needs to be a way to do that because every plan that we have seen talks about minimum open acres and sort of a rolling reclamation as new areas are opened up. Every plan is beautiful and very convincing but we have never seen one of them that actually does that. Brandt added it is a concern based on experience, not on projection. Bawek stated the last one was the Lighting #5 recommendation; "Photometric plans would be a requirement of CUP's. Plans would include the following components: A pre-construction analysis to establish baseline night sky conditions, an assessment of future light impacts from NMISM and related activities, changes (with the exception of emergency lighting) must be approved prior to implementation, a photometric diagram showing lighting levels of proposed fixtures. The plan should include the location and limits of outdoor lights and a photometric diagram showing predicted maintained lighting levels of proposed lighting fixtures". Bawek felt this recommendation covered everything and again was the "best bang for the buck" of all the other recommendations. Brandt stated he had asked Radtke which of these recommendations come under the Committees' abilities to attach conditions. According to Brandt, Radtke had said they all did. Brandt added these are things this Committee can commit to with each permit application and put it within the per view of the conditional use permit, it wouldn't necessarily need to be an Ordinance revision or a resolution, etc. It would just be a stated policy of this Committee that groundwater is important, minimum disturbance of night sky is important, the minimization of open acres and monitoring of air, groundwater and surface water is important and that these are things that we can approach during the CUP process. If these items become our policy, details will have to be worked out by staff in terms of time, staff and equipment, how the funding happens, what sort of permit fees have to change, etc. Discussion took place about how the Committee would proceed. Nelson suggested that Lien and Radtke go through the suggestions that Bawek made and the Committee would proceed from there. Brandt summarized that Lien and Radtke should talk together about the seven recommendations specifically and come back with some report from the staff in terms of what they think the viability of being able to do them. The Committee also wants to hear any questions that Radtke would have about the Committees' ability to do them. Lien commented that he felt all the recommendations are addressed already it would just be a matter of modifying the CUP language somewhat. Lien felt the County already addresses all the items but there are just a few clarifications that need to be made (i.e. whether the distance of monitoring should be 2,500 feet or the suggested one mile). Lien stated he had gone through each one of the recommendations and made comments on things and he had staff comments on some of the recommendations.

Brandt stated the Committee would set the next special meeting date at the Committees' next regular meeting on January 15th, 2015.

Discussion of Farmland Preservation plan goals relating to provisions for industrial sand mining. Lien stated he has been working with Peter Fletcher from the Mississippi River Regional Planning Commission. Lien is going to be sending a letter out countywide to all the towns regarding Farmland Preservation and general planning. Fletcher and Lien are going to be scheduled to meet with the Towns' Association on April 28th, 2015 as that will give the towns' time to review the letter from Lien and think about it. Lien explained that the County has to do an update to the Farmland Preservation plan and Lien

has been working with Fletcher on that. Some of the towns' have done their updating already. Lien and Radtke had discussed the adoption of those changes and it is a cumbersome process, so rather than adopt the two towns' that have completed their plans already, Lien will complete the rest of the town plans and then adopt all of them together at the end. Brandt asked Lien to explain the Comprehensive Plan and what it entails and how it is that we use it as a planning document. Lien responded he will present that information with the Farmland Preservation planning goals. Upon Britzius asking if that includes the concept of an overlay district, Lien responded it does. A brief discussion took place on the comprehensive planning process.

Confirm Next Regular Meeting Date – Brandt reminded Committee members of the next regular E & LU Committee meeting on Thursday, January 15th, 2015 at 9:00 AM.

At 8:42 PM, Chairman Brandt, with the consensus of the Committee, adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary