

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

**REGULAR MEETING MINUTES
May 13th, 2015 9:00 AM
COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:10 AM.

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, Curt Skoyen, Kathy Zeglin, Jeff Bawek, Jon Schultz and Rick Geske.

Staff/Advisors present: Kevin Lien, Jake Budish and Virg Gamroth. DLM Staff members, Meghan Wessel and Tess Johnson, Mark Kunz – NRCS (Natural Resource Conservation Service), Corporation Counsel Rian Radtke and Personnel Director Jami Kabus were in attendance for part of the meeting.

Others present: Rich and Alvera Klonecki, Jeff & Sara Halvorsen, Bill Vachon, Carl LaPrairie, Mary Lee Hegnauer, James Kulny, Jan Bagniewski, Roland Thompson, Mike Jungwirth, Paul A. Halverson, Judy Grzadzilewski, Mary Frisch, Najib Schlosstein, Beth Killian, Gerard O Flaherty, Linda Backer, Mark Backer, Rick Pientok, Dennis Hesch, Darlene Rossa, Kendall & Elsa Kulig, Bob Jewell, Pam Fernholz, Scott Fernholz, Kathy Lockington, Tom Forrer, Ron Howard, Roger Osegaard, Richard Marino, Craig Bawek, Nancy Schultz, Henry Schultz, Brenda Killian, Sarah Slaby, Kerry Suchla, Daniel V. Sobotta, Mike Chitko and Linda Mossman.

Brandt gave some public hearing instructions and stated anyone who wishes to testify would have a time limit of 3 minutes per person. Brandt informed the public that the Committee has changed the policy in terms of public hearings to allow groups of people to designate someone to represent them (of which we will have at least one today) and they will have 20 minutes to speak.

Adoption of Agenda - Britzius made a motion to approve the agenda as presented, Zeglin seconded. Motion to approve the agenda as printed carried with no opposition.

Adoption of Minutes - Schultz made a motion to approve the April 8th, 2015 meeting minutes, Geske seconded. Motion to approve carried with no opposition.

NRCS (Natural Resource Conservation Service) Update

Mark Kunz was present to talk about the work that NRCS is doing. Kunz stated there are over 90 landowners that have applied for the EQIP program which is a good turn out with a lot of great practices (everything from ag waste systems to stream bank stabilization, no till, and nutrient management planning) going on the land. So far they have had 14 approved. Kunz stated they received an additional funding allocation to the State of Wisconsin under the DALCI (Driftless Area Land Conservation Initiative) so they are taking sign-ups through that program through this coming Friday. This program pretty much runs the gamete (streambanks, erosion control, water quality) of what they can do. They are working on a Conservation Stewardship Program. They have five new applications for that program.

Kunz stated there are opportunities under the CRP program. They are taking applications at the Farm Service Agency for that under the continuous CRP program, which are certain specific type practices of which highly erodible land is one of those, so if you are a landowner that has a field that is steep in this County and you would like to retire it from crop production the CRP program is a good opportunity. They can take sign-ups for that program any time during the year. Kunz mentioned they are raising the soil county rental rates so he expects overall there should be an increase in what the rental rate is for the CRP program. Upon Brandt asking if it was connected to the average rental rates around the County, Kunz replied that theoretically that is what it is based on. Kunz said they try and keep up with what the average rental rates are. Kunz explained there is a soil rental rate assigned to each soil type in the County and then they look at the three predominate soil types and pro-rate it and give a landowner a per acre rental rate which one will receive for 10 or 15 years depending on the practices that you sign up for. Kunz elaborated on what they can plant on the CRP land. Kunz stated he is working closely with Doelle and VerKulien from the DLM on trying to coordinate DLM funding and NRCS funding so that we can give the landowners out there the best opportunity to get practices implemented in the most financially conducive manner. There are a couple projects that have already been done this year.

**Public Hearing – Land Use Change/Rezone – Rural Residential (RR) to Commercial (C)-
Kendall J. Kulig, Landowner/Petitioner – Town of Pigeon**

Chairman Brandt opened the public hearing at 9:15 AM. Nelson read the public hearing notice aloud. Budish stated currently the property is zoned Rural Residential and since it is a commercial business, Kulig wanted to come in and get the correct county zoning to operate his landscaping business. Kulig's business has been in operation for roughly 4 or 5 years. Budish explained that Kulig came into the office wanting to get a different type of permit but after further review the property was not zoned properly for that permitted use so Kulig wanted to be pro-active and correct the measure. Brandt noted that this business is located in Coral City. Lien stated this property was previously the Keenan Ford property but when the last revision to the Land Use Plan went through, the property had been vacated with no commercial activity taking place, so it was placed under Rural Residential zoning. Lien thought there might have been some confusion because it was probably still assessed as commercial but the zoning is something different. According to Lien, Kulig is going through the process to make sure the land is zoned properly. Kulig explained his operation by stating he does erosion control services and reclamation services. He does a lot of work for power company's and he does a lot of mine reclamation. Brandt asked if there was anyone present who wished to speak to the issue. Budish read a letter from the Town of Pigeon dated April 16th, 2015 which stated the town board supports this change and desires that the Kulig Contracting Company property be zoned commercial. Brandt closed the public hearing at 9:20 AM. Nelson made a motion to approve the rezone, Skoyen seconded, motion carried with no opposition. Brandt noted this rezone will require approval by the County Board and their next meeting is Monday. Brandt asked that Kulig be presented to answer any questions the County Board may have.

Brandt stated we have two Conditional Use Permits (CUP) related to mining coming up next. Brandt explained that Corporation Counsel Rian Radtke would like to brief the Committee on what a CUP is and he will do a brief interview of the Committee related to possible conflicts of interest. One of the first things Radtke wanted to address is a fact of when we are speaking. Radtke wanted Committee members to state their name before they speak. Radtke explained that we are recording this meeting on an audio recorder and we view these types of proceedings similar to a court trial, in a sense, where there needs to be a record so that if anyone wants to contest this, after the fact, we need to put together a record for the court. This procedure involves taking the audio recording and transcribing/typing it up so that it is word for word/verbatim written on paper. If we don't identify ourselves or one is not identified when they speak or you're not speaking in an area that can be picked up by the microphone, it is not

going to be clear in the record as to who you are or maybe even what was said. Radtke emphasized the importance of Committee members identifying themselves when speaking and asked that they do so. Radtke also mentioned that a problem when preparing the record often times is when more than one person is speaking at a time. Radtke mentioned that when one attends a court proceeding there is only one person speaking at a time. If two people are speaking at the same time, the court reporter is going to put her hands up and say, "I can't take this down because I can't listen to two people at once". Radtke stated the same thing applies here and asked that Committee members wait until whoever is saying something is done before they ask to speak so that everything gets picked up and the hearing can be transcribed properly to make a solid record. Radtke also wanted to give a summary of what a CUP is and what this process is. Radtke explained that the County's zoning ordinance has various zoning districts and within those districts there are things that are permitted or allowed to be done in those areas. There are some things that are not allowed, that are prohibited in certain zoning districts. There are certain things that are conditionally permitted and with a CUP they would be allowed. Radtke stated what is before the Committee today is an application for an amendment to a CUP or expansion of an existing site and what that means is that it could be allowed but it needs to go through this process and get a CUP and this body/Committee will need to look at the facts of the case, the evidence that is presented here today at this hearing, and need to apply our County Ordinance. Nonmetallic mining is a CUP in an agriculture district and that is what this is. Radtke added there is already an existing permit as the applicant has been through this process. What this Committee is to do, again, is to look at the evidence that is presented here today, that is on the record and apply the County's Ordinances. Radtke put together a summary of what the County's Ordinances are (there are certain things that this Committee must look at and make certain findings either to grant a permit). There are certain things that are permissible to approve or deny a permit. Each of these applications are decided on a case by case basis and just because one has already been approved it doesn't mean it should be approved again. The Committee should look at the individual facts of the case which has been handed out. In addition to these factors that the Committee is to look at in making the decision to approve or deny, Radtke stated there is also "conditions" that the Committee can attach to a permit and those are things that will often address some of the concerns that may be raised. Radtke pointed out that the Ordinance has certain standard conditions meaning that those conditions apply no matter what which means you can't change those, the Ordinance has established those conditions. The applicant and the permit holder will have to follow those things. There are some conditions that this Committee would have full authority to impose or attach to the permit that would address certain concerns. Radtke stated they can't be arbitrary; they can't just be not related to any of the facts or reasons related to the mining operation. Our Ordinance actually lists some items to consider or to look at when considering adopting conditions. Radtke referred the Committee to his handout which included Section 13.03(3)(a) of the Comprehensive Zoning Ordinance which is "Factors to be considered when applying conditions" and he asked the Committee to look at the eight subparts there which the Ordinance is asking the Committee to look at as factors as to the impact of the proposed operation on those things. Radtke stated these are the things the Committee must consider when attaching conditions. Radtke pointed out on the first page it talks about things to aid in the review of the proposed project and that the Committee may take into consideration the following factors which is a list of sixteen items. Radtke stated these are the permissible items that one looks at whether to approve or deny a permit and the things that are in Section 13.03(3)(a) talks about things that one must consider for a condition. Radtke stated the decision has to be based off of evidence that is here today and that is presented today. Radtke mentioned that the Committee has a variety of things in front of them including an application. Radtke assumed there was an engineering plan, a proposed amendment to the reclamation permit. Radtke pointed out that a reclamation permit is something distinct and separate from a CUP. While the two go hand in hand, they are separate things. To put it plainly, a reclamation permit really is the plan of how to put the land back together after the mining is done.

Radtke continued saying there is a CUP and there is a reclamation permit. Radtke believed this application was asking for an amendment to the CUP and it would also be an amendment to the reclamation permit. Radtke stated this Committee would need to look at both of those and either approve or deny both of them but they are separate and distinct and they have separate things to consider basically. As to the evidence, Radtke asked if anybody/any individual board/committee member is contacted in advance of today and they said, i.e. "I am a neighbor and I can't be at the meeting and this is my concern or I agree or support this", and it doesn't make it to the point of being a written submission and the person is not here today, but if you have some evidence/information about the site that you gained in advance of today's hearing, Radtke asked that you state that on the record. If it is something that is going to impact your decision making or add something to present that as evidence that has been presented to you, it gives the whole Committee and applicant and everyone here the opportunity to hear that and also the opportunity to discuss it or have a further discussion on that. That prevents anyone from suggesting that there was some sort of influence put on any Committee member in advance of today's hearing. Radtke's final point was that an applicant is entitled to a fair and impartial hearing on these matters. According to Radtke that means you need to be unbiased, impartial and come in today without having made a decision on this application and that you are prepared to listen to the evidence, apply our Ordinance and make a decision after you have analyzed those facts and that evidence to our Ordinance. Radtke reiterated that our decision is only limited/based on the evidence that is presented and applying the Ordinance and nothing outside of that. To make sure that no one has had any sort of bias or partiality related to any of these applications or in dealing with the first hearing, Radtke asked if any one has any financial or personal stake in this application (Kramer/Howard) that is before this Committee right now. Radtke stated no one is answering and everyone is shaking their head no. Radtke asked that if anyone did have a conflict they should state something. Radtke asked if any of the Committee members' family members (cousins, uncles) or close personal friends have any personal or financial stake which may influence their decision making. Radtke stated everyone is shaking their heads indicating no. To address that, if your immediate family members have a personal financial stake in it, that would be a legal conflict of interest. If you have close personal friends, that may not be a legal conflict but if it is something that is going to impact your ability to judge the facts and apply the Ordinance fairly, that is something that is of concern and Radtke thought in those scenarios it would be appropriate to recuse yourself. Radtke noted that is something that only a person knows in their own mind. Radtke is asking these questions so that not only have you had a chance to go through these questions but anyone watching this public hearing can also see that you have gone through this and thought through this and that you are going to be fair, impartial and independent here. Radtke read aloud from the Wisconsin Supreme Court Case for the Committee a piece which summarized this issue very well, "Zoning decisions implicate important private and public interests. They significantly affect individual property ownership rights as well as community interests in the use and enjoyment of land. Furthermore zoning decisions are especially vulnerable to bias and conflict of interest because of the localized nature of the decisions, the fact that the members of zoning boards are drawn from immediate geographical area and the adjudicative, legislative and political nature of the zoning process. Since bias has made historic judgment, impartial decision makers are needed to insure both sound fact finding and rational decision making as well as to insure public confidence in the decision making process. Nevertheless, a board members opinion on land use and preferences regarding land development should not necessarily disqualify the member from hearing a zoning matter. Since they are purposely selected from a local area and reflect community values, preferences regarding land use zoning board members will be familiar with local conditions and the people of the community and can be expected to have opinions about local zoning issues". Radtke stated it would be improper to prejudge a case and come in today and have your mind made up without hearing the evidence. It is proper to have opinions about certain matters and that is the whole point of having a Committee decide this and them being from

different parts of our County. Radtke re-stated that if anyone has any feeling that they are not able to judge these matters fairly and impartially today that they recuse themselves otherwise it would be alright to hear the matter. Brandt stated we have asked the question related to the Howard/Kramer issue and now Brandt asked the same question about the Rossa issue. Jeff Bawek, Committee member stated in regard to agenda item #8 (Rossa CUP) that he felt he has a potential conflict of interest and he wanted to recuse himself from that public hearing. Bawek stated that during the Rossa public hearing he would leave the room.

Public Hearing – Conditional Use Permit –Nonmetallic Mining-Construction Aggregate Quarry-Ronald J. and Carol Howard, Landowner, Galesville, WI - Kraemer Co. LLC.-

Petition/Operator – Town of Gale Chairman Brandt opened the public hearing at 9:38 AM. Nelson read the public hearing notice aloud. Budish explained that this application is an expansion of the existing Irvine Quarry which specializes in construction aggregate products. Budish stated what they want to do is expand within the Ron Howard property. Budish gave some history stating that they had to come forth for a rezone to Exclusive Ag 2 in order to be compliant with zoning that allows nonmetallic mining and to be in line with the existing quarry zoning. Budish provided an overhead aerial photo of the property. Brandt clarified that the direction would be northwest from the current quarry. Budish turned the meeting over to the Kramer Company representatives. Bob Jewell introduced himself as well as Attorney Buck Sweeney, Area Sales Superintendent-Roger Osegaard, Richard (Dick) Marino-Vice President of Real Estate and the landowner Ron Howard. Jewell stated he is here to speak in support of an existing limestone quarry. Jewell emphasized that this quarry is not for frac sand and this application has nothing to do with frac sand. Jewell continued that he was here to speak in support of modifying the current CUP and the NR-135 to include the entire 40 acre parcel from lands owned by Ron and Carol Howard. Kramer Representatives were present to answer any questions the Committee or the public may have. Jewell noted they do have a road agreement with the County on County Road DD which was recently signed because there is more activity and they are trying to be a good neighbor. Attorney Buck Sweeney, of the law firm Axley Brynson, who represents the Kramer Company stated they have been negotiating with Corporation Counsel Rian Radtke and Highway Commissioner Dave Lyga on the road agreement. Sweeney said that Dick Marino has the original signed road agreement and they will drop that off with Radtke. Sweeney stated that they sent Lyga and Radtke a copy of the signed road agreement last evening. Radtke acknowledged that he had the original road agreement. Sweeney said they've negotiated that to try to work with the County Highway Commissioner to make sure that the road is kept in the same condition that it was from the conceptual point of view. Sweeney noted negotiations have been ongoing with the Commissioner and Kramer Company not only on this quarry but on other quarries as well, so from Kramers' point of view that issue has been addressed. Sweeney wanted to point out that this is an existing quarry and when the Committee looks at the conditions, this is an expansion of an existing quarry and we're just moving into another forty that is adjacent to the existing quarry, so when you look at that in regard to the conditions on the CUP approval, it is in the same area, it is just an expansion onto a different property owner. Everything else is staying the same. As was pointed out, not only do Kramer's have to amend the CUP, but they have to amend the reclamation permit and that is what they are here for today. Jewell added they have a letter from the Town of Gale and Roland Thompson, Town of Gale Chairman is present. Brandt asked if there was anything Kramer's wanted to talk about in regard to the day to day operation, equipment, potential truck issues, timelines, etc. Osegaard explained that their operations were not going to change by moving into this area, it will just be a continuation of the same thing. One of the things Osegaard wanted to mention was that they had this property leased for 10 years already so it isn't just a sudden thing that they jumped into. It was planned a long way ahead of time and this was the natural expansion as they have to go where the rock is. Osegaard said none of the equipment that they use is going to change. Everything is

done exactly the same way. Osegaard added they work with the township closely on any problems or questions, i.e road problems, etc. and they have a really good working relationship with them. Sweeney added that the access to the road isn't changing it is just an expansion. Jewell stated that the application said they added forty acres for a total acreage of 299 acres. Jewell clarified that is not all going to be mined and that about 56 acres of the 299 that is going to be mined. Jewell felt they have a lot of buffer around to kind of help hide and conceal the quarry so that it is not visible and that fact will aide with dust and noise also and kind of berm that in. Jewell added they will keep the perimeter of trees around it. Brandt noted that Buck Sweeney, Bob Jewell and Richard Marino had filled out public hearing registration forms and registered to testify in favor and have already done so. Brandt called for anyone who wanted to testify/speak to the issue. Budish had a letter from the Town of Gale dated March 16th, 2015 which stated at a regular board meeting on March 10th, 2015, the Town of Gale approved a request to apply for a CUP by the Kramer Company on the Ron and Carol Howard property. Brandt once again called for any public testimony. There being none forthcoming, Brandt closed the public hearing at 9:50 AM. Bawek made a motion to approve the rezone as presented, Nelson seconded. Zeglin mentioned that she had a conversation with Highway Commissioner Lyga yesterday. According to Zeglin, Lyga is pleased with the Road Use Agreement and that was one concern of Zeglin's. Upon Zeglin asking how far Kramer's were into the Irvine Quarry right now, Jewell responded that according to his memory, the open acreage right now was around 25 acres so it would be roughly halfway. Budish confirmed that. Zeglin asked if there was any reclamation to date? Jewell responded there has been some reclamation that has occurred. Osegaard added that they restore as they strip so they are in an area right now that is headed to the east and as they strip that area to the east, they started restoring a wall that was on the southeast portion of that forty. Osegaard reiterated they are restoring as they go and as they move into this property it is their intention to close off some of the other property that is already mined out. In referring to the overhead aerial photo which was being referenced, Lien stated that photo is from 2010 but the LIDAR (Light Detection and Ranging) was flown spring of 2014 so that is current contours at two foot intervals. Jewell pointed out, for the Committee, on the aerial photo where reclamation had taken place at 3 to 1 or flatter, where they are still working, where the scale house was and where the road comes out. Jewell mentioned that the roads go in two directions; towards Crystal Valley and to the north on County Road DD. In terms of reclamation, Britzius asked if the reclamation has been looked at by the County and if it has to be inspected and approved, etc. Budish responded that he has been out there at least annually and has observed the reclamation and there has been no issues with any storm water, erosion. Budish stated everything is contained and it is a very well run operation and there have been no issues. From a staff point of view, Budish said Kramer's make his job pretty easy. Lien reminded the Committee that NR-135 requires minimal annual inspections and the fee is based on open acreage so it is an incentive for the applicant to reclaim. They work with DLM staff on that and at a minimum there are annual inspections. The bond and reclamation fees are calculated on open acres so that changes, sometimes annually, for sites. Budish briefly explained the reclamation process. Jewell added that to achieve or for it to be considered final reclamation, one has to achieve at least 70% vegetation. Jewell stated that Budish will not take it off until it reaches that. Brandt stated as part of the rezone process there was a question that arose related to how much of the Howard property would be mined. Brandt asked Ron Howard if there had been basically a line drawn at which point no more mining would be done on the Howard property thus giving them the kind of setback and view that they desired. Howard voiced it had. In regard to the reclamation plan, Brandt asked for assurance that the changes in the reclamation plan are appropriate for their project. Budish responded that after review of what they submitted, etc. the plan looks fine to him. Budish added this is all marketable material. Budish shared photos which showed the area. Budish noted this is in their mining plan also. Brandt moved on and read aloud, "To aid in the review of the proposed project under the above criteria, the Zoning Committee may take into consideration the following factors or additional factors as are deemed

relevant to its decision making process with respect to the project”. Brandt read through the factors and asked the Committee to take them into consideration;

1. Whether the proposed project will adversely affect property in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Whether the proposed project is consistent with adopted Trempealeau County plans or any officially adopted town plan.
4. Provision of an approved sanitary waste disposal system.
5. Provision for a potable water supply.
6. Provision for solid waste disposal.
7. Whether the proposed use creates noise, odor, or dust.
8. Provision of safe vehicular and pedestrian access.
9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
10. Adequacy of emergency services and their ability to service the site.
11. Provision for proper surface water drainage
12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
14. Whether the proposed project leads to a change in the natural character of the area through the removal of natural vegetation or altering of the topography.
15. Whether the proposed project would adversely affect the natural beauty of the area.
16. Whether the proposed project would adversely affect any historic or archeological sites.

In addition to taking into consideration the general criteria, the County must specifically analyze nonmetallic mineral mining proposals in light of the County’s interest in providing for wise use of natural resources, aesthetic implications in the siting of such a mine in a given location and the impacts of such a mining operation on the general health, safety and welfare. In approving CUP’s, the Zoning Committee shall also determine that the proposed use of the proposed location will not be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. In order to grant a CUP for nonmetallic mineral mining, the County must find that the proposed operation is an appropriate land use at the site in question based upon consideration of such factors as; existence of nonmetallic mineral deposits, proximity of site to transportation facility and markets, the ability to operate and to avoid harm to the public health, safety and welfare and the ability of the operator to avoid harm to the legitimate interest of properties in the vicinity of the proposed operation.

Brandt read aloud factors to be considered for adopting conditions: When considering an application for a non-metallic mineral mine permit, the County shall consider, among other factors, the following: 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. Brandt asked the Committee to please consider these “mays” and “musts” as they begin their discussion. Britzius was curious about the Road Use Agreement. Britzius knew the primary haul route would be County Road DD out of that area. Britzius was concerned about Crystal Valley Road that goes over the hill as it is a very small, windy road and he was concerned if the road use has taken into consideration if large quantities were hauled out there. Brandt asked Town of Gale Chairman,

Roland Thompson to respond to that question. Thompson stated we kind of have an agreement with Kramer that the heavy traffic goes out County Road DD. Thompson explained they get normal traffic every year on our road and it has never been an issue. Thompson added that during the road construction in Galesville they hauled everything our way and we never had a problem. Part of the road was repaired last year because it is in the swamp and Kramer Company helped with that project. Thompson said they work with us when we have a problem. Thompson didn't see an issue with them coming our way. Thompson explained there were two ways they could come, either Skunk Coulee or Crystal Valley and they use both of them now. Britzius commented he has been on that road many times and on the west (Crystal Valley) side and there has been some repair. Britzius asked if it is possible that there would be some heavy traffic going out that way at some point? Osegard responded it is always a possibility and the heaviest traffic that they have had is when they did Highway 53 and that was a fairly heavy project. Osegard said they keep track of the roads and the road is put back the way it was. Osegard added that from what he has seen the township has done a good job of replacing sections of that road as they can afford to on the way up and they haven't hit the hill yet but Osegaard expected that would happen and when they do Osegaard said they would help them with that. Britzius has bicycled up there and in meeting those big trucks they pretty much fill up that road. Zeglin understood that the Kramer Company has just received a very large contract from Hi-Crush –Blair and she asked if most of the materials will be coming from this quarry or from all of the quarries or how they see filling that contract. Osegaard responded most of the materials for the Hi-Crush project is planned to come out of the Irvine Quarry. They are looking into the resources they have and might try to split up some of the stuff because sometimes you just can't handle everything that is going on, but the way that project has started out it is going slower than normal because of lack of demand for sand. They are not looking to go in and get it built immediately so they are stretching it out. Right now they are only hauling four trucks. At some point it is going to get bigger. It is a normal job and that is one of the reasons that Kramer talked to the County ahead of time to make sure they had a road agreement to take care of that road and we're in that business. Upon Zeglin inquiring what the primary haul route would be, Osegaard responded the primary haul route will be out County Road D and then to County RD CC. Brandt recapped that there is a motion and a second to approve the CUP. Brandt asked Budish to explain the standard conditions and any other recommended staff conditions. Budish stated after further review he deemed there were no preliminary conditions for the site. For permanent conditions Budish stated there were no further conditions because Chapter 13 and Chapter 20 of the Ordinance covers all issues related to nonmetallic mining reclamation. Lien clarified that Budish was stating that the standard conditions are sufficient. Budish responded yes and that they are also requesting the CUP be issued for 20 years. Brandt asked if all permits from the DNR were fulfilled. Budish responded yes and that their storm water plan, etc. were all within their plan. Budish had contacted DNR to see if there were any cultural resource or archaeological reviews. Budish received an e-mail from Michelle Asher, DNR Waste Water Specialist out of their Baldwin office which stated she had checked the section, town, and range in the area for the cultural review and there were no hits. Geske wanted to make the point that he saw they were asking for a 20 year CUP and since they have been good neighbors and good stewards Geske felt comfortable going for that long with a company like this. Geske noted that the Town Chairman said they were good to work with along with the County. Lien thought this site came under County zoning in 1993 and he could only recall one complaint which might have been during some reclamation. At this time Brandt stated there has been a motion and a second to approve the CUP, standard conditions apply, the reclamation plan has been revised to include the forty acres and the staff recommendation is approve the permit for 20 years. Motion to approve the CUP passed with no opposition. At this time the Committee took a short break.

**Public Hearing – Conditional Use Permit –Nonmetallic Mining- Industrial Sand Mining
Site Amendment - Dennis J. and Darlene K. Rossa, Arcadia, WI – Petitioner/Landowner;**

Canadian Silica Industries Inc., Calgary, Alberta, Canada, Petitioner/Operator – Town of Arcadia

Chairman Brandt called the public hearing to order at 10:21AM. At this time, Chairman Brandt recognized Committee member Jeff Bawek. As stated earlier in the meeting, Bawek wanted to recuse himself from the public hearing at this time. Chairman Brandt recused Bawek and stated he would be called back after Agenda Item #8 was concluded. Nelson read the public hearing notice aloud. Budish stated the applicant is Canadian Silica Industries and the owner of the entire property is Dennis and Darlene Rossa. As the newspaper publication stated, Budish said it is just an expansion of the existing site and this just adding more acreage. Budish noted the two public hearing newspaper publication dates were April 23rd, 2015 and April 30th, 2015. Brandt recognized Bill Vachon, Environmental Engineer with Foth Infrastructure and Environment in Green Bay. Vachon introduced Carl LaPrairie with LaPrairie Groups, Legal Counsel James Kalney. Vachon wanted to go through a quick PowerPoint presentation to give a history and to identify what the amendment is for this activity. Vachon stated the property for the expansion is all owned by Dennis and Darlene Rossa. The amendment includes an expansion of operating years, some additional trucks to be run and the identification that they will be operating under the revised nonmetallic mining section of the ordinance. They do have a current CUP –nonmetallic mining reclamation permit for an existing site operation. Vachon explained that the overview is really to add an additional 540 acres to the existing 147 acres that is currently permitted for a total of 690 acres. They are looking to increase all trucks from the current 180 to 225 per day, increase the life permit of the mine to 20 years (right now it is 8 with a two year extension) and again to operate under the revised Trempealeau County Ordinance - nonmetallic mining, targeting Section 13.02 dealing with the noise. Vachon displayed a few overhead aerial maps for viewing and elaborated that the areas outlined in the lighter color are the proposed additional acres to the originally proposed site. In giving a little history Vachon said back in August 2012 they were here before the Committee for a CUP amendment as the property had originally been permitted back in 2011 for Stephen Doerr for an approximate 40 acre parcel. Vachon worked with CSI and the Rossa's to expand that into a realistic area of operation of 147 acres. They did receive the CUP which was issued August 13th, 2013. That was for the 147 acre mine site that they anticipated based on the preliminary mining plan with 113 acres being proposed to mine. They had 180 truck loads of material on County Road T travelling up to State Highway 95. The operation would be the mining wet/dry processing. The life of the project was 8 years with one, 2 year extension. The figure that is in the Committee's handout shows the parcel ownership, the existing 147 acres and the additional property's that are currently owned by Dennis and Darlene Rossa. As identified within their original permit application, Vachon stated they did have the 147 acre parcel of which approximately 113 acres as identified in the lighter yellow color would be the mined area. Vachon added that was determined in phasing as their setbacks from the highway, setbacks from property lines and areas that they wouldn't be mining because of the large amount of overburden which is not financially feasible to do and also by the requirements/request of the town that they leave the high areas undisturbed so they wouldn't disturb the natural vista of the area. With the CUP, the activities that they have completed, Vachon has talked about the DNR permits, the nonmetallic mining operations general permit was issued back in March 2012 by the DNR (nonmetallic mining storm water management which includes the storm water pollution prevention plan and storm water management plan and erosion control plan). They did work out agreements with two of the adjacent property owners for fair market value for their property's and also spring and well agreements if any operations that occurred at the mining facility would impair either the real estate value or water in the area, that those would be replaced or made whole by the operator. As for the standard conditions, they conducted structural foundation inspections in residences within 2,500 feet which were conducted in December 2012 and the County staff does have records of those. Private wells were also inspected and they did put out notices to all individuals that had structures within those areas as to whether they wanted the inspection or not. Vachon noted that some individuals did decline that inspection. For the upcoming

second year inspection, the request will be submitted to all individuals in that area in case they change their mind, they could have that inspection done again. Vachon continued that the CUP was then transferred to Canadian Silica Industries from the Rossa's in February 2013. They worked with the Road Use Agreement with Corporation Counsel Radtke and Attorney Kulny and basically put together the first Road Use Agreement and bonding for Trempealeau County and that was for the use of County Road T. That was basically a bond issue for \$1 million for the reconstruction of 2.4 miles of County Road T. They prepared a reclamation bond that was approved and it was submitted and received by the County and that bond amount was reduced in 2015 by the County. For their actual project activities, initial site clearing occurred in the winter 2013-2014. They did have a high capacity well that was approved by the DNR and that was received last year in July. They updated the driveway permit from the Highway Commissioner in September 2014. Vachon showed maps with yellow highlighting showing the 2.4 miles of roadway that is currently bonded for between CSI and Trempealeau County. They had initial site access off of County Road T into the operation which commenced in September of last year. The high capacity well which was approved by DNR was constructed in October. They conducted an additional TIA (traffic impact analysis) at the intersection of State Highway 95 and County Road T for potential traffic heading east as they had originally proposed that traffic would be heading west towards Arcadia in the original application. In conjunction with the revised Trempealeau County Ordinance, they did complete Phase 1 and Phase 2 noise study for the potentially impacted residents in the area and those results were submitted to the County. Current operations include the excavation and wet processing of sand material. Vachon showed an outline which identified the current site operation layout. We have our road access onto County Road T. Per the conditions of the town and the County, the darker color on the displayed map is asphalt coming out on County Road T and coming off to about where the trailer is on the property. Vachon stated that currently on this site there is a temporary wet plant that they have discussed with Trempealeau County staff and that temporary wet plant will be moved into the permanent location at a point and time when the area is opened up to facilitate that operation. One thing they did during the initial constructions is that they have a quite a bit of overburden material through that cut for their roadway and instead of putting that material someplace on the site and possibly causing potential erosion control issues, they basically donated that material to the Soppa pit on the intersection of County Road T and Highway 95 to assist them in their reclamation process. Vachon displayed a map showing where the final location, based on their current design, of where the wet plant and dry plant will be. Both facilities will be enclosed. There will be a clarifier instead of the settling basins that are on the site now for the processed water. Everything will be contained within the structures. The storm water pond will stay on the site and that is for storm water collected in the area. In looking at the proposed amendment project area, the areas are shown again in green and yellow on the map, the yellow is the projected mining areas based on current plans. It is kind of hard to see on this figure (the Committee has better drawings) but there are a few little waterways that come through in between some of the properties and we did maintain the necessary setback which basically keeps them out of any waterway permits at this point and also any issues dealing with shoreland/flood plain within the County. Of the additional areas that are coming in, of the 540 acres they are looking at approximately 200 acres that are potentially to be mined in that area. Of the 690 acres they are anticipating about 300 acres to be mined at this point. At a meeting that Vachon attended a while ago, a question came up as to how phasing is done. Vachon identifies phasing based on the initial site investigation/initial mine plan that is done to look at the available areas to identify our initial phasing plan so that we can come to the Board for their approval and then they go ahead and do their detailed mining plan after that. Typically they are right in the ball park for what they are looking at for their phasing. They know there are standard conditions for the additional need to have wells and structures inspected within the 2,500 foot setback or at least offered the ability to have their structures and wells inspected and also for anyone who did not take advantage of that first time testing. Some of

the environmental conditions, as Vachon mentioned, based on their current design there is no need for any waterway permits, or shoreline/flood plain permits, or Chapter 30 through the DNR. Vachon stated they will be looking at some future wetland permitting and again in the future when they do look at some slurry piping activities. They have conducted a detailed groundwater study and modeling in regards to the high cap well and how it may affect adjoining waterways, Turton Creek and private water supply wells. That document was submitted to the DNR and it had been approved after they conducted their own models on Vachon's design. As mentioned, the high cap well application had been approved and it was installed last year. Vachon gave a little more information on the high capacity well as that seems to be a source of contention with the private water supply's in the area. They did the detailed modeling and they did have numerous revisions. The document that is in the Committee's binder has been updated with an initial memo that was done. Vachon elaborated that their groundwater depth in that area does range about 20 feet from 810 to 970. Their well was constructed in the lower confining aquifer which any time one does a high capacity well it will be in that aquifer. The well depth is at the depth of 440 feet. They did get a pumping rate approved at 650 gallons per minute (gpm). Their typical pumping rate for the operation is 225 gallons because they do use the closed loop system. They basically just don't pump out with the water running to the creek, they recirculate the water. When one looks at some of the drawdown curves, their model was run so that the plant was running 24 hours a day, 7 days a week, 365 days for 20 years straight so they do hit the equilibrium. Vachon stated that is typically not how a plant will operate. Vachon thought they looked at 650 gpm and another model was done at 350 gpm. According to Vachon a question was raised as to one of the models and the recharge of the area itself. Vachon said the recharge is basically 3-5% a year so, i.e. if one has a ten foot drawdown will it recharge 3% or 5% in this year and so on and it does equalize at a point of time, which is shown on the model that theoretically is the worse case scenario with the drawdown. Vachon displayed and explained a groundwater cross section which also showed wells in the area. Vachon stated everybody basically is in the upper formation of the Wonnewoc which is a sand formation which bears quite a bit of water. We do have in this area the Eau Claire aquifer that primarily consists of clays, silts and shales. It really causes a separate layer between the upper and lower aquifer. Vachon stated most of the private water supply wells in Trempealeau County are pulled up from the Wonnewoc formation. CSI's high capacity well is actually down in the Mount Simon formation so when they are pumping, they are really pumping from that lower aquifer and it really doesn't have very much impact on the upper aquifer. The DNR model does identify that there is always some leakage through the aquifer and it is based on model. Typically the other operations that Vachon has worked on they don't see a large impact of drawdowns in the adjoining wells. Because of the close proximity to Turton Creek, there is a greater drawdown of our property to the north to Turton Creek than their property to the southwest and that is just because it is a greater water bearing area and closer to a water body. In addressing air quality, Vachon mentioned the site does have a current registration air permit from DNR and that is basically at this point, self reporting, because the amount of dust material generated from the operation is minimal because it is basically a wet process. With the air quality management, they do have a fugitive dust control plan that was also submitted to the Department and the County for review. The plan basically identifies climate conditions. They do need to comply with the requirements of Chapter NR-415-057 and that is primarily dealing with industrial sand sites. That gets into haul route speeds, requirements for overburden piles, minimizing any kind of fugitive dust being generated. It also requires the monitoring for PM10 and PM 2.5. All of their planned operations shall meet the current and future state and federal air permits. Basically, if the DNR does change the requirements of air permits, they need to comply with that otherwise they are out of compliance and they would be theoretically shut down based on the DNR. The planned dry plant will be operating in compliance with all the required DNR permits. The application has been completed and will be submitted to DNR for approval of the dry plant operation. Vachon went over the fugitive dust control plan in more detail. Vachon noted that

DNR does require documentation of those activities because a DNR inspector can come to the site or the County can come to the site at any time and ask to review those records. Vachon explained particulate matter in depth. Vachon stated it is very, very fine particles that consist of numerous chemicals/organic compounds. One of the great emission sources for PM 2.5's are forest fires and wood boiler stoves that many of us use. We typically see a higher case of PM 2.5 in Wisconsin in winter because of the wood burning activity and that tends to be associated with the forest fires that we have in the western part of the country. Vachon displayed information as to what a smoke plume does and the distance that it will travel. Vachon voiced that PM10 particles are primarily what we see in the mining industry, construction industry, concrete cutting industry, cutting, crushing, wind blown dust and the agricultural industry are just an example of wind blown dust. In the construction industry is where we see a lot of cases of silicosis with individuals working in a close confined area or areas that generate a large amount of dust. Vachon gave more detail on particulate matter and how it compares in size to a human hair. Typically one will not see a particle of PM 2.5. You might see a particle of PM10 if you have very good eyes, but typically those are both invisible particles. In addressing blasting, there will be blasting on the site and there has been. Based on the blasting plan that was submitted to the staff, seismographs are required to be used. The blasting activities are really dictated by the blaster and they use Kwik Supply Company. They are a licensed blaster in the State of Wisconsin and they do need to follow all the rules and requirements established by the State of Wisconsin for blasting activity. As per the conditions, they did do the structural inspections of structures on properties within 2,500 feet of the boundary and they will do that for the additional boundary. They propose having blasting activity about 2-3 times per month. Notification is as identified by the conditions of the Ordinance and the Town of Arcadia. They did do a Phase 1 and Phase 2 noise study and they are planning to operate under that. Basically what that means is they are looking to operate the dry/wet processing plant during the non-extraction hours which would be the evening hours either from 6:00 or 8:00PM depending on the time of year until 6:00 AM in the morning. One of the first activities they need to do is identify the potentially affected properties in the area and then based on that identification conduct a Phase 1 and Phase 2 noise study to see which of those properties are impacted and if they are impacted what type of mitigation would be required. The properties have been identified that are within close proximity of the actual equipment/wet plant working. They conducted noise study's basically on three properties; Pientoks, Klonecki's and Killians. Vachon explained how they did the study and what some of the results were. Vachon stated there were actually two residents that had issues with noise above 45 decibels. Vachon requested, as they had the first time, permission to go onto their property to do a noise evaluation. They had the actual plant running at the site until 3:00 AM so they had the two properties that were shown above 45 decibels which showed a blip right about 9:00 PM and that was due to a dog barking as one of Vachon's staff was there and documented that. During the actual operation, they did not have any exceedances of the noise over 45 decibels. At 6 or 7:00 AM or around then there was just normal noise of the day starting with traffic. There was also the section in the ordinance that one could sign a noise waiver that basically the activities done with CSI and the property owner basically mitigated the noise related and they signed a noise waiver. Vachon stated those waivers were signed and recorded on the deed of the homeowners in accordance with the Ordinance. Vachon wanted to mention the noise study was done in the area where the current operation is. At a point in time that operation changes or moves, Vachon anticipates, in accordance with the Ordinance, that we will need to do an additional noise monitoring event to document that change of location and or activities has not changed any of the noise levels at the property's they tested, so they will more than likely be doing this again. As far as noise management, they are using the discriminate back-up alarms on the trucks that have been approved by MSHA, it is either the low noise or the strobe, they have limited the speed limits on trucks and only processing sand in those hours, no trucking, no mining during those evening hours. Lights are a big issue so they identify that any lighting that they use during the night time operations will be directed internally

into the site. There is always some security lighting that will be required. In lieu of the recently approved concerns or the Department of Health plan, they identify that the lighting plan would be prepared, submitted to the Department of Land Management for review upon completion of their building site plan. They have done a TIA (traffic impact analysis) on County Road T and State Highway 95. They have done a TIA for their site onto County Road T and currently County Road T, based on the Highway Department, is currently signed properly. At maximum production they are looking at potentially 17 loads per hour based on a 14 hour day. Currently they are allowed 12 trucks per hour based on a 14 hour day. This will be determined on the hauling operation, season production rates and the requirement for sand. As per the Ordinance all trucks will be covered. It is a 55 mph speed limit on County Road T but when Vachon drives this site he is going 40-45 mph with his suburban because of the curves. Offsite traffic routes have been approved with exit onto County Road T, west on County Road T to State Highway 95. The permit was originally for west on Highway 95, they are asking also for east. Based on the CUP that they had in 2012 their access is from the site directly onto County Road T rather than Joe Rossa Lane. They monitor traffic noise with no engine breaking required and require all the operators to maintain or operate below posted speed limits. In addressing mine phasing reclamation, there has always been questions of how and why does it work. Vachon stated they are showing a current mining area of the 147 acres of which approximately 113 acres will be mined. Vachon displayed a diagram which he said shows they are not going to have 80 acres open at one time, they will do phasing. They will do a "leap frogging" from the stripping mine to the mining to final reclamation. Vachon explained the diagram and the reclamation further. Vachon stated there is always an area that is open for mining and processing equipment but as they move around the areas get reclaimed behind. That is for CSI's benefit too because for every acre they have open they are paying a fee to the County for that exposed open area. That is also less are where they have to worry about erosion control, etc. What they are looking at for the northern area, the western area and the southern areas, is actually to transmit the sand material by slurry pipelines. They are anticipating that to happen possibly ten years into the future. As Vachon identified before, they will have a few crossings; road crossing on County Road T, they have a crossing at Turton Creek, there is another small crossing and those would all be part of the Chapter 30 permits to DNR and Shoreland/Flood Plain Ordinance is through the County to be worked with. Vachon explained the sand slurry process. Vachon heard concerns as to what is done for river crossings or road crossings. Vachon explained that in the instance of a road crossing, etc., there is a pipe casing installed so that casing is permanent in case the pipe needs to be turned or removed or replaced so that the pipe is just pulled out and the new pipe is fused, welded and put back into place. Road crossings would require County approval, Highway Department approval and DNR approval through the wetlands and underneath Turton Creek and through this Committee. In referring back to the phasing reclamation plan, Vachon stated each of the outlined areas shows a phase, they aren't done all at the same time, they are done in conjunction with the operation of the mine. Vachon pointed out that the purple lines on the map identify the 4:1 or 3:1 slope and the white areas are showing half a percent slope so they are actually adding quite a bit more tillable area to the project where they are not at a 45 degree angle. Vachon showed a cross section showing basically from the intersection to Rossa Lane and County Road T heading to the south from east and they showed the existing high wall that they are leaving for a buffer and trees. Topsoil goes back on top. For reclamation they are looking to do a topsoil seeding and they use the standard DOT specifications and reclamation for the County per NR-135. In talking about some of the local economic benefits, Vachon mentioned a third party company that did their evaluation. Based on the construction phase of the operation with the actual mining processing dry/wet plant facility they are looking at a local impact of about \$5 ½ million, annual operations about \$5.2 million and that is dealing with the employees, pieces of equipment, parts, oil, gas and whatever one may need for the operation. Vachon stated the property tax impacts total is roughly \$200,000, Town of Arcadia would see roughly \$29,000 and Trempealeau

County would see approximately an additional \$52,000, the Arcadia School District approximately \$102,000, the Vocation/Technical school \$22,000 and State of Wisconsin \$2,000. What the facility right now has contributed to the community with the operation that is currently in progress, right now about \$1 million has gone into the Arcadia business community and previously operational of \$1.2 million dollars has been spent. To close, Vachon stated they currently do have a permitted facility and it has been permitted since 2012. They have been permitted for awhile and they have basically been operational for a year. They are just looking to add the additional acreage to the overall 147 for a total of 690 and of that about 300 will be mined. They are looking to operate under the revised County Ordinance. They are looking to increase the haul trucks from 180 to 220 per day and increase the life of the permit of the mine to 20 years. Vachon stated they have complied with all the conditions of the current CUP, the conditions requested by the town and the additional conditions that were placed on the permit by the E & LU Committee in 2012. Vachon added they did go through the Town of Arcadia process of which they had four meetings with the town. They did receive town approval. Upon Brandt asking if Mr. LaPrairie or Mr. Kulny had anything to add, they responded not at this time but they would answer any questions. Brandt called for testimony from the public. Brandt reminded anyone who wished to testify to fill out a registration form and return it to the secretary. Brandt stated there would be three minutes for each person wishing to testify. Brandt noted that Mr. O Flaherty was here to represent a group and give a presentation. At this point Rick Geske excused him from the meeting due to another obligation.

Attorney Gerard O'Flaherty from the law firm of O'Flaherty, Heim, Egan & Birnbaum, LaCrosse, WI. introduced himself. O'Flaherty stated he represents a community group referred to as Ourcadia Concerned Citizens which includes many of the homeowners on American Heights. O'Flaherty wanted to address the Committee in respect to the real concerns that these people have. O'Flaherty referred the Committee to some maps the group has placed on the wall. O'Flaherty said they believe these maps tend to really highlight the size of the proposed expansion from 147 acres to 690 acres. O'Flaherty was informed that it would be the largest permitted mine by Trempealeau County. O'Flaherty noted there may be a larger mine that is annexed to a community. O'Flaherty added that is another issue with mines annexing to municipalities with no supervision and really no inspections and controls and questioned what could the County do about that. In any event, here they are before the County trying to come in under the County Zoning Ordinances with a CUP. O'Flaherty pointed out on the maps the area of where American Heights is located. O'Flaherty acknowledged these people as well as closer property owners like Beth Killian and Klonecki's (who are really cut right into the 147 acres that has already been permitted). There is also Mississippi Sands which is the Thompson Valley mine and that is operating full bore. There is what is referred to as the Rumpel mine and has been acquired now by Mississippi Sands. There are several other mines that are permitted and operating to some degree. There are a lot of residences in this area, in fact, there is a cluster housing on American Heights that was started about 15 years ago. Many people including children live there and they are very concerned about actually being encircled with sand mines from the standpoint of noise, blasting, truck safety, etc. O'Flaherty said we would hear from these people more specifically, but he wanted to quickly go through a slide presentation that focuses on the criteria that the Committee should require. Corporation Counsel and others have read the criteria and this is a lead-in to that. O'Flaherty read through the criteria: #1 – Whether the proposed project will adversely effect property in the area. O'Flaherty said his clients are very concerned about their property values. Canadian Silica's presentation to the Town of Arcadia and it was included in their PowerPoint presentation today, referenced fair market value and spring agreements with adjacent property owners and gave a 2012 date. O'Flaherty's research of recorded documents are two spring agreements, one with Mr. Bawek and Beth Killian and there are no fair market value agreements in place. There was discussion after a meeting back in 2012 with Beth Killian

about considering having some appraisals done but there is no agreement in place, no binding and enforceable agreement. O'Flaherty thought that was very crucial and is the number one item on criteria. O'Flaherty voiced it is something that this Committee should seriously consider. In fact, it is kind of surprising that the Town of Arcadia sent the County a letter on April 15th, 2015 regarding its' position and it states in item #17 of that letter, "CSI/Rossa mine committed to the Town of Arcadia Board of Supervisors that it would include a property value guarantee for neighboring property owners as a condition to issuance of the nonmetallic mining permit. The Town of Arcadia requested that its' property guarantees apply to all property owners within 2,500 feet of the permitted site perimeter as well as all property owners on American Heights Lane. O'Flaherty stated his clients have unanimously advised him that there have been no negotiations, no contact with them regarding any property value guarantee but clearly the Town of Arcadia is reflecting that it was promised and committed to the Town of Arcadia Board of Supervisors and this was before the recent election. This was the Town Board that was generally considered very conservative with respect to mining issues and many have been replaced with the recent election. They thought it important enough to include as a 17th condition that they are asking that the County to include it in any possible permit here. O'Flaherty asked where this property value guarantee is. O'Flaherty stated it doesn't exist. However, for information purposes, O'Flaherty wanted to circulate a property value guarantee provision (This document was handed out to Committee members to view). O'Flaherty continued by saying it is easy to say that we're going to do a fair market value guarantee. O'Flaherty has seen many of them over the years. Sometimes they are just verbal and sometimes they involve language that is really circumspect and doesn't provide a real mechanism for people to have some sense of enforcement. This property guarantee that O'Flaherty has circulated does have a set procedure. O'Flaherty listed some high points of his PowerPoint presentation; #1 Appraisers appointed by the town board to set the value of the property without consideration of future mining operation. O'Flaherty explained that the homeowners on American Heights would have their property appraised in lite of the other existing mines surrounding them but without the expansion of this mine. We can't go backwards obviously. This baseline appraisal would be paid for by the operator/CSI. The property owner would have options. They could offer to sell immediately or they could ride it out and see how tough it is; how the noise or blasting affects their wells, how the traffic hazards really impair their safety and that of their children and they would have a period to wait of four years and then submit a claim for value (the difference between having a new appraisal (the appraiser (their opinion should be neutral) selected by the town board) and then the operator would need to pay the difference if the property values have gone down or they could purchase the property and if they refuse to do either there is recourse to go to circuit court and pursue their claim in circuit court for the difference in line with this procedure. O'Flaherty stated that is a real guarantee and this guarantee that O'Flaherty submitted to the Committee has been adopted by townships in Buffalo County (one very close to Arcadia is the Town of Glencoe) that O'Flaherty has worked with. O'Flaherty has seen similar meaningful guarantees included within county ordinances, so it isn't anything unique but it is something that is really important to this project because these homeowners on American Heights and in the surrounding area, in amongst all of the sand mines, their property values are going to be negatively impacted. In addressing #2, O'Flaherty read aloud, "Whether the proposed use is similar to other uses in the area". O'Flaherty thought that was interesting as how does one interpret that one. O'Flaherty stated there are other sand mines in the area so hey it is similar but no that is the problem, the cumulative negative impact from multiples mines in close proximity. They submit that is a negative impact on values and on the environment. Trempealeau County has the most sand mines per mile than any other county in Wisconsin. O'Flaherty read some articles which stated more than any place in the U.S. and this would be not "one" of the largest permitted by Trempealeau County, it would "be the largest" permitted by Trempealeau County, as again, he thought the Guza mine would be larger but that has been annexed and unfortunately it is not under Trempealeau County jurisdiction any longer. O'Flaherty displayed another map showing some

of the major sand mines surrounding the property that is in question. O'Flaherty pointed out where American Heights was and mentioned there was more than 10 homes on American Heights, probably 30 children and there are people living all along County Highway T. O'Flaherty mentioned some of those landowners by name and said that all those people will be impacted by the expansion in a significant way. O'Flaherty noted this isn't a remote area, this isn't an outlying area where, i.e. the Kramer mine is that was talked about in the Town of Gale. These people are working in the City of Arcadia and the surrounding area. They built their home in the country to enjoy peace and tranquility of rural Trempealeau County and they are really concerned about the negative impacts that are going to happen here. In addressing the current zoning, O'Flaherty mentioned that right on their (CSI/Rossa) application they acknowledge that the land that they want the CUP expansion on is zoned Exclusive Agriculture. It is a huge increase, this isn't just a small increase. For mining acres they are going from 100 to 300 for total area 147 to 690 acres. Just on mining acres it is a 200% increase. In hearing their (CSI/Rossa) presentation, O'Flaherty was getting the point that, "well, we've got an existing mine, we're just asking for a little expansion". O'Flaherty stated that this would be a huge undertaking. They are asking for a 20 year permit much different than what the arrangement is now when we get to some of the other criteria, the number of trucks, traffic, the reclamation of land for agriculture which does not return the land to its 100 years of fertile soil and natural nutrients. There is talk about reclamation which is great but what the County has in their Ordinances, unfortunately there are too many mines that started up before reclamation was the standard. O'Flaherty is certainly not one to say that the County isn't following through on it. O'Flaherty thinks it is and that is great but it doesn't really protect prime ag land that Trempealeau County is known for in different areas. O'Flaherty thinks that is one of the reasons why a former Committee turned down the All Energy proposal that was about 7 miles south of the City of Arcadia because they were using so much prime agricultural land. There are other places to get the sand that is suitable for fracking without destroying prime agricultural land. O'Flaherty displayed a map which shows those contours and how much of the area is really going to be subject to nonmetallic mining. In talking about comprehensive plans, O'Flaherty mentioned that was the third criteria. Just on #1 and #2, O'Flaherty stated they haven't met that burden and there is enough reason to deny their proposal just in #1 and #2. About #3, "Whether the proposed project is consistent with the adopted Trempealeau County plans or any officially adopted town plan". O'Flaherty said the Town of Arcadia does have a plan and it has been adopted by the County and it is recognized by Trempealeau County. Section 8.9 states "Goals based on public input". It is to reserve prime farm land and the right to farm, to maintain the agricultural uses, to continue the predominant land use in the town and limit additional nonmetallic mines and expansion of existing mines. In fact, there are recommendations that the County try to come up with an overlay district for sand mines. As it happens it is a lot of work but that certainly would be a good idea maybe to find some areas that would not impact as many residents with the sand mining operations and the other really big thing is the overlay. O'Flaherty encouraged the Committee to really work on that because it would help prevent his clients from being put "through the wringer" here and dealing with these issues in the Town of Arcadia time and time again. There are a lot of them coming up, and suggested an overlay district moving it up toward Lincoln area or over toward Blair by the railroad. In O'Flaherty's opinion, if you're going to have a sand mine, having it close to a railroad for loading (so you're not going to have 450 new trucks on County Road T, a narrow, windy road like this one will have) and it should be where it minimizes safety impacts. 450 trucks on County Road T is not a safe situation. Not that you should need to prohibit mining totally in Trempealeau County or any future expansions but it shouldn't be here in amongst all of these residences and the Town of Arcadia plan promotes cluster residential. Exactly what American Heights is, rather than having one house every 40 acres scattered around. It is a cluster housing situation and it should be recognized as a positive. That is why people build out there and now they're going to be possibly in the middle of a major sand mining operation. The other goals of the town plan, that has been adopted, is

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again farmland preservation is imperative. The program has been established under Wisconsin Statutes to promote it. Section 5.5, the goal is to continue to support family farming and agricultural activities and discourage non-compatible land uses near farming. That is what the plan says; economic development, non-metallic mining. The letter from the Town even recommends an overlay district. The conservative former town board of the Town of Arcadia encourages you to work on an overlay district. Brandt gave notice to O'Flaherty that he would have approximately 3 more minutes to wrap up his presentation as we are past the 20 minute mark. O'Flaherty stated he had people that were going to talk about a lot of the specific issues, but they won't have control of the slides that O'Flaherty was presenting. O'Flaherty displayed a slide of Turton Creek noting how clear it is as one could see the sand in the bottom. O'Flaherty said this slide was to show clean waters. O'Flaherty showed a slide of blowing sand but he said he didn't have slides to show of fires in Alberta, etc., but he was showing safety concerns. O'Flaherty hoped everyone realized that this area, County Road T, is a significant bike route for Trempealeau County. Biking is really promoted. Around the Guza mine, etc. some biking operations have terminated their plans to continue. O'Flaherty showed slides of trucks parked in the road, the blind intersection, the bike trail and of the neighborhood. O'Flaherty showed a slide of the Badger Mine and was reminded that is in Jackson County. O'Flaherty said it was still relevant though as it was what was farm and recreational land turned into open pit mining. O'Flaherty added that Trempealeau County has a wonderful website and it shows beautiful photos of the hills, the river, lakes and ponds and this is Trempealeau County. O'Flaherty asked for a review of that last language that, "In approving CUP's, the Zoning Committee also shall determine that the proposed use and the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety and character. O'Flaherty stated sand mining at this location is especially dangerous and may cause significant safety concerns. Adding 450 trucks to County Road T, a narrow windy road way with blind corners and driveways is an unnecessary risk for the community of residents and their children. If Trempealeau County needs more or larger sand mines it is not here. Even the proposal that this Committee has denied had fewer safety concerns. That is why the overlay district should be near a rail site so that they can conveyor it to the rail site and not truck it with 450 trucks per day. This expansion should be denied. O'Flaherty mentioned he represented a number of people from American Heights and the Ourcadia Concerned Citizens and Brandt wanted recollection from the Committee if individuals from those groups were also allowed to speak. Zeglin stated the Committee did not exclude anyone from the public hearing. Lien agreed with that and added they were limited to three minutes. The Committee heard the following public testimony.

Kerry Suchla, Arcadia – Registered in favor but not testify.

Carl LaPrairie, Calgary AB – Registered in favor. LaPrairie stated he would answer any questions needed for clarification.

Brenda Killian, Arcadia – Registered in opposition but not testify.

Nancy Schultz, Arcadia - Register in opposition but not testify.

Sarah Slaby, Arcadia – Register in opposition but not testify. Slaby noted there would be a letter read from her later.

William Vachon, Green Bay – Registered to testify in favor. Vachon stated he has testified and he is available for any questions.

James M. Kalney, Attorney, DePere – Registered to testify in favor. Kalny is available for questions.

Mike Jungwirth, Arcadia – Registered to testify in opposition – Jungwirth stated he is from the Town of Arcadia and he lives on American Heights. Jungwirth thanked the Committee for taking time to hear all of them this morning. Jungwirth resides in the area which is directly looking at the mine once it is finally opened and obviously he is in opposition of doing that. Jungwirth wanted to mention a few bullet points. From the Committee's perspective, Jungwirth knows there are status quos and things are

always done this way or have always voted this way, but he challenged each one of the Committee to look at each situation. Every one is unique. Every time that we have a project, just because you voted one way last time doesn't mean you need to vote this way this time. So if you have voted no in the past that doesn't mean you need to vote no now and if you voted yes in the past that doesn't mean you have to vote yes now. Look at each project. Based upon everything that we have shared, both sides, make a fair assessment of what we should do going forward. Why does the Rossa mine need to expand? That is the question that a lot of us have been asking. We get it that you're trying to grow your footprint, you're trying to expand for collateral reasons which is part of it. Our biggest concern is that it was started at 146 acres, give or take, and yes there has been some activity on the land, but we really haven't moved any sand yet. Me, being a business man and an entrepreneur myself, generally speaking when you go into business, you want to make sure that it is working, it is viable, that you are making revenue, turning a profit, before you ever expand. I'm not going to add onto my business before I am actually putting money in my pocket. That is one thing Jungwirth wants the Committee to consider. Let's grow this thing slowly, potentially review it in 5 or 6 years, or whatever they have, and if we need to expand slowly sort of like the Kramer mine did, then we expand slowly. In regard to property values, Jungwirth knew Attorney O'Flaherty hit upon those really good for the group, but there are 10 homes in their subdivision (American Heights). We have upper end homes. They are very nice. We pay roughly \$55,000 in taxes annually. These are not just your standard boiler plate homes. These are nice homes that were built in a cluster setting for the tranquility, beauty and being able to be out in the fresh air and see and hear everything and not worry about traffic, but again be close to town, obviously one of the reasons why we spent a lot of our savings/nest egg, etc. to build here. Jungwirth knows that we tout jobs and jobs are great and yes, a mining company will bring jobs. Will some of them be local people getting these jobs, absolutely. Will some people be out of state people, absolutely. Will they bring more economic value to our County, absolutely, but when we talk jobs, Trempealeau County has one of the lowest unemployment rates in the County. Jungwirth works for Ashley. At Ashley, they have hundreds of jobs available and we can't fill them all because we don't have enough people in our area. We see Gold N' Plump advertise like crazy. There are not enough people. These jobs pay well. At Ashley they have many manufacturing jobs and warehousing jobs that pay \$25-\$50,000 per year. We have truck driving jobs that pay \$70-\$80,000 per year. We have good, high quality paying jobs locally without an expansion of a mine. We talked about the traffic and we tout 225 trucks. That is 225 loaded and 225 empty travelling a very poor road. There will be some specs that it will have to be maintained, but we also have 90 degree corners and the American Heights subdivision. Jungwirth knew there was a slide that showed a blind intersection coming out from American Heights Lane onto County Road T. If there is any traffic backed up waiting for loaded trucks coming out on County Road T and there are cars waiting to turn onto American Heights Lane, if people are coming from town it is very possible there could be a rear end collision there, so that slide is extremely important. In addressing quality of life, Jungwirth stated he has four kids. They love to hunt, fish, trap and Turton Creek is extremely important for them, as well as when mines expand where does wildlife go – someplace else and not around here. In closing, when you guys look at all the facts and determine what direction you are going to, when you give people a yes to the CSI/Rossa sand mine, you're essentially voting no to me, my family and all the other 25-30 plus homeowners/ landowners in this area. So really think hard about the vote, the economic viability of mining. We're in a downturn right now, where is it going and the concern is the impact on Trempealeau County and future decisions that you guys need to make.

Paul Halverson, Arcadia – Registered to testify in opposition

My name is Paul Haverson and I live on American Heights Lane, also known as God's country. My wife and family were the first to build on the development some fifteen years ago. We left a great spot along the Black River to build our dream home in the Arcadia hills. In fact when the tax assessor came

to our home the first time to do his business, he said, I quote, “You have a million dollar view here.” At that time I thought to myself, “Oh boy here we go.” Now, with all of these sand mines popping up around us, this million dollar, panoramic view is being distorted and so is my property value. I’m afraid it will affect my kid’s inheritance. More importantly, however, I am more concerned with the safety of all the young drivers we have in this valley, including two of my own and a third not too far from having her 16th birthday. County Road T is not suitable for this type of project. The road is narrow with insufficient shoulders, the curves cause people to hug the center line, and there are several blind driveways including American Heights Lane. Halverson commented where there could be some trucks waiting – that shoulder on County Highway T across from American Heights is a huge drop off. It is human nature for people to become complacent when they get used to doing something for a long time. I’m afraid that these truckers will become complacent after hauling hundreds of loads. One irresponsible move past one of these driveways could cause a fatal crash. Until a thorough road safety study, by an unbiased party, has been conducted, this project should not even be considered. Furthermore, there are several high capacity wells surrounding us. Every since the irrigation well along Highway T has been constructed, a couple of my neighbors have had well issues. What is going to happen to all of our water pressure when all of these wells are running? And further down the road what is going to happen to the quality of water when there is a limited filtration system? The engineer said it has little effect on the aquifer above. What is little – that is perspective. Please vote against the proposed expansion of the Rossa sand mine as it not only affects the beauty of our land, our “million dollar” views, water tables, bike rides, but most importantly, my young children’s safety and many of their classmates, school bus companions, and best friends. Some people feel that precious gems are diamonds or pearls, some think it’s sand. Being in the kid business myself, my precious gems are the youth! Thank you for your time.

Mary Frisch, Arcadia – Register in opposition but not testify. Mary stated she did submit a letter because she didn’t think she would still be here, but since she is, she volunteered to read her own letter. I am writing to voice my opposition to and request your denial of the application for expansion of the Rossa sand mine. I am opposed to it for several reasons: 1. This mine has barely begun and has not proven itself to be a company that practices within the constraints of the ordinances established nor have they shown themselves to be good neighbors to the surrounding land owners. 2. This mine will be located so close to several landowners that their quality of life would be severely and dramatically impacted in a negative way. 3. The same concerns that every mine poses in regard to air, water, noise and light pollution would be compounded to an intolerable level should this expansion be granted. 4. Truck traffic that is already at the breaking point in Arcadia, would push it beyond safe levels. 5. The road along which the truck traffic would occur in greatly increased frequency is already unsafe. This expansion would make County Road T a highly dangerous road on which to travel. (Mary added a sixth one which she didn’t have in her letter) 6.) The economic conditions right now are dictating that there isn’t a need for sand so the economic conditions are not dictating that an expansion would be appropriate at this time. Frisch had a question for Mr. LaPrairie or one of his other folks that he has with him. Frisch was curious about the million dollars that they mentioned they have given back already to the community. Frisch would like to know how that million dollar figure would appear. Brandt stated he would ask them in the discussion. So, in conclusion, please consider and weigh carefully the rights of the many as opposed to the rights of one family. In the words of President Theodore Roosevelt “I do not intend that our natural resources shall be exploited by the few against the interests of the many.

Gerard O’Flaherty, Attorney - LaCrosse –Registered to testify in opposition. He had already spoken.

Rick Pientok, Arcadia- Registered to testify in opposition. I have come to you today to strongly urge you to vote NO on the CSI/Rossa mine expansion. My parents and I have some serious concerns regarding this expansion as they farm right next door. 1) Water Draw Down – There are now 3 high capacity wells in a square mile of our farm; Arcadia Sands, Weltzien’s Irrigation well which only draws water when his crops need it and CSI/Rossa mine is the 3rd and last well to be drilled, which they want to pump 900 gallons per minute to wash sand. This alarms us as they are predicted to draw down Turton Creek and area springs that feed these trout streams. What about our fields which are about 10 feet higher than the creeks. Who pays for our land when it dries up, not to mention area wells that may also dry up. We feel no one has the right to put neighbors in harms way. My parents have farmed this land for 62 years. They have worked very hard at clearing this land and making it profitable crop land. They are now semi-retired, Dad is 96 and Mom is 77. They were looking forward to a peaceful, quiet retirement on their beautiful farm and now those hopes and dreams have been shattered by this CSI/Rossa mine as they want to transport 225 loads per day past my parents house which is located on a 90 degree corner about 1600 feet from the mine entrance. The noise alone, from the mine itself, much less the truck traffic will be staggering. Not to mention the great safety concern as we farm both sides of County Road T, and we pull onto County Road T with large heavy equipment; tractors, tillage tools, planters and a combine. In addition, my mother is a thyroid cancer survivor and we feel strongly on how dangerous all the dust and sand particles in the air and the harmfulness to her health, oh and not to forget having the windows open and being able to appreciate a quiet summer evening. Water run off is also a great concern to us. All the water on the County Road T side of the mine drains out through only two culverts under the road, both which dump directly into our fields and run across them. We have not even had a heavy rain yet this year and the mine banks have slid into the County ditches already, which they dug out and reseeded the banks. What happens if we get a hard heavy rain and the runoff from the mine spews all over our fields. HOW and WHO will be cleaning the mess up? In closing, I urge the committee members to please vote no to this mine expansion. They have not even taken a good load of sand out of this mine yet, we have no idea how they will operate or what they are capable of doing. We need to proceed with caution.

Judy Grzadzielewski, Arcadia –Registered to testify in opposition. Grzadzielewski lives on Shepherd Lane. My husband, Pat and I built a house on Shepherd Lane approximately 15 ½ years ago. We chose this site because it was part of my family farm and I have lots of great memories growing up in American Valley. Now our lifestyle and the lifestyle of all the American Valley residents will be seriously impacted by the Rossa Sand Mine and the proposed expansion. I have some major concerns I would like to discuss. 1) The major increase in heavy truck traffic. We already talked about the number of trucks and the round trips and that County Road T is already a very busy road. My parents and my brother farm on our farm and it is also split by County Road T as my brother mentioned. The water quality and supply is Grzadzielewski’s second point. On March 18th at a meeting, Bill Vachon indicated that there would be a possibility of a 2-3 foot drawdown of Turton Creek during the dry months. Turton Creek is not that deep to start with and how will this impact that trout stream. Not to mention the impact on the cropland and family wells for many of us in American Valley. Property values; CSI has stated that they will stand behind the private wells and the property values but they have excluded myself and Pat and Dan and Judy Sobotta who live on Shepherd Lane. What guarantee do we have that this will be true? If CSI doesn’t stand behind these promises does this responsibility then fall to the Rossa family? Are there any signed documents to back up these promises from either party? My parents have worked for 62 years and should be able to enjoy their retirement in peace and quiet and not have to worry about constant noise, traffic, blasting, water issues, glaring night lights to name just a few. They have taken great pride in being good stewards of the land. I am asking you to please vote “no” to this expansion as it will impact our lives and the lives of future generations for many years to come in

more ways than we know about right now. Thank you for listening and taking our concerns into consideration.

Kathy Lockington, Arcadia – Registered to testify in opposition. I am opposed to the expansion of this mine because it is not fully running and it would be prudent on the County to make sure that it is running with a good track record before they would expand. I am here to give a very personal talk. I live next door to the Mississippi Sands mine. When we are in our home and yard, we are able to hear the growling sound of equipment and usually the backup dinging sound. Many of you know this well. How do you explain to guests that this is the sound that they/we will hear for the rest of our life when we live at this residence. Most people sympathize. Some people wonder why we don't move. We worry that we won't be able to sell for what we have into our home prior to the sand mine. There is absolutely no agreement from the sand mine to help us. I feel our home has been devalued and if and when we sell it, it will impact our retirement plans. Some very specific examples are; last Saturday night starting in later afternoon and into the evening we were working in our garden and Sunday morning she had to go to her garden and both times she heard the backup dinging and it was heard to the extent that I definitely noticed it. I do not leave my windows open as I can hear that. We were told when they started that the backup sound would be changed to a less intrusive sound. Yes, it has at times, but yes it is still there. Please do not allow any more sand mines to be grown/open until we have a clue what this total impact will be on our beautiful County. I would like to implore the Committee to also take a look at some other things. Please require an air monitor, 24 hours a day, to a PM 2.5. Yes, that is an imposition but it would be nice so that the people in the County know that you are being diligent regarding our lungs. Variances, yes they keep coming back for variances. Very quickly Mississippi Sands has been owned by various people, no there would not be a dry plant, yes there is a dry plant. Now at the beginning it was going to be this beautiful housing development in 15-20 years, maybe in 20 years yet. I will be close to 90 years old and I have lost a beautiful look down the valley. Valleys carry sound, so it is very important that you look at the whole impact way down the valley, not just next door or 2,500 feet. I would strongly recommend that the Committee always ask, "Will you be building your residence here, if you are the manager or the supervisor of this plant, right next door to your sand mine or will you live in Eau Claire or La Crosse and drive.

Pam Fernholz, Arcadia – Registered to testify in opposition. I am Pam Fernholz and I live on Lisowski Lane. I have concerns and questions. My concerns are the undesirable effect of the beauty of the land, the water and safety. It is my opinion that the sand mines change the appearance of the landscape forever. Once it is gone, it will never be the same. People have deeply invested into the community. We chose to live in the country and the Town of Arcadia because it is beautiful and peaceful. The hills will soon disappear. The uniqueness of the land will be lost forever. The hills that once saturated with water, that help replenish our aquifer and Turton Creek trout stream will be gone and will never be the same. There will not be a hilly countryside anymore. Water is also a concern. Mining operations need high capacity wells to wash sand. There are four high capacity wells in the area. Groundwater is connected to Turton Creek. This trout stream is fed from cold water springs. Turton Creek is a trout stream that has several varieties of trout in it. Trout are a very sensitive fish. Change in water level, ph or temperature is all it takes for them to die. With the drawdown, this will have an effect on the trout. In October 2012, we had to replace our well. We have a filter that has supplied my farm to filter out sediment. We have noticed that we now have sand in our water filter and our toilet tanks. This has never been an issue. I contacted the plumber about this issue. The plumber has asked, "Have they been blasting?". I request that Scott and I be notified, along with the rest of the neighbors when blasting occurs. We want a well guarantee and also a property guarantee. Safety is also a concern. As I stated I live on Lisowski Lane. My husband Scott and I travel on County Road T, everyday, to and from work.

There are no shoulders on County Road T. There will be hazardous, heavy truck traffic that leads to congestion and more with the expansion. Where will the staging of the trucks be? Will there be trucks parked on County Road T as they were during the construction of the site. This is a major safety issue. The PowerPoint presentation that was given on March 18th meeting at the Town of Arcadia showed that, at the maximum production, there will be a potential of 17 loads per hour based on a 13 hour day which would be a loaded trucks leaving the mine about every 3 ½ minutes. Staging is going to be a problem. Yes, we know it is a highway department issue but it is still a major safety concern that must be dealt with. I am asking the Committee to vote no on the expansion of the CSI/Rossa sand mine.

Najib Schlosstein, Arcadia – Registered to testify in opposition. Thank you for this opportunity. A lot of the things that I wanted to talk about today have already been said so I am not going to repeat those things as you are very aware of many of those. I do reside on American Heights with my wife and five children. We have some obvious concerns with the truck traffic, but again a personal story. We did drill our well deeper already. The sand coming in the house actually plugged the filters so bad that there was no water coming in anywhere. We have replaced appliances. The washer overflowed from the sand plugging it, so we replaced flooring, sheetrock and it has been quite an expense in the last year since we've moved there which was about five years ago. It is a beautiful area as described. The people that live there are fantastic neighbors. We chose it because of the people that live there and because of the view. It is spectacular. We have deep concerns about what will happen if the expansion is allowed. I don't want you to think I am just in opposition of sand. I am on a bank board, I voted to approve loans for people that wanted to expand. It was the right decision in those cases. I don't believe this one is. As a board member, I would vote no. I also taught for 15 years in a Montessori school in Winona. One of the things that really helped me there was having very simple rules. I saw people that often had this laundry list of items. Don't do this in the classroom. It usually failed. I went by three things and they are from the Montessori philosophy; respect yourself, respect others, respect the environment. I feel that we are missing two of those in this instance. Respecting others and the environment seem to be pushed to the wayside so I would challenge you to think deeply about those three "R"s. The other one is a story, I don't remember when I originally heard this, but it has always stuck with me. It is a young priest, fresh out of the seminary, and he wants to make his mark on the world. He travels, tries to change all sorts of people all around the world but is unsuccessful. He decides to focus and he chooses Africa, unsuccessful. He chooses a few tribes, unsuccessful. After many years of doing this he comes back to North America thinking they will understand this better. He comes back to his hometown, they'll understand this better. For the first time in his life, he realizes he can make an impact with those people that are friends and family – those people that change peoples lives. If he had started at home, he could have had an impact on the world. He did it in reverse. I would challenge you to think about the change you can make right here in your back yard. You can expand and impact many others but it starts here where you reside, with people you know that are your friends and family. Thank you for your time.

Mary Lee Hegenauer, Blair – Register in opposition but not testify. She noted on registration form that she had sent a letter to Jake's e-mail.

Thomas Forrer, Etrick – Register to testify in opposition. Forrer lives in Helstad Coulee, Trempealeau County. I need County Road T to get from my house to Arcadia. I sat through many mining hearings and have spoken at a few. I have seen grown men cry as they realized that they and their homes have fallen victim to a neighbor's greed. I have seen the look in the eyes of Land Use Committee members as they realize the possibility where they are getting a permit of their very own and benefitting from their position on this Committee, but I have not yet seen the dedication preceding speech. Today I would like to dedicate the next two minutes to my neighbor Graham Taysom. He is not

quite two years old and he rides past the Rossa Mine twice a day at least five times a week, five days a week with his Mom, Dad and yet to be born sibling. This one is for you Graham and for all your generation who will have to live with the decisions we make today. A few months ago this Committee decided, almost unanimously, to extend the time period for a number of mines, to show at least some kind of mining activity. There was no public announcement, no individual notices sent to neighbors of these mine sites, because Budish told him they were not hearings so the public didn't need to be informed. Score one for mining. At the last, night meeting of this Committee, set up to continue work on implementing the health report, a representative of this Rossa mine actually addressed this Committee face to face. It was a nice friendly, off the agenda, exchange – score two for mining. Dear Committee members your biased seems to be showing. Who on this Committee has actually toured the site of the Rossa mine since last summer? If you haven't please abstain from voting today. Who on this Committee does not live with seven miles of an operation permitted or proposed mining operation. If you do not live within seven miles please abstain from voting today. If you have not faced the threat of mining in your community you can only pretend to understand this issue. Who on this Committee has not read thoroughly, the recent health report that clearly states that mining permitting and expansion should be limited or not allowed until we know more about the health risks and the effects that mining has upon communities. This report affects all of us and is not what the simple minded want to dismiss as anti-jobs, anti-mining, anti-progress and anti-landowner rights. Who of you has not read this report with an open mind, you too should probably abstain from voting today. Those of you who have taken the time to visit the Rossa mine site have seen how dangerous the approach is from the mining site to County Road T. Heavy trucks have to pull out from a dead stop at the bottom of a hill and a blind spot onto a stretch of road which at times is heavy with workers travelling to or from Arcadia. There shouldn't even be a mine entrance here and yet the mine seems fixed to increase in size five times. This mine was already permitted and has done construction based on 147 permitted acres. It has yet to sell sand but now needs to increase in size by five times. This request is based on what? Why do they need to expand when they aren't even selling sand. Committee members please demand an honest and thorough answer before you vote. Prove yourself Rossa Mine and if you do your job right, come back with this request for more acreage. As a good parent you say to your child, when you clean up your plate then you may have some more. This mine is a dinosaur and instead of feeding it let it go extinct.

Scott Fernholz, Arcadia – Registered to testify in opposition. My wife Pam and I live on Lisowski Lane in the Town of Arcadia east of the CSI/Rossa mine. We are two of many people who drive County Road T passed the mine to work in Arcadia every day. My concern with expansion involves safety with large truck traffic on County Road T, water issues and loss of irreplaceable water saturated hills. If the permanent amendment is allowed, they are asking for 20 years and 225 trucks in a 14 hour day which in reality is 450 round trips, if you count coming in empty and leaving full. With the expansion they are asking for one load to leave the mine every three and a half minutes. This is a lot of large truck traffic on County Road T. County Road T has several dangerous intersections between the mine and State Road 95. One of the dangerous intersections is the entrance to American Heights, a housing development with many families. County Road T has limited or no shoulder. County Road T is used by many individuals for walking, running and biking. Where are these people to go? American Valley is an agricultural area with farm equipment farming County Road T which will also add to combined safety concerns. The Rossa mine has a high capacity well. A nearby farmer has a high capacity well for irrigation. Thompson Valley and Soppa Road mines also have high capacity wells. All these high capacity wells in close proximity to many private wells certainly have an effect on our water. So far, Wisconsin hasn't had a water shortage. Nine western states are in a water shortage situation that has lead to the rationing of water. Hopefully this never happens here in Trempealeau County with the sand mines excessive overuse of our water. The same water our family's rely on. The same water that will

negatively affect Turton Creek trout stream. More years on the permit equals more large truck traffic and more water use to wash sand. The DNR has run drawdown calculations that will affect Turton Creek and the neighboring private wells. The CSI/Rossa mine draw down models have neighboring wells and Turton Creek water levels will be affected. How will removing the hills for sand mining affect crop production. Any hill whether it is made up of black ground, clay or sand absorbs moisture and helps retain water. The soil holds moisture which nourishes whatever grows in it. The soil also retains moisture which seeps into our aquifers and streams. What will happen when this soil is gone, the soil that retained moisture to grow crops. When and if the land is reclaimed, it is planned and returned to agriculture for farming. What will grow in the reclaimed area with considerably less soil and moisture to sustain crops. I realize the CSI/Rossa mine already has a permit. What do we know about this company? Do they have mines in other areas? Do they have any violations there? They have hauled out very little sand. Several other mines in the area have violations fueling the stereo type that sand mines do not always follow the rules that are put in place to protect us and the environment. Because of the many issues, I ask you to vote no to the CSI/Rossa sand mine. In my opinion, we need to either limit acres permitted or limit the acres being mined to protect Trempealeau County, to protect ourselves.

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Carol Bawek, Arcadia – Registered to testify in opposition. Hello My name is Carol Bawek, Town of Arcadia Resident and neighbor to the mine. Public Road safety, adjoining property owners berming rights, Recorded Spring Agreements and value protection agreements concerns have been expressed and are part of the recommended Town of Arcadia conditions sent to be reviewed at this meeting. It is our hope our attachment letters to the Town of Arcadia recommended conditions along with all other Town of Arcadia recommendations will be read and appropriately applied. I am questioning whether it would be appropriate at this time for the board to read the attachment letters and the Towns recommendations in order to fully understand our concerns, specific to conditions # 17, 19 and 20.

(See below for [attached Town of Arcadia attachment letter](#)) Speaking personally to the expansion we could understand and possibly tolerate an 8 year mining permit next to our cattle producing operation because there was an end date. As stated by the mines representative, this expansion could possibly exceed 30 years. This expansion will now adversely affect two of my separate farms. **Adverse effects will only be multiplied by a mine expansion.** My secondary affected farm also has springs that are not covered by any water rights agreement. Adverse affects multiply thru the removal of a finite product that not only gives shape to a unique landscape but also reduces water holding capacity. This reduction is permanent. What gives someone the right to potentially adversely affect a life style that is generationally ingrained? What could possibly be so important that we as a society would condone the destruction of irreplaceable resources to advance a cause **that is replaceable**, by the preservation of those very same resources?

Henry Schultz, Arcadia – Registered to testify in opposition. My name is Henry Schultz. I work and reside on my family's farms south of Arcadia and I am here to speak in opposition to the proposed mine expansion in American Valley and encourage the Land Use Committee members to vote against it. As decision makers you are entrusted with a yes or no vote on each mining proposal as it comes before you, but really you are entrusted with much more than that. You are responsible for how the big picture will ultimately look. Each proposal whether for a new mine or an expansion is a decision about the big picture and what the ultimate footprint of the sand mining industry will be in the Trempealeau River Valley. If the sand mining industry is given what it asks for, each time that it asks, then this industry will never limit themselves, then virtually the entire Trempealeau River Valley becomes an industrial mining district. The mines themselves will be in close enough proximity because the activities related to each mines operation will extend outward far enough. Then no area of the river's drainage basin would

be free from the effects of a mine, the processing plant or rail loading facility. For some it will be the noise and commotion of hundreds of trucks passing their residence every day. For others it will be the noise and lights from a rail yard functioning 24/7. For many it will be the bitter experience of knowing that they live just far enough away from a mine that the company would not compensate them for lost property value but still close enough that no buyer would pay them fair value. Reasonable development necessitates some inconvenience but do we really need to sacrifice the entire river valley and its tributaries for the benefit of this industry. Suppose there is an alternative that would not compromise the whole breadth of our County. An alternative that would limit the damage being done to the beauty of our land, this recreational utility, our property values and our rural way of life we enjoy. If this sand mining industry is not confined to a specified section of the Trempealeau River Valley where it is already concentrated then open pit mines and rail spurs will dominate the whole river basin and that is the big picture. It is being drawn one proposal at a time and by saying “no” to today’s proposal, we can move toward the better alternative.

Daniel V. Sobotta, Arcadia – Registered to testify in opposition. My name is Daniel Sobotta. Everything has been pretty well said that he had written down here. I live on Shepherd Lane across from a sand mine. Sobotta requested that the aerial photo of his property be shown. My driveway is a blind spot or is a hidden driveway which is a likely spot for an accident. My driveway is not the only on County Road T. County Road T is not made for handling that kind of traffic. Other people like biking, running, and taking walks with their children which would be impossible and looking for an accident. The noise starts early in the morning and goes all day. It is not just the normal noise, it is a loud banging and an annoying noise. They also must have been dynamiting as one could hear blasting at all different times depending on the direction of the wind. I felt there was fine sand in the air. I believe it will affect our wells and the quality of our water. I also thought Wisconsin was an agricultural and tourism state and we also have tours coming to Memorial Park. Why don’t people want Trempealeau County to stay the way it always was. You would think people would want their children, grandchildren and great grandchildren to be able to enjoy the beauty of Trempealeau County like they did.

Craig Bawek, Arcadia – Registered in opposition but not testify.

Jan Bagniewski, Arcadia – Registered to testify in opposition. Bagniewski stated she was present but didn’t want to testify.

Ed Patzner, Arcadia – Registered to testify (checked all the selections) Patzner stated he has been a farmer his whole life. He has served on the Farm Service Agency Committee for nine years and he represents farmers. Patzner can’t see why these farmers would want to tear/sell this land. It took our grandfathers years and years to clear this land and they had to do it with axes when they first started and now we have power saws, etc. They worked hard to get this land and we have the land producing a lot of good crops and here comes a guy with a bulldozer and tears it all up. It is never going to be the same. You can’t tell Patzner that this land is going to come into production again like it was before. It took years to make this land the way it is and one can screw it up in a very short time. Patzner doesn’t care what you do, you would have to spend all kinds of money because if you stir up all this land and lost all the fertilization (lime, etc.) you will have to start all over putting all kinds of money in to get it back to growing something and it will take and years. You will never get it back the same way. Patzner doesn’t like the dynamiting. People are only protected 2,500 feet away and that is only a half mile. We have problems in town and that is a mile away. As soon as they dynamite they have filters there and they have to take them out and take 2-3 hours to clean them. When it quiets down there isn’t as much of a problem. Why should these people have all these expenses and problems because some one wants to sell sand. It makes no sense.

Dennis Hesch, Arcadia – Registered to testify in opposition. I live at N26509 Joe Rossa Lane. I am speaking in opposition of the CSI/Rossa sand mine expansion. One reason would be noise. We come off of farming, we've worked on construction, we've worked in production places, lived next to railroads, lived maybe on a main street and we all say noise is fine. We here this from our mayors, we hear this from our past board members. Noise is not fine. I am wearing hearing aids today because of noise. I was always on top of safety when I worked for the company's that I worked for. Noise is not good. It affects you in many ways. The other thing is the blasting. I can attest to this personally. When they blasted, at Beth's place, one knew what time they were going to blast (either 11 or 2) and they were close on their time but it still didn't help. When that noise went off it stood you straight up in your chair. It scared the hell out of you. If anyone on this Committee thinks that's a pleasure you can come over and see what it is like. It is not good. The other thing is the dust, silica dust. Hesch didn't know why there couldn't be a test for that in this expansion to eliminate silica dust. MSHA does this. They have employees who are trained to come out and do this. The last company that Hesch worked for, they did that every day of the year for even asbestos dust and they protected their employees and cared about their community. One thing that upset Hesch was, a month ago when we had our board meeting, it was about expansion of the Joe Rossa mine. It was a 2 hour and 40 minute meeting just on this discussion. It was unanimous that the people were against this, yet we had two board members that sat in front of us and discussed for the better part of a half hour whether they should vote for the expansion or not vote for the it. They voted for it against the will of the people. That is their job to represent the public not just a few. That upsets Hesch. A lot was said today so some of this Hesch won't cover. We live just 2100 feet from the present mine and it has already disrupted our life greatly. They are going to move this wash plant closer? This could make it worse. Right now we are only about 600 feet from the mine but if they're going to expand this, it could only be 340 feet from the house. No one would ever build where we are because of the disruption. Hesch thinks that before this Committee passes an expansion, they need to see if CSI is going to be good neighbors or not. In Hesch's opinion, he didn't think they have been in the past. We need to see how they're going to operate. They haven't even started yet. They haven't even been trucking yet. We need to find out how this goes. Thank you for your time.

Beth Killian, Arcadia – Register to testify in opposition. My home is located at N26509 Joe Rossa Lane in Arcadia. Thank you for allowing me to speak to you today. I'd like to begin with a quote by Aldo Leopold, "We abuse land because we regard it as a commodity belonging to us. When we see land as a commodity to which we belong, we may begin to use it with love and respect". If the expansion is permitted my home will be 344 feet from the edge of the mine on one side and across Joe Rossa Lane on the other side, so I have many concerns. Today I would like to focus on water. In studying the plan I will be referencing four specific sections that I have provided for you and this is from the original application that was given to the Town of Arcadia. It sounds like there have been some revisions so my information may be wrong. Point 1: There will be a drawdown of Turton Creek levels. The Creek will decrease by the studied modeling of over 10% in 10 years. This was only a guess based on the exaggerated drawdown of 900 gallons per minute for 24 hours for 230 days. This permit is for 20 years. Who has the right to destroy the American Valley Turton Creek trout stream? Bill Vachon stated at two different meetings at the Town of Arcadia that the DNR is concerned for Turton Creek, but no personal wells. We have two high capacity wells in the valley close to each other. The revision/revelation is based on additional feeder creeks. Therefore, I feel that the Bawek's and Killian's springs that feed into Turton Creek will be affected. There is an existing agreement for the springs for the original permit which was completed before the permit was issued. To date nothing has been done with the expanded permit. My well is at 50 feet with the pump set at 35 feet. I feel that the drawdown will affect my water. Who replaces the well if this happens? Point 2: The surface water drainage will run into ditches

on Joe Rossa Lane. There are times currently in the spring and after heavy rains where water runs from the Rossa fields through the culvert onto my land to reach the small creek. There is ground cover now. Will this create more erosion or pollution? Only phases 1A, 1B and 2 are included in the plan, where are the other phases? Point 3: Additional activities and development will occur, but aren't included in this plan. Where, when, who will monitor these? In closing I would like to read a quote from Gandhi, "We must be the change we seek in the world." Please deny this expansion so we can preserve the past and protect the future.

Mark Backer, Arcadia – Registered to testify in opposition. I live on Park View Lane in the Town of Arcadia. Thanks to the Committee members for listening to our comments. I have three points to make today. #1: At this hearing you are considering an expansion of only one sand mine even though it is a huge one. If you consider the sand mines, one at a time, the letter of the law may allow this one sand mine. Our intent and responsibility of this Committee is to safe guard the safety and health of all its' residents, safe guard us from the cumulative affects of so many sand mines. #2: For years I did residential real estate appraisals in this area of Wisconsin. One of the first questions asked was, "Is this in a residential area, an agricultural, urban or industrial area. As an appraiser I had to choose one of these categories. Of course urban was the preference for the lenders as ag and urban had about the same values, however assigning the property the industrial label caused the property to drop in value. The lender wants an agricultural or urban setting to protect their loan and safe guard their interest as an investment. All of these properties around the sand mine will be considered in or near an industrial area lowering property values significantly. #3: Environmental and land use issues certainly improve the responsibility to be good citizens and good stewards to safe guard our water, our springs, trout streams, air, natural resources and even Native American artifacts. All the things that we hold dear. I am here speaking to you today, obviously I am an older property owner. My immediate concerns are property values, the aesthetics, traffic, well, safety, lights, noise, blasting. On the other hand there are even more serious and long term issues for the kids to consider. The kids who will be most effective when negative health affects become clear. The kids also need you as an advocate. We need to have you vote no today.

Linda Backer, Arcadia - Registered in Opposition – I would ask you please to vote against the proposed Rossa Mine expansion in the Town of Arcadia. The expansion would encroach on neighboring areas and disturb many adjoining and nearby property owners. The noise, dust, blasting, truck traffic, danger to wells, springs and trout stream areas are all legitimate concerns for neighboring property owners. As residents of this area we are very concerned. The businesses who come into town to start sand mines, but don't live here, have a very different perspective because they don't live here and have no intention of living here. Canadian Silica has a permit which it has hardly exercised. Very little sand has been extracted from the present site. Why increase the sand mine area? The Town of Arcadia has been besieged with sand mine company's. We've allowed this industry to expand too far too quickly. As a resident of the Town of Arcadia I am very concerned about the scope of nonmetallic mine permits granted in the last few years. Mines crop up in many back yards with very little regard for the neighboring residents. Take some time to study the impact on people and the environment. Industrial zoning has caused problems for many country residents. This county has permitted so many sand mines. They've permitted the most sand mines all over the Town of Arcadia. People are moving, selling or holding off building because zoned agricultural areas are being permitted as industrial. Currently cities can't plan for expansion and people don't know where to build or where to live. All over the County residents are being affected by property values, busy highways, distressed town roads, dust, air quality, lights, noise, blasting, water, health, traffic and safety, the list goes on and on. The aesthetics of open pit mining are distressing to neighbors who have to look at the brown, scarred areas

rather than the beautiful rolling green hills. Who wants to look out the window or off their deck and gaze at a sand mine compared to what we have for beautiful landscape now? This isn't a short term problem. Please stop this unhealthy expansion. Consider the impact for us, for our children and for our grandchildren. Thank you very much for considering this very important issue. Please vote no.

Alvera Klonecki, Arcadia—Registered in opposition but not testify. Klonecki stated she didn't want to testify but she had sent a letter in.

Richard Klonecki, Arcadia—Registered in opposition but not testify.

Jeff Halvorsen, Arcadia – Registered to testify in opposition. I would like to thank the Environment and Land Use Committee for having this hearing today. My name is Jeff Halvorsen. My family and I reside at W23381 American Heights Lane in the Town of Arcadia. We are the southern most home on American Heights Lane. American Heights is a cluster of approximately ten homes that lies just north of the proposed Rossa sand mine. The American Heights development was built in the late 1990's and the first new home was built in the year 2000. The last home built on American Heights was in about 2013. The people in the American Heights development built their houses in a country setting for the beauty of the panoramic view, the wideness of the country and for the safety of our family's. These three factors are in jeopardy if the Rossa sand mine is allowed to expand. #1 - The panoramic view will be lost. It will be a large open pit of sand. #2- The quietness will be replaced with the noise of construction equipment and heavy machinery operating. #3 - The safety of our water – are we sure there will be no problem with our water supply. Another safety issue will be a large amount of traffic that is proposed. 450 trucks are proposed on County Road T from Highway 95 to the Rossa mine. This road goes right past the American Heights intersection. Traffic will be a mess. All of the above will affect the property values of our homes. We built out there and live out here never thinking that there will be an industrial park in our back yard. The family's have invested hundreds of thousands of dollars in their homes. This expansion will devastate our values. No one will want to purchase our homes if we so desire to sell them. My brother and I own Halvorsen Lumber Company in the City of Arcadia. What effect will this have on our business. People will not want to move to the Arcadia area. Who will want to build homes knowing that at some time a sand mine might come into their backyard. Trempealeau County is being known as a large sand box within the State of Wisconsin. Please take a look at the big picture of sand mines. Please vote no for the expansion. The Rossa mine is already permitted for a sand mine, let's just see how that one works out.

Sara Halvorsen, Arcadia – Registered to testify in opposition. Thank you to the Committee for hearing us. This is a very important issue to us and my family. I live at the end of American Heights Lane. We live on one of the uppermost peaks and the sand mine would be on the opposite road. On the map it may look far away but truly it is going to be their whole back yard view. We are the second one from the right (referencing the overhead aerial map) there so we are on this beautiful knoll overlooking a very scenic American Valley and that will be destroyed. I was raised in the Town of Arcadia and as a resident of Trempealeau County, I am very concerned about the sand mine expansion. As my husband mentioned, about 13 years ago, we had invested dearly our time and money to improve our property value and add beauty to our land. We have covenants up in our area that we have to sign to maintain our beauty and now, really, what good was that for the last 13 years overlooking us. The proposal would be visually damaging to us and the sand mine buildings simply do not fit in the landscape. In the topography of the land there is no amount of trees or berm that can make this mine not visible to us and our neighbors. While we all say we're concerned about the health and safety, there has been no studies done to show the cumulative affects and the impact of the particulate matter, especially the PM 2.5 as crystalline silica is not even measured when we do measure that, contaminated wells or the environmental impact of the over saturation of sand mines in our area. Expansion of this mine will not

provide economic or social benefit to our community but only to one family who are possibly destroying or displacing 22-30 other families. Approving this mine will negatively impact our financial situation and the ability to sell our home or even our local business should we decide to move. Would you want to live in Trempealeau County with a sand mine in your back yard. My children will have no interest in living in this area or taking over our 40 year family business with a cluster of sand mines in our area and one across the road. These past few months have been very stressful to myself and my family. I want to see our Trempealeau County and our townships keep our rural community healthy and strong and our natural resources are very precious and I don't want to see them overlooked and misused by having 25 percent of the State's sand mines in our County. I think it is already oversaturation. I ask that you vote against this proposal if needed closely monitor and guide the sand mines to protect us from the dust and light pollution that comes into my bedroom window at night, the water and well concerns that we all have that are neighbor's experienced. The noise, the traffic safety from our blind corners and any other pollution. Thank you for your time and consideration.

Linda Mossman, Whitehall – Registered to testify in opposition. Mossman asked Budish to display on the overhead Page 63, Item #SC4 from the Health Impact Study. Mossman stated once again you have heard from a large number of residents and neighbors against the expansion of the Rossa mine. They are sincere, personal stories and concerns. Many of these residents have taken today off from work. They have used their personal wealth to seek legal representation. Mossman thought those things all needed to be taken into consideration. But unlike previous conditional use permit public hearings that Mossman has attended, over the last years, not one of them has asked you to limit the ability of the Rossa's or Canadian Silica from mining on their original permit. They are not asking you not to do that, they're not asking you to make changes to it, they are simply requesting that you take into consideration their concerns and their property rights. As was pointed out by their attorney, in the Town of Arcadia Comprehensive Plan there is a statement to limit additional nonmetallic mines and the expansion of existing mines within the Town of Arcadia. That map, behind Mike Nelson and George Brandt, is very telling. I don't know what that radius is in miles, but to have four mines (six or seven?) clustered in that short amount of distance, directly relates to the Health Impact Study under Stable Communities – Key findings number four – modify the ordinances to limit the number, expansion and location of mines. This would allow for the protection of the natural beauty, drinking water and environment that is identified in the current comprehensive plan. I know, as a Committee, you have been taking up the Health Impact Study. I know you have been, basically at this point in time, with your allowable time, looking into water. You would eventually get to the Stable Communities key findings, but I think this brings up a very important, relative issue. Please vote no.

Travis Mossman, Whitehall – Registered to testify in opposition. Linda Mossman said she gave his letter to Jake Budish to read into the record.

Brandt asked if there was anyone else who wished to speak to the issue. Brandt stated there were a number of people who were registered and chose not to speak. Brandt gave them an opportunity to speak at this time.

Donna Brogan, Arcadia – Registered to testify in opposition. Brogan stated she is a Town of Arcadia resident. Brogan said she wanted to support what most of her neighbors have said today. A couple of years ago she sat in on one of the sessions of the Town of Arcadia planning committee. They identified an area surrounding the City of Arcadia which should be developed for residential housing. The Rossa mine sits not far outside that. Brogan thought it was very important that we try to stick to our plan and try to encourage the residential development surrounding the city and this would contradict that plan, so

Brogan thought it was a bad idea, in particular, this one, in full view of the people on American Heights Road. American Heights is a cluster of perhaps the most valuable property that we have in Arcadia and we would like to see more of that kind of development and this would not help. Brogan said she didn't think it would be helpful. Brogan is aware of the impact of this mine on many of the other neighbors. Brogan has had coffee with the Klonecki's in their back yard and I can't believe that the original mine was allowed to encroach so close to their house. If you haven't visited them, I suggest that you do that. The effect that it will have on the Killians, Brogan hasn't heard any good reasons to expand this mine. I've heard one reason only, which is that Mr. LaPrairie needs to raise capital for his rail loadout, and I don't see why that is our problem. This is a bad deal for the neighbors and possibly just a good deal for Mr. LaPrairie so I urge you to vote no. Thank you.

At this time Brandt stated that Jake Budish has a folder of letters to read. The Committee agreed to continue as opposed to taking a break as that would coincide with the needs of the TCCTV studio to service their equipment.

Travis Mossman letter – On behalf of the Trempealeau Trails Bicycle Association. We have included a 2014 tourism fact sheet into my presentation today. The statistics come from the Wisconsin Department of Tourism website and your Committee is the first to hear of our success of 2014. Visitor spending in the County was \$24.2 million in 2014, an increase of 8.6 % over one year ago. The bicyclists coming to our County to ride the 18 loop system are definitely a contributor to that revenue. Mike and Curt are both aware of the work we are doing for bicycle safety and route signage on the loops on our state, county and township roads. In 2014, the Trempealeau Trails Association, a volunteer organization, received a \$60,000 grant to put signage for the cyclists on each of the loops. Working with the County Highway Department the costs of signage has increased astronomically due to the need for a consultant, labor, bonding, and the signs themselves. The estimated \$30,000 project has grown into a quarter of a million dollar project. The Trempealeau Trails network has been in place since 1999 and now exists on many 3rd party websites and in publications. This means we cannot easily change or alter the designated routes. If we were to have to alter a route or routes in some cases for every newly permitted mine or expansion of a mine in Trempealeau County we would get nothing else done. This mine expansion affects 2.5 miles of Loop #5 from Arcadia to Ettrick with an estimated 450 trucks/day plus employee traffic, vendors, etc. We suggest that the permitting of this expansion be denied until there is a road agreement from the mining company to widen County Highway T, at their expense, to include bicycle paths and put up safety signs for the distance that mine traffic shares the bike trails to ensure the safe co-existence of mining practices and bicyclists.

John Lisowski letter, Arcadia – Trempealeau County is losing farm land at an alarming rate. Some people think because the sand mines are only taking sand that it is not affecting the ground that crops grow in. That is wrong. Sustainable crops are grown on sand soils. Some people think that sand mines are only taking non-farmable areas for sand. That is wrong. Level land including land with any slope is used in one way or another for sand mining. With proper farming practices, like strip cropping, hills and all types of soils are farmed with great success. If the mine area is actually reclaimed, will anything grow? When the top soil is removed, piled off to the side and then replaced how long will it take for soil to be fertile again? The Rossa property has been farmed for generations. It is doubtful if any future generations will be able to have sustainable farming. The fertility of the soil will be lost. The many layers of ground that holds moisture to nourish the crops will never be returned. We stood by silently when forty acres were permitted. We stood by like good neighbors when 147 acres were permitted. I will not be silent and let 690 acres be permitted. Farmers are supposed to be good stewards of the land.

Removing soil and sending it out of state is not being a good steward of the land. Put a stop to destroying crop land forever and say no to the CSI Rossa mine expansion.

Martha Lisowski letter, Arcadia – My concerns are the landscape and water pollution. In my opinion we are destroying the beauty of the land of the rolling hills in Trempealeau County. Allowing this to happen is disgusting and heart wrenching. The expansion will take even more hills. Water pollution- Heavy rains will wash silt, sand and even gravel into Turton Creek. The Preferred Sand Mine caused a mudslide after a heavy storm. Please vote No for the expansion.

Pat Lisowski letter, Arcadia – Safety is my biggest concern. I live several miles east of the Rossa CSI sand mine. I have three children and one that is of driving age. My son is 16 and sometimes takes his brother and sister to and from school and other activities. I am concerned for all of their safety. There will be extra truck traffic. There are also blind intersections and no shoulders on the side of the road. County T is also a narrow road. Please vote No for the expansion.

Pat Slaby letter, Arcadia - Sorry I was unable to attend. Below are some of my concerns regarding the Rossa mine expansion. These are my opinions. It has been said that the Township's recommendation carries a lot of weight in your decision. Please understand that this recommendation is not the wishes of the majority of the residents of the Town of Arcadia rather the wishes of the previous board who refused to listen to their constituents. The result of the April 7th election tells you how the residents feel. Please take this into consideration. There is an old saying "actions speak louder than words". I think its time for the Rossa's and CSI to actually earn the respect and trust of this community. They have a permit for 147 acres and have made many claims such as "we want to be good neighbors" and "we will be good for the community". Let them operate their 147 acre mine and prove to the community they belong as well as deserve to expand. Why should we reward them before then? On a positive note, the Rossa's own a significant amount of land. The location of the permitted 147 acres at least allows a buffer zone for most surrounding neighbors. However, if you approve this expansion these neighbors will have this mine on their doorsteps. Finally, the Rossa's and CSI have their permit for a mine and mining from the county. Now I think it's time for the county to be concerned about the residents and their rights for a good quality of life. Please consider these people and vote NO for the expansion.

Mary L. Slaby letter, Arcadia - In my opinion, it has become apparent that landowners and sand mine companies have come up with a recipe to get their mines permitted by starting with low acres because they know it will increase their odds of being approved. Then by so called, "getting their foot in the door" they know they are virtually guaranteed an expansion of acres, increase of trucking, extensions, etc. The Rossa's/CSI are no exception. This mine was permitted for 40 acres, and then expanded to 147 acres, now being proposed to expand to 690 acres. All this without mining any sand? Why would these two parties deserve another approval? What are their future plans? By voting NO to this expansion you help stop the disturbing trend of these parties misleading the public while hiding their true intentions of their proposed mines. People build their homes in the country to get out of the city for peace and quiet, fresh air, clean water and the beautiful scenery. What quality of life will anyone have who lives in the surrounding area with a sand mine in their sight, over the hill or down the road. Their lives have already been negatively impacted with the loss of their beautiful country views and have gained the constant worry about air quality, water quality, traffic safety, water/well issues, pollution and the diminishing values of their property. By voting NO for this expansion the mine will not be moving closer than already permitted acres leaving a comfort zone to most residences.

At approximately 1:00 PM, the Committee took a half hour recess. Chairman Brandt called the meeting back to order at approximately 1:35PM and reconvened the public hearing. Jake Budish continued reading correspondence he had received from the public.

Luan Woychik letter, Arcadia – In regards to the expansion of the Rossa Mine, I ask you to strongly consider the result of the Town of Arcadia election held on April 7th, 2015. Seven hundred and thirty people made the effort to vote. Sixty five percent voted to elect a new board that will study all of the issues, listen to the concerns of all the people and also, study the long terms results of mining sand on more acres of our township. My concern is the loss of productive crop land, the high capacity wells that will be drilled and the polluted ponds that will be left – forever?? Who will own the water rights? Arcadia township already has enough mines to monitor, study and provide some answers.

Karen Geske letter, Arcadia – Do not allow the expansion of the Canadian Silica sand mine in the Town of Arcadia. The expansion will encroach onto neighbor's homes and land, which will disturb their current lifestyles. It will decrease their property values, induce unwanted stress and increase noise and diesel emissions. Canadian Silica has a Conditional Use Permit for 8 years, 113 acres to mine, along with 180 trucks permitted per day. The board should review this permit after 7 years, to determine if this foreign company is appropriate for the area to expand. It was clearly stated at the Town of Arcadia meeting on 3/18/15, owner, Carl LaPrairie is looking to expand CSS sand reserves to "use as collateral" for loans. According to Bill Vachon, a FOTH engineer, there have been less than 20 truckloads of sand removed from this site since 8/13/13. Expansion should be denied due to lack of activity in the past 2 years. The health and well being of the Town of Arcadia residents should be this board's first concern, not expansion due to corporate fiscal concerns. To summarize, we live in the Town of Arcadia by choice. Our homes afford us with incredible views of wooded hill and ridges, fertile fields and pastures. We have abundant springs and pure water, clean breathable air and a night sky that can be spectacular. We are surrounded by productive farms and rural homesteads. Our township treasures these things and fears their loss. Let us live here in peace.

Joyce Woychik letter, Arcadia - I am requesting that my statement in opposition to the Rossa sand mine expansion be read at the May 13th hearing. I have been a resident of Trempealeau County all my life and have seen many changes occur in our area, but none as troubling as the sand mine "explosion". There have been an abundance of permits granted without evidence of how this industry will impact our lives. We have heard promises of reclamation and how beautiful the land will eventually look. I have not seen the evidence to support these promises. We are at the current situation of a request to expand the Rossa sand mine. I am unsure why the expansion request should be granted when we have not seen the impact of their current mine in relationship to truck traffic, noise control and water quality. If and when the current mine becomes operational, the proposed truck traffic will have a serious impact on the already stressed junction of State Rd 93/95. For someone who experiences that intersection 3-4 times a day, it would seem beneficial to find a solution to that intersection's issues before adding more congestion. I am opposing the Rossa sand mine expansion – an expansion of a mine has no history to base it's accountability on.

Linda Backer letter, Arcadia - Please vote against the proposed Rossa mine expansion in the Town of Arcadia. The expansion would encroach on neighboring areas and disturb many adjoining and nearby property owners. The noise, dust, blasting, truck traffic, danger to wells, springs, and trout streams are all legitimate concerns of neighboring property owners. The aesthetics of open pit mining are distressing to neighbors who have to look at the brown scarred areas rather than the beautiful rolling green hills. Canadian Silica has a permit which it has hardly exercised. Very little sand has been

extracted from the present site. Why increase the area and add more trucks per day to the conditional uses? The Town of Arcadia has been besieged with sand mine companies. We have allowed this industry to expand too far too quickly. Stop the headlong rush. Take some time to study the impact on people and the environment. As a resident of the Town of Arcadia, I am very concerned about the scope of nonmetallic mine permits granted in the last few years. Where are Town of Arcadia residents going to live? Nowhere is safe. Mines crop up in many backyards with very little regard for the neighboring residents. Please stop this unhealthy expansion --- for us and for our children and grandchildren. Thank you for considering this very important issue. Please vote no.

Attorney Harry R. Griswold letter, West Salem – I own land adjacent to Dennis and Darlene Rossa’s farm in the southeastern part of the Town of Arcadia. Please include this letter as part of the record of public comment. Dennis Rossa’s family has paid taxes on this property for probably 100 years. Dennis is now probably the fourth or fifth generation to care for this property and practice good husbandry and conservation to preserve this family farm. I know Dennis and Darlene Rossa and I know their children. They all love their land and love farming, hunting and other outdoor activities on their property. I know that Dennis and Darlene Rossa and their family would be the last people who would not be good caretakers of their beautiful farm. I am very knowledgeable about the frac sand business. I am aware of the strict environmental regulations and guidelines that must be adhered to by land owners and mine operators and others involved in the mining and hauling of this sand. I have observed practices at several operating sand mines in Western Wisconsin and I take note of how meticulous everything must be engineered and sloped and covered to avoid any pollution at all. Sand mining is a great opportunity to bring high paying, family supporting jobs to Trempealeau County. The economic ramifications of this type of positive development will benefit everyone in Trempealeau County. The tax base for villages, cities, school districts, and the county will be dramatically increased because of this very positive and very sustainable development. I am aware of the matter in which these sites are reclaimed after mining activity has ended. I am confident that this mining development is very much environmentally sustainable. The reclaimed sites will be the same or more environmentally viable when completed, than prior to such mining activity. If you look around the world, the greatest environmental improvements are done in societies that can afford such improvements. By enhancing the wealth and income of everyone in Trempealeau County, I expect that these mining activities and processing activities and transportation activities will actually improve the environment of Trempealeau County. If you have any questions for me please write or call. I am very much IN FAVOR of the Dennis and Darlene Rossa/Canadian Silica Industries, Inc. proposal. I have also discussed this with my co-owners of our property which is about 625 acres adjacent and contiguous with the Rossa farm. My co-owners on this property are Robert and Colleen Mulder and Steven Tabor. Mr. and Mrs. Mulder can be reached at the following phone numbers (Telephone numbers were on the letter). They all agree with my statement above.

Noah Slaby letter, Arcadia – I urge you to vote no to the Canadian Silica sand mine expansion in the Town of Arcadia. Increasing the size of the mine to 690 acres will have a huge, detrimental affect on all adjacent landowners and other neighbors close to the mine. It will also cause additional trucking and traffic issues, and as well as add to the existing noise, light and air pollution. It would also greatly increase the potential of water pollution. We have already witnessed first-hand the boom and bust scenario that is the mining industry. I work in the Winona harbor and very closely with the Harbor Master. He reported that 180 frac sand barges were loaded in the harbor during the 2014 shipping season. Not one sand barge has yet to be loaded in 2015, and the consensus is less than 5 will be loaded this entire shipping season. Trempealeau County will be much better off by keeping this valuable land in a more sustainable form-agricultural production. As you know, this is yet another mine in the Town

of Arcadia. Every time the city or Town of Arcadia residents have had the opportunity to vote, the results were decisive. The entire Arcadia Town Board was replaced, County Board member Tom Bice was replaced, and two environmentally-friendly candidates were elected to Arcadia's city council. Please vote for the majority of the people and vote no to this mine expansion.

Richard and Alvera Kloneck letter, Arcadia - We are Richard and Alvera Klonecki and our land is next to the acreage to be included in the 690 acres of the Rossa purposed sand mine. The Rossa industrial sand operation has never been surveyed. We have checked with an abstract company and the sand mine officials are using neighboring land surveys as their boundaries, as Leonard Pientok land, the Klonecki land, Beth Killian land, Jeff Bawek land are all being used as boundaries for the sand mine. We think the Rossa Sand Mine update should be stopped until the sand mine is properly surveyed. The Trempealeau County Department of Land Management letter we received dated April 28, 2015 has the land description that is inaccurate. We ask that you vote NO at the meeting on May 13th on the Rossa Sand Mine.

Mitch Thomas letter, Arcadia - I urge you to deny the application for expansion of the Rossa mine. The detrimental effects to the surrounding landowners and to the County residents as a whole far outweigh the need for any expansion of a sand mine at this time. Other area sand mines are currently laying people off or the employees are taking wage cuts in lieu of layoffs. There is no benefit to the majority of citizens of Trempealeau County by allowing the expansion, only to the sand mine corporation for borrowing purposes. The Wisconsin DNR is doing a comprehensive analysis of sand mining in 2016 in which they are going to be looking at everything from environmental topics – air, water, land- along with socioeconomic topics like property values, public parks, human health and safety, along with the regulation aspects. I would encourage you to at least see the results of that study before you allow any more of Trempealeau County's beautiful rural area, lifestyle, and resources being taken away.

Becky Thomas letter, Arcadia – Please deny the application for expansion of the Rossa mine. We do not know many of the health effects of sand mining yet, but we do know it has a negative impact on property values. Studies have shown a definite statistical correlation between distance from a mine operation and the property's sale price. The loss in property value reflects the deterioration in the area's quality of life due solely to the operation of the mine. There's also studies that show decline in property values along the truck routes used for the mines. Real estate agents contacted said unequivocally that property values goes down in close proximity to a mine or haul route. In one article quoting a realtor, he said that even foreclosures will have trouble selling because of the frac sand locations. Equally important to Trempealeau County citizens who choose to build in the country is the enjoyment factor of their homes. They live out there for a reason. This expansion would severely impact their rural homes in a negative way. You should also consider the other citizens of Trempealeau County who do not live in close proximity to this mine, as well as all of the other visitors to this area. People who live here love this rural lifestyle. Visitors drive for miles just to enjoy the scenery. This is a favorite spot for bicyclists and runners, not to mention all of the hunters who come to this area every year. This expansion would have a negative impact on all of them.

Michele R. Butler letter, Arcadia - I am a concerned resident of Trempealeau County and cannot attend the Rossa Sand Mine Expansion Public Hearing that is taking place this Wednesday, May 13th. Please provide the statement below to the Board members: My name is Michele Butler, and I live at W23391 American Heights Lane in Arcadia, WI. My husband, Glenn and I built our house at this location four years ago. We purchased the land and built our home here for a couple of very specific

reasons: the beauty of the landscape and the quality of the outdoor activities that the area provides. When we heard that the Rossa Sand Mine was looking to expand, we became very concerned about the impact that an expansion would have on our home and our quality of life in the American Heights area. If the expansion were to occur, the views that we currently enjoy will be destroyed. Not only will this reduce our enjoyment of our home but there is a great likelihood that our property value will be diminished as well. If the expansion were to occur, the amount of truck traffic passing down County T is going to get quite heavy (similar to other high-production sand mines). My husband and I both enjoy bicycling, running and talking long walks. We run and walk year round, several times each week, right down County T. We bicycle during the warmer months and also use County T as part of our pathway to other country roads in the Arcadia area. Heavy truck traffic as well as the emissions and noise that these vehicles produce certainly will make these activities less enjoyable but more importantly, it will be unsafe to travel the roadways on foot or on bicycle. I ask that you please consider the other people who must live as neighbors to the Rossa Sand Mine before allowing further expansion. Please help preserve our wonderful neighborhood and the quality of life that we enjoy so much.

Peg and Brian Baumgartner letter, Arcadia –I am asking that you please consider what sand mining has done to our beautiful county. Once that lovely hill or nice grove of trees has been bulldozed over for a mine, they are gone for a lifetime. We all want to live in an area that is free from health concerns - isn't that why we live in a rural area? I really don't care to live in a county that looks like it is from a Mad Max movie. Please vote NO on this expansion. Voting NO will keep our county's beauty. Voting NO will keep good citizens in our county instead of fleeing this area. Voting NO will keep our citizens healthy. Voting NO will keep our property values in check. Many of us (tax paying citizens) would love to stay right here but fear we will be moving to another county because of this expansion. Please consider these points when voting. Thank you.

Glen Butler letter, Arcadia - I am a concerned resident of Trempealeau County and cannot attend the Rossa Sand Mine Expansion Public Hearing that is taking place this Wednesday, May 13th. Please provide the statement below to the Board members: My name is Glenn Butler, and I live at W23391 American Heights Lane in Arcadia, WI. We built our home four years ago. I am very concerned that the Rossa Sand Mine expansion will seriously reduce our homes value, quality of life, and safety. The reputation mines have for causing water issues is well documented across the United States. Regardless of the safe claims, the fact that they are removing the sand which has been in place filtering our water for thousands of years will reduce the quality of water. To include the washing and pooling of water only increases the risk for leaks and contamination. The priority of the mine is not going to be to maintain a safe environment. The Rossa sand mine will be destroying the beautiful hills we all share that cannot be replaced. For these reasons, along with the added traffic, I feel the mine's expansion will reduce our homes value, quality of life, and safety. I ask that you please consider the other people who must live as neighbors to the Rossa Sand Mine before allowing further expansion. Please help preserve our wonderful neighborhood and the quality of life that we enjoy so much.

Kim Przybylla letter, Arcadia - As a township of Arcadia resident, I, Kim Przybylla, am not in favor of the expansion of the proposed Rossa mine. To my knowledge, there is very little mining being done at the original site, therefore, I do not feel that there is a legitimate need for expansion at this time. I would ask that the permit be denied until there really is a need, should that ever happen.

Darrell Przybylla letter, Arcadia - My name is Darrell Przybylla and I am a township of Arcadia resident and I strongly oppose consideration of the Rossa mine expansion. This mine should not be expanded as there is not a current need. The overall sand economy is poor and instead of a thriving

industry, mining companies are folding up, laying off and shutting down across the state and country. The currently permitted mine is in very low production mode, if any. I would really like to see some mines reclaimed prior to opening up more land.

Mark McKay letter, Arcadia - As a home owner on American Heights, I am extremely opposed for the proposed DSI/Rossa mine expansion. There are many reasons that I believe this is a bad idea, but as a master plumber having worked in the area for over 20 years, let's talk about water. Basic concepts in plumbing are that water seeks its own level using the path of least resistance. There are already five high capacity mines within 5 miles of my house. Even though these high capacity wells may pull from a different aquifer, water naturally travels downward, and when the water levels in the "high capacity" aquifer decrease, it is natural for water above it to also travel downward. Mining operations include blasting. Have the effects of underground fissures created by blasting been reviewed? New underground rocks will also reroute water from my aquifer and water supply. What considerations will be given for the disruption of my water supply? Basically, the original 3rd party analysis showed some concerns when the mine was 40 acres; this proposal is for 690 acres and the effects on water supply have not been re-evaluated by a neutral 3rd party. To put this water usage in perspective, Wisconsin Plumbing code dictates the average 3 bedroom house uses 650 gallons per day. Just one of these five high capacity wells can use over 650 gallons per minute. Expansion should be denied based on the inability to guarantee a potable water supply for the existing neighbors of this proposed expansion.

Sue McKay letter, Arcadia – The proposed mine expansion should be denied based on its proximity to residential life. There are two housing developments, along with many other homes, within 2 miles of this expansion. Regardless of a number on a decibel chart, the sounds I chose to hear living in the country were tractors, crickets, frogs, not a high volume of diesel trucks. The sites and scenery were of nature, not of industry and manufacturing in my backyard. The air and water pure and clean- not clouded with sand dust. The wildlife and natural environment here is unlike anywhere else in Wisconsin. Residents in this area utilize the county roads for recreation as well as travel-specifically County T, the proposed traffic route. Individual's use our county roads for bicycling, walking, running. Trempealeau County bike trails cover over 500 miles of our roads, including County T. Our roads need to stay a safe and scenic option for both residents and tourists. Fifteen years ago my family chose Trempealeau County for its peaceful, rural and scenic beauty. We have invested in this community. With this proposed expansion, the value of our property, of our family investment, is diminished. The area surrounding Arcadia has been inundated with sand mines, leaving few residential options. Let's keep Trempealeau County a great place to live.

Randall and Mary Nilsestuen letter, Arcadia - We are not opposed to sand mining, but we do have concerns for our health. We are particularly concerned with the quality of our ground water adjacent to this mine. Ground water quality can be affected both by the washing operation already taking place at the mine and by the additional blasting that will occur due to the mine's expansion. Section one of the 13.01 Non-Metallic Mining Zoning ordinance states that in light of the County's interest the County shall analyze the impact of mining operations on the "health, safety, and welfare" of the public. The zoning ordinance also states in (1c) that the County can require information on the impacts of the surrounding wells and supply information for review. Our request is that the County requires the analysis of surrounding ground water and wells and the drilling of new wells for those homeowners that have any change in the quality of their water. This should be paid for by the company doing the mining. The zoning ordinance also requires under 13.02(3) that adjacent neighbors be notified at least 24 hours prior to any blasting. How will we be notified? We do not live on the same road as the mine. We would not see signs at the end of the mine's driveway. Section 13.02(5) also states that the County may

require monitoring of wells to establish the groundwater level prior to the commencement of the non-metallic mining operations on a site. We are also worried about the level of the groundwater. Can a requirement be put in place to require the sand mine company to drill new wells for anyone who's well goes dry?

Nancy Horton letter, Ettrick - I am writing in opposition to the expansion of the Canadian Silica Industries mines operating on the Rossa property in the Town of Arcadia, public hearing on Wednesday, May 13, 2015 before the Trempealeau County Environment and Land Use Committee. The proposed expansion from 147 to 690 acres raises many concerns all of which are directly related to conclusions reached by the Trempealeau County Health Department report and issues continually brought forth by citizens. The accumulation of silica dust continues to be a health risk; this expansion will only increase this risk. The truck entrance is steep with a sharp turn at County Hwy T creating another traffic hazard to an already busy road; the expansion will greatly increase this. The existing mine has hardly been in operation long enough to prove itself. And there has been no reclamation as yet just as there has been no reclamation of a sand mine anywhere in the county. It is time to fully understand the results of the Health Department study and act upon them. The Department of Land Management has put forth proposals; individuals have insisted it be acknowledged and implemented. Meanwhile we have an untested mine asking for a major expansion. We simply cannot keep approving new mines and expansion until the health and safety issues are addressed. Pay attention, look to the future and create a plan. You are running out of time.

Peter & Kay Pronschinske letter, Arcadia - We ask that you consider denying the application for the Rossa Mine expansion. There are 24 sand mines in Trempealeau County and 11 of these are in the Town of Arcadia. We fear that if the sand mine frenzy continues our town and county will end up being a wasteland of barren sand piles instead of the beautiful forests, rolling hills, and lush fields of farm crops. The fear of the "UNKOWN" effects of the sand mines on our water, air, natural resources, health, economies, and property values is very scary for the majority of town and county residents. In 2016 the Wisconsin DNR will be conducting a study on the impacts of sand mines on our precious air, water, land, health, safety, and properties. It is time to SLOW DOWN, wait and see what these impacts will be whether they be positive or negative. ENOUGH IS ENOUGH! We live in a beautiful lush green farming and recreational area of Wisconsin which is rapidly disappearing. Again, we PLEASE ask that you strongly consider denying the Rossa Mine expansion.

Kary Jonas letter, Ettrick - Please do not permit the Canadian Silica mine expansion in the Town of Arcadia. It is crystal clear from the spring election that the residents of the Town of Arcadia do not want the expansion of mines. Voters came out in droves and resoundingly defeated the three standing township supervisors. The votes do not lie. This election was not a squeaker but a mandate. The former supervisors were overwhelmingly defeated because residents were tired of having the majority opinion ignored while they moved mining permits along to the next phase. I drive Cty. T on my way to work in Ettrick. Presently, the Rossa mine looks like a small, "mom and pop" type of operation. This dramatic expansion will affect the neighbors in the American Heights housing development as well as many others in the area who call this part of the township home. It will decrease their property values. (Truly, who wants a mine as their neighbor?!) The truck traffic will significantly increase on this curvy county trunk road. Finally, with this expansion, the proposed rail spur right next to the City of Arcadia and very close to the elementary school, will most likely become a reality, thus potentially increasing mining activity in the Town of Arcadia that the spring election proved, the township residents do not want. For the sake of our township and the land and lifestyle we value, please do not vote in favor of this mine expansion. Thank you.

Mary Lee Hegenauer letter, Blair - The committee should VOTE NO! The reasons can all be found in the Final Report of the Public Health Committee report NMISM. 1. The mine should operate using current permit and show they can meet and fulfill the requirements of the permit prior to expanding the mine size four and one-half times. 2. Mine placement and truck access onto County T is a safety issue due to increased traffic and road layout. 3. Considerations such as air quality, ground and surface water, reclamation, affect on neighboring landowners, etc. are being cast aside without due consideration. 4. It is time for the committee to take a stand regarding the expansion of permitted mines. It is time for FUTURE THINK and to respect the conclusions of the NMISM report: part SC4 states: " Modify ordinance to limit the number, expansion and location for mines. This would allow for the protection of the natural beauty, drinking water and environment that is identified in the current comprehensive plan." Please use the authority of your position and all information available and vote against expansion. Do what is right for all of us!

Kathleen Lockington letter, Arcadia – Do not allow the expansion of the Canadian Silica Sand Mine in the Town of Arcadia. This project does not help Trempealeau County expand into a community with forward thinking and provide a healthy environment for future generations. Canadian Silica has had a chance to develop this mine but has chosen to haul less than 20 truckloads of sand since 8/13/13. (Bill Vachon, a FOTH engineer) (The web page bcnaturalresourcesforum.com page 8 looks like they ship all over now.) Is this a viable and trusted company? Are they looking to make this a more valuable company to sell? (Research the number of times Mississippi Sand, Town of Arcadia has changed hands and read the book “The Boom” for a history of the frac sand industry). Does this proposal have a written plan for neighborhood water quality, berms, particulate matter monitors (24 hours), and sound restrictions? Please read the DNR permit for Mississippi Sand- does this really protect citizens? Enclosed is a clip from LaPrairie web site. Call the Chamber of Commerce, Peace River, Alberta to establish the type of good neighbor company we will be dealing with in the future. (1-780-624-3601) or maybe the school district (1-780-624-3515). How much will the county/township be making on each ton hauled away? Some information states that a ton is selling for \$140.00. Is this true? Please vote no on this expansion. What is the hurry?

Leonard & Lucille Pientok letter, Arcadia – We have lived and farmed on our farm in American Valley for 60 plus years and we have raised our three children here. We chose this area because of the natural beauty, rich farm land, for the peace & quiet! We are good neighbors and we have worked hard over our lifetime and now we are looking forward to enjoying our retirement on our farm. My wife & I enjoy taking “rhino rides” thru our property to check fields and enjoy nature. Our current lifestyle is now in jeopardy because of the following: 1) Increase heavy truck traffic proposed to be 225 trucks per day. This presents safety issues for moving our farm equipment from one side of County Road T to the other as our farm is divided by the road. 2) Increase in noise and light pollution from the mine if they are allowed to work 24/7. We are concerned with the effects of frequent blasting. 3). Water safety issues for our personal well and with the possible draw down of the 2-3 feet of Turton Creek which Bill Vachon mentioned in the previous meeting. Turton Creek is not that deep to begin with...what happens to the fish in the stream? Effects on our crops? 4.) A question was raised at Town Board meeting on March 19th about the “need” for our garage, trees and our house. YES!! These are our safety barriers to protect our home if/when a vehicle fails to negotiate the curves by our home. We use the garage for storage and the pine trees are 60 plus years old. We live in the house! We ask that you **PLEASE** vote “**NO**” to the Rossa Mine expansion request and let us live in peace and enjoy our beautiful valley. Thank you for listening and considering our concerns in this matter.

Scott Leonard letter – Arcadia – I am opposed to the expansion of the Rossa sand mine. I am hearing

from several residents near sand mines of the ground shaking from blasting, windows rattling and dishes on shelves falling during this blasting. We do not need any addition traffic on our roads, they are busy enough and it is getting to the point where safety is a real concern. Why should the residents have devaluation on their property, just so a single property owner can reap the benefits. The committee should seriously look at guaranteeing property values for anyone living within 5 miles of a sand mine. Make the owner or sand mine company do this. The only ones making money here are the land owner, excavator and sand mine company. Why should other people put up with all of this just so they make money. Do any of you live near a sand mine? Please don't grant an extension. Let's take a "wait and see" attitude to really see the effects of what mining is doing to our community in 5-6 years. Remember the Town of Arcadia residents voted to have all new personnel on our town board. The Arcadia town residents do not want any more expansions or new sand mines. Please vote no on the Rossa sand mine expansion.

Dr. Sarah Slaby, DVM, letter, Arcadia - It is time to look at the county and see these mining applications as a whole, not as individual projects. We need to evaluate the long term benefits or negative impacts of the current mines, before adding more. It is too big a risk to put more acres into mining until we see land reclaimed and put back into profitable crop land, as has been promised by so many mining companies. You that are farmers know that your profit margins are narrow. Research (crop yields reduced by 25 to 74%) has indicated the soil that has been stocked piled through mining is "dead soil," its chemistry changed to a point of not being favorable for crop production for many years. And that is best case scenario where several feet of top and sub soil have been used on the sandstone. But in many cases less than a foot of soil is placed back on the sandstone. Many crop roots can go down several feet. Yes, some grasses will grow, but not productive crops or hard wood. Our local water is our life, and with it is a precious cycle. In the Trempealeau County Comprehension Plan Survey, protecting our drinking water and overall environment ranked high with county residents. Imagine down the road, after the mining is done and the land is so-called reclaimed. Less sand means less filtration and purification. Altered topsoil means more fertilizer needed to grow a profitable crop. The Arcadia area has some of the best tasting water in the nation and it could be contaminated within a few short generations! We already battle high nitrates in the southern part of the county, why risk adding to the problem? Please vote to protect our agriculture and water for all of our children and grandchildren. Please vote no to this mine expansion.

Derek and Ledys Updike letter, Arcadia - As residents of American Heights Lane in Trempealeau County, my wife and I have grave concerns regarding the proposed expansion of the existing Rossa mine. Irregardless of visual aesthetics, this proposal creates legitimate concerns by those of us with existing neighboring properties with the issues of property value, water quality and traffic safety. As owners of approximately 35 acres within the American Heights development, negative impacts of property value is a huge concern. A large mine in plain sight of our property certainly has a negative impact on value. In terms of water quality, a high capacity well was put in for irrigation purposes in 2014 which is within a thousand feet of one of our properties. The additional high capacity well being proposed would create a water draw likely to affect surrounding residential wells. That said, our biggest concern is the safety issue created by such a large volume of truck traffic. 450 trips per day on County T is not reasonable nor responsible. The road was not engineered to handle that type of traffic volume, let alone traffic with loads of this magnitude. That is without even considering the blind corners and narrow nature of County T. In conclusion, the people represented by the committee are speaking, and their voice is overwhelmingly for denial of the proposal. A vote in favor of the proposal would merely benefit a few, while a vote to deny would represent the greater good of many Trempealeau County residents.

Jodi Jungwirth letter, Arcadia - Can you please read this at the meeting on my behalf. Hi, my name is Jodi Jungwirth, my family lives in the American Heights Subdivision adjacent from the Rossa mine in the Town of Arcadia. I am writing today because I cannot be attendance for the meeting, I am a 1st Grade Teacher for Arcadia School District and it is very difficult to get time off. We live in the Town of Arcadia by choice and pay taxes to support our local community. Our homes afford us with incredible views of hills, land, and wildlife. We have pure water, clean breathable air and a night sky that is amazing. We are surrounded by farms and rural homesteads of which we own a 35 acre parcel. My husband and I spent much of our savings to have a home in the country that we could be proud of for many years to come and hopefully retire in.

My main concerns are:

- Safety of the roads considering we have many young drivers and also many to come through the ranks yet. American Heights has 10 homes and 30 kids that live in those homes. American Heights Lane has a blind intersection entering and exiting and County Road T is full of sharp turns that many times large trucks cross the center line. With the extra truck traffic and many young drivers I am concerned for all of them. The Committee should also consider the impact at the 4-way stop at the intersection of 93/95 by Kwik Trip.
- Quality of Life: Hunting, Trapping, and Fishing. We have 4 kids, 2 boys and 2 girls, the boys love to hunt, fish the trout stream by our property, and also trap various critters. As the mine grows, these animals will find elsewhere to live. What we purchased and thought would be a dream place to live may end up being a nightmare place to live. The stress the mines have placed on our family and neighborhood is immense.
- Some points that I am sure others will discuss. Wells, will they go dry? I know ours is at the bottom of 120' per Schaffner Plumbing. What happens if I have to lower, who pays and will the quality be the same? Home values, who covers the difference between FMV and sell price. Lastly, why does the mine need to expand already when they haven't hauled much of any sand yet? Let's review 5 years from now and determine the economic viability of sand and the impact to our area. Please vote "No" on the expansion and preserve quality of life and the scenic beauty of our area.

Jeff and Carol Bawek letters that were submitted with the town letter - Brandt suggested that Budish hold onto that letter at this time.

Budish read a letter from the town board dated March 25th, 2015 in regard to the CUP amendment application for CSI/Rossa mine. The letter stated the Town of Arcadia Board of Supervisors have been informed by Canadian Silica Industries that they have applied to the Trempealeau County Department of Land Management for a CUP amendment to the CSI/Rossa sand mine to be located on the Dennis and Darlene Rossa property. The Board passed a motion at their March 18th, 2015 board meeting stating they have no objection to the E & LU Committee issuing a CUP amendment on the above located property as long as the attached list of conditions are met. Brandt noted that Budish has the list of conditions and that he would ask for them when the Committee starts discussion. Brandt closed the public hearing at 2:22PM and opened the floor up for possible discussion and possible action on the part of the Committee. Brandt stated that Corporation Counsel has encouraged the Committee to verbalize. Obviously we have heard a lot of concerns, many of them more than once. The Committee has had the

application/packet for close to a month and had an opportunity to go through it. To Budish's credit, he had sent along the minutes from all the other permit applications which were in 2011, 2012, etc. Brandt was interested in reading through those minutes as it was interesting to be reminded of the processes that this Committee used to approach the CUP request related to sand mines. One of the things Brandt thought it might be worth taking a minute to refer to was something that happened in the October, 2012 meeting where we discussed the possibility of making a condition that property values be guaranteed by the applicant. Brandt read a quote from the October 12th, 2011 minutes in which Corporation Counsel Rian Radtke was speaking, "The Committee is going too far by requiring sand mine operators to bond neighboring properties". Brandt stated that sounds fairly harsh and that is not that it shouldn't be an issue. Brandt continued that what happened in the December 2011 meeting is that the Bawek's and Rossa's (using Attorney Rick Schaumberg from Osseo) were able to come to an agreement, and so the recommendation from our Corp. Counsel is that those sort of agreements be done and that is beyond the power of this Committee to require individuals to enter into agreements. In the same way that it is above the power of this Committee to require other government entities to do this. Brandt asked Radtke if he wished to speak to that issue. Radtke stated that may have been out of context quoting of Brandt in his notes. Radtke continued that this was some time ago and it was an issue that came up approximately three years ago. At that time Radtke's recommendation to the Committee was, instead of getting intertwined with administering and overseeing specific property value guarantee conditions in the conditional use permit, that the Committee look at more of, if there are property value concerns in the vicinity, in the neighborhood that the Committee finds to be credible and concerns, then maybe it is not a good site to approve a mine, as opposed to if a proposed applicant or operator works out something on their own with a neighbor and there is no concerns raised to the County or in the permitting process, then obviously that is not a concern that's being forwarded and the Committee could consider it as such. Some of the issues that Radtke remembers were raised at that time were, where do you draw the line and who is on the outside of the ring and who is on the inside of the ring. Are you essentially going to be requiring applicants to purchase all neighboring properties within a certain vicinity. How do you oversee all of the conditions that would be put into place. The Department of Land Management would have to essentially be getting into overseeing appraisers and making sure that there is a fair appraisal and is the offer for sale within the criteria of a condition. In speaking with Lien some years ago, obviously on this issue, Radtke suggested that would be an additional burden on the Department as well to oversee those types of agreements. Radtke's recommendation at that time was that, if there was a property value guarantee, instead of having the County dictate those specific details and making the decision of who is in and who is out, how much money, how many appraisers, who picks the appraisal, all of those things, to rather let the parties deal with that on their own without the county's involvement. If there are issues raised before the Committee that the Committee take that into consideration whether to grant or deny a permit and that is something that the Ordinance itself talks about property values affecting property's and so that is the approach that Radtke's recommendation was, it wasn't that though shalt not ever. Brandt stated that was also reflected in the minutes. Brandt wanted to bring that up because that was something that has been raised a number of times by the people who testify. Brandt summarized Radtke in saying that instead of considering putting it as a condition, consider that as an issue in deciding whether to permit or not permit. Zeglin stated we're obviously in the discussion phase and in regard to property values it is and always has been a big concern of hers and Mr. O'Flaherty has given

us a very nice template to work with. Zeglin would like the Committee to consider that in our special hearings (meetings) and discuss it further as we get down the line as it is a concern.

Britzius stated we have heard approximately 65 people expressing concerns about what this mine is going to mean to them, their families, their communities, and their landscape. That is a lot of concerns and Britzius has a list of some 60 or so concerns that he wrote down. Britzius isn't thinking of them as legal concerns or engineering concerns, he is thinking of them as human concerns. Britzius would like to hear from Mr. LaPrairie on what or how he feels as a human listening to this long list of human concerns and the effects that your process will have on these people in this area.

Carl LaPrairie identified himself. LaPrairie wanted to "back this bus up" a little and give a little background on who they are and where they're project started and came to and where we are intending to take it and we'll just talk about what Britzius had mentioned about what occurred here today. Britzius responded saying he didn't want to hear so much of a rebuttal as a human response to these concerns. LaPrairie mentioned that some questions were asked and he would like to address those; one area being the question of this business and have they had any violations. LaPrairie stated they run their current mine in Peace River, Alberta and coming onto 15 years they have had no violations. We didn't bring it to this meeting but we do have letters of support from all the local municipalities and governments that their current operations are working in, vouching for our operation and business. We are a family owned mining operation. Why didn't I come in originally and apply for a 20 year permit? Well, the Rossa's are an agricultural family. We had to make sure that we had a good fit between us and them generational wise. When you have an operating mine you do need a mine plan along with that – a 20 year mine plan. In regard to the original permit, they looked at it and they didn't have a long term agreement with the Rossa's so we applied for what was just the length of term that we have. Since then we have negotiated a longer term so that is why we are here asking for a longer term. Why are we asking for an expansion, it is a longevity expansion not an operational increase. In addressing a couple of other technical things, it took them a while to study this. We wanted to make sure if we're asking for a 20 year term that the water was good for 20 years so we did the study. That is why we commissioned a 20 year water study. Mr. Vachon can speak to all the technical stuff. The reason it has taken this long is because we are a slow developer and we like to do things in an orderly manner, so we didn't come here originally and say, "Here is this big huge mine". We just wanted to study it so we could say we are ready. LaPrairie thought Corporation Counsel Rian Radtke can say LaPrairie negotiated the first Highway Use Agreement. It took a long time because we went back and forth and discussed the issues. I guess your Department can say how do these guys operate well I hope that in the development that we've done that we've proven that we are responsible operation. LaPrairie has heard that a lot in this meeting. Who are they? Can they prove themselves. LaPrairie is prepared to prove themselves and prepared to say, if that is the big concern around here, he is prepared to table this application and I'll offer to you like I am now, for a couple of years. I'll prove that I am what I am. We're not short term guys, we are a family business. We are a third generation mining in our family, so we're not coming here with no knowledge of what the resource is about and we're not a raping and pillaging type of operators. We are phase miners, bench miners. We mine, we reclaim. So if you are asking how I feel as an individual, I look at ourselves the same as anybody else in the extractive

industry; an fisherman, any logger, any farmer, we are a mining operation. We are responsible and I am prepared to table this application to show that we can do what we say we are going to do, talk to the landowners in the surrounding area and wait to see what you come up with on your fair market assessments for homes, etc. and come back. LaPrairie stated he did hear a lot today and it was interesting and a lot of things were repeated and repeated. A lot of things were factual but we can get to that when we have a scientific discussion so that is LaPrairie's feelings on this. Britzius said he heard LaPrairie say that he might be prepared to table/wait on this. LaPrairie stated he is prepared. Britzius clarified that he was prepared. LaPrairie repeated that he is prepared to table this, if we can do that, and that is just how it is and he'll take the chance that the Committee can totally understand the cumulative impacts and how we operate because we are here for the long run. There might have been some misconceptions when people were asking me questions at the town meetings because I generally answer when people ask me a question and to be honest it is better for us as a company to have a longer term for capital and for having your banking and amortization. Do I need it right now? LaPrairie stated no, but we are a long term, planning entity. (There was another inaudible sentence). Britzius asked, as this is a family business, as a family person how does it feel hearing the family's here talking about the effect on their families and what would it be like if your family had something like this coming in across the street from you. LaPrairie responded he was born in a mining town. It is a cultural thing. I was born in a mining town, my wife is from a mining town, I raised my kids in a mining town, so it is culture for me. It's not different than talking to a fisherman, or talking to a logger. I am from that extractive industry background. Britzius commented it all makes sense. LaPrairie agreed. Britzius stated to the people here, the case is a reverse of that, it doesn't make sense. LaPrairie stated they are not as used to it as I am. Some other brief discussion took place. Brandt stated he wasn't familiar with the term "bench" miner. LaPrairie stated some people are saying it looks like it is going to be a giant open pit, so if you saw Vachon's phased diagrams to get down to a certain level, we are going to open up one, mine one, and reclaim one so LaPrairie calls them "benches" as it is a mining term. LaPrairie stated he would answer any questions and wasn't sure if this is a reasonable way to approach this or not – to table it. Britzius stated that from a mining perspective he was sure it was reasonable, but as you say it is a cultural thing and there is a very different culture here, so this is something coming from the outside to a very different culture. Maybe it's not such a good fit in some places. Britzius asked if he could see those ways or could he hear those ways in which people say it is not a good fit. LaPrairie responded that was more of a philosophical question. Some of the things that you have surrounding here, LaPrairie wouldn't consider mines, but are permitted as mines, LaPrairie would disagree with -smaller dig and haul operations and that type of thing. LaPrairie didn't think that was the best use of the resource. LaPrairie looks at this as a resource and what is the highest/best use of that resource and it is to process it in its' proper format. The land value thing, LaPrairie didn't think that is proven, but to him that is for somebody else to determine how that is going to work and if that is a condition for permit or not. In every study LaPrairie has done there is the difference between science and emotion. We studied the road to see if it was capable of taking the traffic and it is under utilized. This previous year, for the four or five weeks we pulled product off, we pulled it off compact at truck level, slightly under that permitted level. 180 was permitted and the pulled it off at 150/153 trucks per day. LaPrairie wasn't sure if anyone noticed that but that is what they were trucking at for that period of time. Britzius asked if the area LaPrairie was used to mining up in Canada if there was any kind of housing density such as we see

around here. LaPrairie responded it was pretty similar. LaPrairie suggested looking up Peace River on the Internet. They have rural farming neighbors. Britzius asked about LaPrairie's comments on the small mining operations and that he appeared to like the larger, planned mines. LaPrairie responded that larger is an arbitrary word, he liked longevity. He likes to plan for a long time. LaPrairie didn't think one could mine, reclaim and go away in three years. LaPrairie was more interested in the longer term aspect. Brandt asked for other Committee discussion specifically about property values, appropriate setting and whether it is consistent with current use or consistent with the current land use plan. Brandt asked if they could speak to this in terms of the conditional use permit guide lines that were handed out at the beginning of the meeting. In talking about the long term, best use, Britzius stated that was very arbitrary kind of phrasing too. To Britzius these are all human concerns they are not scientific concerns and that was the bottom line. We have a resource here that is incredibly rare. We have something called the Driftless Area. Upon Britzius asking LaPrairie if he has heard that term, he responded he had not. Britzius explained the Driftless Area to LaPrairie. Britzius stated a lot of people want to see it protected so when one talks about this landscape as a resource, it comes in many different forms. In Britzius mind, the best and highest use is to preserve it in that form which means not digging too many big holes. Preserving it for the beauty that has been mentioned so many times today for recreation and tourism. It gets into economic value too. There is a value that is extremely important. A lot of people were expressing here today that they would like to see some kind of limitation put on this particular economic activity of mining. They are very concerned about the size and scale. Schultz stated Britzius touched on something, that with the discourse we have had, is that feelings are fact. When peoples' feelings become repetitive that becomes goal from preference – that becomes fact. Schultz stated that roughly 65 people (according to Britzius), mostly Town of Arcadia residents speaking, to him that is fact for preference when it is repetitive. Schultz didn't think one could just disregard it that it is not science when there is cultural science and that is compared by statistics. We have had our town planning process and the vast majority of residents, when polled, wanted to preserve scenic beauty, water quality, similar values, so those are facts. Schultz thought that has been pointed out and repeated in multiple. Some of the statements in letters is that we did have an election that Schultz thought people feel represented those values. LaPrairie stated that is one of the reasons he put the offer out there, that he would table his application, because he heard it here a number of times – why now, why the timing now, why can't they prove themselves to be better citizens, etc. In LaPrairie's mind he came here thinking he was a good citizen but if I have to prove it, I am prepared to do that, so that is why LaPrairie is making the offer to table the application. LaPrairie added that he knew there was a new town board and maybe they need to get to know him a little bit and he get to know them. He wasn't saying table it for a long period of time, but from what he heard a lot of the people say, especially the ones that have concerns about homes values, water quality, etc. is that they want to see me operate for a little while longer. LaPrairie reiterated that he has no problem showing that he is a good operator. Brandt suggested pursuing that line for a second. Nelson stated he heard that, like LaPrairie did, that people would like to see you start loading sand, see how it goes before you think about expanding, so Nelson made a motion to table it. Nelson asked how long LaPrairie would need. LaPrairie responded not more than two or we'll talk about it. Just so everyone was clear, LaPrairie noted that he could operate under his current permit for eight more years. LaPrairie stated he had to come here anyway because the Ordinance language had changed and he thought he would wrap it all into one, so LaPrairie

really couldn't answer a time for tabling it. Brandt noted that a motion to postpone until a certain time would give the Committee an opportunity to discuss. A motion to table would not give us an opportunity to discuss. Brandt thought it was important to understand what you have in mind, to get a sense of what the Committee would expect. There are some details in your expansion plan that assume some changes to your current operation which Brandt suspected LaPrairie would want to do even if you didn't expand, so Brandt would want those details to be worked out. Brandt couldn't ignore the moans from the audience and the testimony that the citizens presented that the life of the current permitted span might be a more appropriate time to give you to prove yourself. Brandt wanted to discuss this. Nelson agreed to change his motion to table to a motion to postpone. Upon Nelson asked LaPrairie how many years it should be postponed, LaPrairie stated he was going to come back in a year. Nelson added four years to his motion to postpone, Schultz seconded the motion for purposes of discussion. Gamroth asked for clarification of the motion which was to postpone consideration of the expansion for four years. Brandt stated Mr. LaPrairie and the Rossa's have a CUP which exists for eight more years. As Mossman pointed out there was no one in this room that came to say, "Take away their permit". They spoke against the expansion primarily. Nelson thought it was the right thing to do as there is too much hostility for an expansion. Brandt wanted the specifics and clarified that the current operation has a temporary wash plant located close to the road. Within the expansion plan, you've already created roads further into the mine at which point you were going to put a permanent wash plant and also a dry plant which you were going to enclose for purposes of dust control and other things. Within that 147 acres, Brandt thought if one includes the twelve acres of the processing site, you were at 111 acres of mineable area. LaPrairie said that was close. As part of your plan for the current CUP, Brandt asked LaPrairie if part of that plan was to build a permanent wash plant, dry plant and various other structures as outlined in the expansion plan. LaPrairie responded yes and that the expansion is only an increase in acreage it is not changing that part of the plan. Brandt clarified that the intention would be, in the next four years, i.e. if this passed that the plan would go forward, that infrastructure would be built and then the phasing for that 147 acres would go forth. LaPrairie gave a little background by saying this is a really unique property as you access it and it is hilly immediately and then the resource is at a certain elevation. They had the wash plant custom built in Eau Claire and the reason they had that done is so they didn't have to waste that resource. They went in there to extract and market that thus building their area for their permanent plant. It is just a way of us entering in there and processing in because when they got their CUP the only access was allowed off of County Road T so that means we're starting right in on the hillside, so that is why it is going that way. It is not what one sees normally around this area, where they build there plant permanently. This is because we have a condition on our permit that said we had to start that way. Upon Brandt clarifying that the reclamation plan will not change, LaPrairie responded no. Brandt made a note related to Phase 7 where another access road was going to be built and Brandt wasn't sure if that was off of the existing road system that you put into that 147 acres or if you were planning on coming off of Joe Rossa Lane. LaPrairie stated they do not plan to come off of Joe Rossa Lane. Brandt travels that road regularly and as you know everything they say about the 90 degree turn at Pientok's and the blind corner at American Heights is absolutely the truth and the Road Use Agreement is in place. We will assume that you won't exceed the permitted number of trucks per day because of the existing CUP. We will also assume that you will continue to work with the Highway Commissioner for this plan on a Road Use Agreement. Brandt wanted to raise the issue of the quality of

life issues of the Klonecki's and the Pientok's especially. The people of American Heights are all here and no one said "Take away their permits", so they have on some level accepted that their view is going to be disturbed as it has been already. The Klonecki's, Pientok's and Killian's are more susceptible to the sound and the lights because they are right there. Brandt believed the permit that they originally had was before the revised permit, which required the sound study's, etc. LaPrairie stated that was correct. Brandt encourage LaPrairie to do what is necessary to mitigate the sound especially related to Klonecki's and the Pientoks. Radtke questioned the four year length of time and asked if that was a length of time that was agreeable to the applicant. Even though it is a motion made by this Committee, essentially whatever length of time is still going to need to be agreeable by the applicant. There are certain time restrictions that we need to have a reclamation period for if we are going to put this on hold at the request of the applicant. Radtke asked if the four years was agreeable to the applicant. If there was not an agreeable time frame to postpone this to then the Committee should proceed on the application as submitted here; either approve or deny here today. Radtke stated if, in fact, that is true, and the four years is good, Lien and Radtke had talked, that in four years, what is the plan going to look like? What is the make up going to look like. There are so many different things that could be changed. Are you going to be submitting a whole new packet that is amended. It is easy to say, "no, not today we're not going to, but four years later, between the market potentially changing, there could be a change or amendment to the plan. They had briefly talked about it in the hallway before the meeting started up again, as to the application fee, and if that was going to be on hold, part of that fee is for staff and the tremendous amount of time that it takes to go through all of this and if there is going to be a new plan submitted or an amended plan submitted when this is brought back forward, that is something that needs to be looked at, if it is going to fall into just re-applying for a whole new permit. Radtke's recommendation would be, if it is postponed, that it be strictly limited to this plan that is right here today, otherwise there is potentially extra time and costs. In addition to that, in four years who is going to be here. It is hard to tell and this whole committee could be different. Your staff could be different. LaPrairie commented in jest that the next generation might be here. Radtke reiterated that four years from now there may be an entirely different room of people saying, "What in the world did these guys do back in 2015". That is why Radtke is trying to head off some of these issues to look at what this is going to look like in four years and let's talk about this so it is not so much of an issue down the road. LaPrairie responded that the geology is not going to change so the plan is going to be the same. The plan is separate from whatever the economics are. That is a plan based on the geology of that piece of property, so that is the one LaPrairie said they would bring back. LaPrairie thought four years was too long but if you are adamant on four years, LaPrairie would agree to that but he would prefer two years. LaPrairie thought it would be enough time to say that is how they operated, bring back the issues, time to study how you want to look at the fair market value and give you time to see where you go with the "use it or lose it" clauses you have with some of the other operators. LaPrairie thought that was coming up this year. LaPrairie would personally like to have the proposal tabled or postponed for two years, if that is possible, but if you're adamant on four, LaPrairie will accept four. Brandt wanted to respond to Radtke's last question. Brandt stated the nature of this body is such that, the philosophy of democratic system is such that it doesn't matter who is sitting in the chairs, we are all expected to make our decisions in a certain way, not to say that the decision is always going to be the same but actually it doesn't matter who sits in the chairs. In terms of staff, Brandt watched Budish "come up to speed" over

the last two or three years and it is possible. We have dealt with things as has everybody on this Committee. Although there was maybe some different response to our decisions, with the questions of allowing extensions on permits where entities hadn't done anything, none of those people were here when those decisions were originally made, yet we felt that they were adequate to the task of making a decision as to whether or not to extend. Radtke stated the point wasn't so much for the Committee as more for staff. Lien and Budish have spent a lot of time reviewing this. Radtke was saying that part of that fee is to reimburse the County for its' cost and now we would be, potentially, doubling our efforts if there would be two new people in these positions and he didn't mean that those two guys are leaving but it could be that the Committee would have to do this all over again and we only have the one fee, so that is the only point Radtke was trying to make. Vachon commented regarding the plan that the only thing that would really change would be location of the wet/dry plant that was shown up on the screen. We would have actually have an "as built" and those actual plan designs would be submitted to the office for your review including the lighting plan and it would be an "as built" versus a drawing where we are anticipating it be constructed. Vachon reiterated that theoretically that would be the only change but that would have been whether this amendment had gone through or not, that would be location of the equipment, so that kind of process would be the same regardless, whether under the existing permit or under this postponed expansion request. Zeglin stated there are lots of thoughts in her mind, she will hold most of them. She has questions about reclamation, lot of safety concerns on County Trunk T and we do have two Highway Committee members present and regardless of what happens today, she urged the Committee to take a look at County Road T for many reasons i.e. the many blind corners mentioned. Zeglin knows our funds are limited in Highway with many projects but suggested taking a look at that down the road. In regard to postponement, Zeglin stated she is not a "kick the can down the road person", she never has been and she never will be and postponing essentially we are doing that. Zeglin felt we are shirking our responsibility by doing so and many things can change in two years and especially in four years. The science can be entirely different, the environment, the political environment and the State can be entirely different. Mining techniques can be different. We are learning more every day as far as health reports; air, water and light. Zeglin stated she does not like the idea of postponing and that the applicant has the option of withdrawing the application completely and coming back again with a new plan. Zeglin wanted to be realistic and stated this can change in two years or in one year, if you look at things seriously. Zeglin continued that if the applicant is uncomfortable with us taking a vote, she would rather see the applicant withdraw, but she is opposed to postponing. We either "bite the bullet" or we don't. Britzius very much appreciated Mr. LaPrairie's willingness to respond to the community concerns as that is really important. Britzius stated he is also very uncomfortable with the idea of postponing, kind of along the lines that Zeglin had stated. It seemed to Britzius that this kind of a difficult situation, maybe a harder situation for staff for the possible changes in this whole environment. In two years or four years you may want to make an even bigger or different application or maybe there will be new technology. There are just too many reasons that Britzius would vote against this motion to postpone as he didn't think it was a very good idea. He thought we would probably be better off moving ahead with the question and calling the question today. Britzius would even be prepared to make a motion to deny this particular application and then it could be revisited in whatever fashion. Britzius had a sense that they would have a more open field to do what makes sense rather than to "tie our hands" with this postponement. Brandt stated at this time the only

motion on the floor is related to postponement. Upon Brandt asking Schultz or Skoyen if they wanted to weigh in, they voiced they did not. Brandt announced taking a vote to postpone for four years with the considerations that we have discussed. Brandt called for a voice vote; Zeglin –no, Skoyen – yes, Schultz – no, Britzius – no, Nelson – yes, Brandt – no. Motion to postpone for four years failed 4-2. Bawek had recused himself from this part of the meeting. Brandt noted that he was moved by both of their rationale's to vote the way he did. Brandt explained that there is no motion on the floor. Corporation Counsel has advised the Committee any number of times to not make motions to deny. Radtke clarified that by saying that generally a body should be making motions in the positive sense. Radtke stated generally one makes a positive motion to do something and generally one doesn't make a motion to not do something, pretty much because if that motion to not do something doesn't pass, then it's not that you're going to do something it is just that you're not, not going to do something and so it brings you right back to where you were. The question that this body is asked is to approve or deny so Radtke didn't think there would be anything inappropriate about making a motion to deny as opposed to a motion to approve, just know that if the motion to deny fails that you're right back where you were before you made the motion to deny. Radtke reiterated that if you make a motion to deny and then that motion itself fails, you didn't actually approve it, you didn't deny it, so you are right back where you were before and as a motion to approve, if that fails, then you know that it is not approved. At this point, LaPrairie asked Radtke if it makes it simpler if he withdraws. Radtke responded that he has no opinion on that. Radtke was just clarifying on Brandt's statement. Britzius asked how does it technically fit with our process to have Mr. LaPrairie withdraw if, in fact, he wants to and was that an option? Radtke responded to Britzius that yes, the applicant can withdraw their application. Radtke knew of, at least, on one other occasion an applicant has withdrawn on or about this phase in a hearing. Radtke stated it would be appropriate. Radtke explained that an applicant is really in charge of their application. They file it when they want and they can withdraw it if they want. Mr. LaPrairie stated he was taking Kathy's advice and withdrawing. Brandt thanked Mr. LaPrairie. Rick Pientok asked if they are withdrawing how soon this could be brought back again as he didn't want to go through all of this again. Radtke thought the County Ordinance said six months to re-apply. Lien agreed with Radtke. Upon Britzius saying that would be true if the Board voted to deny, Radtke stated that was correct. At this point Brandt moved on with the agenda as the applicant had withdrawn their application for amendment to the CUP. This discussion in regard to their previous permit for 147 acres will prevail and Brandt wished them well in that endeavor. Before the public present left, Zeglin wanted to re-establish that even if the Committee had voted no, they could come back within six months so withdrawal has the same effect as a no vote. Vachon thanked the Committee for their time and also the individual residents that came and spoke their mind. Vachon stated they would go back and do more work and take it from there.

At this point, Brandt called Bawek to re-join the Committee meeting. Brandt moved to Item #13 as Peter Fletcher from Mississippi River Regional Planning Commission (MRRPC) has been waiting to address the Committee.

Trempealeau County Farmland Preservation Plan Public Participation Process – Brandt stated we have a contact with MRRPC to assist us in the update of our Farmland Preservation Plan and the public

participation process. Fletcher stated, as Brandt had mentioned, that he is assisting the County in updating the County Farmland Preservation plan and one of the requirements of the Farmland Preservation Program update is that the Committee approve a public participation process. Fletcher had distributed a handout with that information on it. In regard to the plan that was before the Committee, Fletcher stated he had looked at other plans from other county's that have already been through this process, and used them as a template for Trempealeau County. Fletcher added it is really a formality as far as the process and once approved this plan will be an appendix to the document. Fletcher explained that it simply states the various things that are going to be accomplished during the planning process. There will be as much public involvement as possible. It talks about public participation guide lines in trying to make it as open a process as possible. At the end of the process it is required that there be a public hearing at which point you will hold it on the updated plan and this also provides guide lines that you will accept written comments with regard to that public hearing. It specifies also that, i.e. the meeting you are having today, the item is on the agenda and it has been a standing agenda item for public comments and the opportunity for the public to be involved. Fletcher asked for an approval of the template of procedures and then it will be part of the appendix in the Farmland Preservation Plan itself once that document is completed. Zeglin made a motion to approve the template, Skoyen seconded. Brandt confirmed we have been doing it all along. Britzius stated he didn't see public education in the template and asked how we were going to get people to know about this and get involved. Fletcher responded that the attempt has been to have public meetings/involvement, these meetings are on television, this Committee has it as a standing agenda item. Fletcher added they are going to be meeting with towns and working on their Farmland Preservation maps. Britzius didn't know what the process would be but he seemed to think that public education was going to make a lot of difference in the level of participation. Fletcher said this would be a minimum so the Committee could certainly do anything above and beyond. Some discussion took place. Lien noted that they had gone to the Towns Association meeting and talked with them and then there will be individual town meetings which are public meetings, so there will be outreach by township as well on this process. Lien added that people will have plenty of opportunity because all the meetings are advertised and open to the public. Britzius just wanted to see a lot of people involved as he felt this was important. Brandt announced that we have a motion and a second on the table to approve the Trempealeau County Farmland Preservation Plan public participation process guidelines as presented by Fletcher. Motion carried with no opposition.

Update to Trempealeau County Farmland Preservation Plan-Opportunity for public comment

Fletcher stated that Meghan Wessel, Lien and himself went to the Towns Association meeting a couple of weeks ago and met with the towns. One of the key components of the plan is preparing a Farmland Preservation map. Fletcher stated we need/have to work individually with the towns in designating their Farmland Preservation areas and those preservation areas would be based off of their land use maps and their comprehensive plans. Over the next few months, Wessel and Fletcher will be going out and meeting with towns. At the meeting they will provide them with an analysis of their existing map and how it relates to Farmland Preservation areas. Once that is complete, Fletcher will formalize and finalize the computer work on the text of the document itself and ultimately come up with a public hearing draft. Fletcher's goal is to complete this by the end of this year. Fletcher added we do have

nine months into 2016 to do this but the goal is to get it done by the end of this year. For clarification, Brandt questioned if Fletcher would be working with this parallel to the updating of the Comprehensive Plan. Fletcher responded yes and this will be an opportunity to meet with towns, (since we now know what the Farmland Preservation requirements are). One of the key components of the Farmland Preservation Plan is that it must be consistent with existing comprehensive plans and maps, so that is what we are going to be doing. When we meet with towns it is going to be their opportunity to take a look at their comprehensive plan/land use maps and to, again, know what the requirements of this program are and combined they will have updated land use maps and the Farmland Preservation map. Brandt clarified that not parallel but simultaneously these plans will be updated. Fletcher agreed and added that after this is adopted then he will work individually with the towns and formally update their comprehensive plans so that everything is consistent and meets the requirements of the program when it's finished. Bawek questioned about towns that have somewhat an updated plan already, if they could re-visit it. Fletcher responded yes. Schultz stated he needed to leave the meeting and asked for Fletcher's contact information. Brandt excused Schultz from the meeting. The Committee moved to Item #9 on the agenda.

2015 Soil & Water Resource Management Grant Contract

Lien stated the 2015 Soil & Water Resource Management Grant Contract comes to a total of \$214, 596.00 and that is for staff funding that we get through our SEG funds and bonds and that is money that directly offsets our operating costs for the Department. Brandt confirmed this was money coming from DATCP. Skoyen made a motion to approve the funds coming from DATCP, Britzius seconded. Lien explained this was the staffing grant which we had been corresponding to the State opposing possible cuts. Lien received an e-mail early this morning that some of the funds had been put back into the budget, so it restored some of the staffing grant so that the cuts won't be so significant. Motion to approved passed with no opposition.

2016 Joint DATCP/DNR Grant Application

Lien explained those are the individual grant applications. Those are TRM (Targeted Runoff Management) applications. The applicants are: Troy Woyczik – Town of Caledonia, Edmund Halama – Town of Burnside and Jeff Wegner – Town of Ettrick. These applications equal a grand total of \$450,000 and they are all for waste storage structures. Lien stated nutrient management and waste storage is a very important issue in our County. Britzius made a motion to approve the applications as presented, Bawek seconded, motion carried with no opposition.

2015 Summer Youth Employment

Lien stated that if the Committee hasn't had an opportunity to meet Tess Johnson, the Summer Youth Employment person, she is present. She has been helping out right now with the large open records request. Lien had suggested that Johnson sit in on today's meeting to get an idea of the procedures. Johnson introduced herself and gave a brief background summary. Johnson mentioned that she would be attending the land judging contest the next/following morning. Brandt invited the Committee to attend the land judging in the Town of Arcadia on Lewis Valley Road. Zeglin stated she would be attending. Brandt acknowledge Personnel Director Jami Kabus who was present. Lien stated the Committee has talked about more youth education in our County and we've allotted money for that. The Committee also had discussions on hiring a limited term or seasonal employee and after giving it more thought Lien felt it was something that we should pursue annually and budget for it. Because this youth employment wasn't in the budget in 2015, Lien would need to do a budget amendment and it

would need to be approved through the Standing Committee, Personnel Bargaining Committee, Executive/Finance Committee and then full County Board. Lien has worked with Kabus on the requirements. Lien has a template job description. Lien stated Kabus has been a great help on meeting some of the County and State requirements. There are minimum wages and maximum hours for a limited term/seasonal position. Lien added it would have to be this Committee's wish to go forward and do that. Lien stated Johnson has agreed, initially, to do it as a nonpaid limited term position for the learning benefit, but Lien stated we do have the money in our budget and she is working pretty hard for us. It wouldn't be a full time thing. Kabus discussed the pay rate. Lien added that if the Committee wished it would be an annual budget item each year going forward. Brandt asked if this would require the Project Initiation Form that the County Board passed last month. Kabus responded yes because there is no such position in DLM budget (you may have funds to support it) it has to go through the full process. Kabus explained that the Project Initiation Form was passed at the April County Board meeting and it lays out all the details. It pretty much explains the position to the Committee members ahead of time so it is easier to understand the funding and the purpose for it. Bawek made a motion to start the Project Initiation Form and put it into the budget hereafter, Nelson seconded. Britzius protested about this lengthy process as it was archaic and he wanted to see the County try to start doing things in a different way. Zeglin stated she had worked in the corporate world for 14 years and she said this is standard operating procedure. Motion to approve the Project Initiation Form and proceed with the summer youth employment passed with no opposition.

Consideration and Discussion of Appointments to Board of Adjustment

Brandt stated that current standing Board of Adjustment members Jim Schwartz – Town of Hale and Nancy Horton – Town of Ettrick terms are up. Brandt read briefly some of the requirements of Board of Adjustment members from the State Statutes. Lien stated Schwartz and Horton have served for a number of years. Lien contacted both of them and they are willing to serve again. Lien explained that this Committee has traditionally recommended names to the County Board Chair, but the County Board Chair makes the final decision. Brandt asked for names of any other persons that Committee members would like to recommend. Nelson recommended Dave Larson- Town of Albion and added he is a former County Board member. Skoyen made a motion to recommend the names of James Schwartz, Nancy Horton and Dave Larson to the County Board Chair for consideration for appointment to the Board of Adjustment, Nelson seconded, motion carried with no opposition.

LWRM (Land & Water Resource Management) and TRM (Target Runoff Management) Requests and Payment Approval – No payments were presented this month.

Surveying Update and Payment Approval – No surveying update was presented this month.

Confirm Next Special Meeting Date and Regular Meeting Date (June 10th, 2015)

The Committee set the next special meeting date as May 27th, 2015 at 6:00 until approximately 8:30 PM. The Committee set the next regular meeting date as June 10th, 2015 at 9:00 AM.

At 3:43 PM, Nelson made a motion to adjourn the meeting, Brandt seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary