

**ADVANCE WRITTEN COMMENTS by Katherine Wood Goodman (Amended 2/17/2012)  
Buffalo County Zoning Committee  
February 23, 2012 at 6:30 pm**

**Corrected 4/24/2012, changing status of Trempeleau County Moratorium**

**Agenda Item: Review/Discussion/Action of Board of Adjustment Procedures**

Most counties surrounding Buffalo County have declared a moratorium on additional Conditional Use Permits for frac sand mining. This includes both the states of Wisconsin & Minnesota. Most have come to the conclusion that they are not prepared to equitably address the impact on their counties and communities, there is too much unknown when it comes to the long-term impact of their decisions and they do not have adequate operating procedures or resources for an approval process specific to frac sand mining & hauling, frac sand washing and the transfer of frac sand to rail or barge.

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- Eau Claire County, WI enacted a 6-month moratorium
  - Trempeleau County, WI has not enacted a moratorium
  - Pepin County, WI enacted a 12-month moratorium
  - Dunn County, WI enacted a 6-month moratorium
  - Chippewa County, WI is considering enactment of a moratorium
  - Winona County, MN enacted a 3-month moratorium
  - Wabasha County, MN enacted a 12-month moratorium
  - Goodhue County, MN enacted a 12-month moratorium
  - Houston County, MN is considering enactment of a 12-month moratorium
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Buffalo County is also in this same situation but the Zoning Committee, after briefly considering the question, took no action on considering a moratorium. As a result, it is incumbent upon the Buffalo County Zoning Committee to protect the public's interest and insure that adequate operating procedures are in place for the Buffalo County Board of Adjustment when it considers approval of a request for a Conditional Use Permit relating to sand frac mining and haul routes by sand haulers throughout the county.

It is also incumbent upon the Buffalo County Zoning Committee to reach out to bordering counties to ensure that there is sufficient coordination with their Conditional Use Permitting processes as it relates to haul routes by sand haulers with sand mines originating in another county. The public is aware that sand mine operations in Trempeleau County are utilizing Buffalo County Roads in their frac sand haul routes.

Members of the public are also aware that purchase agreements are in place for land alongside State Highway 35 (Great River Road) and across from the Cochrane/Fountain City School System with the intended purpose of building a rail spur, sand holding yard and frac sand transfer point in our county. This would greatly impact various aspects of our county and it is incumbent upon the Zoning Committee to begin preparation for this eventuality in its approval process of this industrial impact. Sand washing facilities should also be considered as potential industrial facilities.

**Recommendations For Improvement Of Notice Of Public Hearing**

When related to frac sand mining, the public notification process should be:

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1. expanded to include the haul route by the sand hauler
  2. published in all three county newspapers, not selected based on mine site (Buffalo County Journal, Cochrane/Fountain City Recorder and Mondovi Herald)
  3. sent to all incorporated towns, cities, townships and schools impacted by the site location and/or the haul route
  4. sent to all County Commissioners so they can attend meetings impacting their constituents
  5. republished if substantial changes are made during approval process, ie, change of haul route
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### Recommendations For Separation Of Conditional Use Permits (CUP)

It's suggested that the CUP process require separate applications if an applicant wants to both mine frac sand and establish a facility/operation for washing frac sand. The implications for each are different, as well as the usage where there is the potential for other mine sites to truck their frac sand to the washing facility.

### Recommendations For Improvement Of Application For Conditional Use Permit (CUP)

This application is inadequate as it relates to permitting for frac sand mining and haul routes. It gives the applicant no guidance and leads to inconsistency and arbitrary conditions. When permitting a sand frac mine, there should be an addendum form provided by the Buffalo County Zoning Office to be completed by the applicant for a CUP. It's suggested that a separate permit for washing frac sand be separate from a permit for mining frac sand. It's suggested that this form include:

#### MINING OPERATION

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1. Daily Hours of Mining Operation On Site
  2. Number of Years Mine Will Be In Operation
  3. Name & Contact Information of Mining Company, if different from applicant
  4. Blasting Conditions \*
  5. Mesh Rate of Sand To Be Mined \*
  6. Maximum Height of Stockpiled Sand \*
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#### WATER USAGE

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7. Name & Contact Information of Water Well Company, if different from applicant
  8. Gallons Of Water Daily \*
  9. Water Well(s) To Be Drilled \*
  10. Daily Water Usage \*
  11. Water Holding Facilities \*
  12. Waste Water Resolution \*
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#### SAND WASHING OPERATION

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13. Will A Sand Washing Facility Be Built?
  14. Will The Sand Washing Facility Contract With Other Sand Mines? If yes, additional questions
  15. Daily Hours of Sand Washing On Site
  16. Name & Contact Information of Sand Washing Company, if different from applicant
  17. Chemicals Used In Sand Washing Process, If Any
  18. Gallons Of Water Daily \*
  19. Water Well(s) To Be Drilled \*
  20. Daily Water Usage \*
  21. Water Holding Facilities \*
  22. Waste Water Resolution \*
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#### SAND HAULING

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23. Name & Contact Information of Sand Hauling Company, if different from applicant
  24. Number of Trucks Exiting and Entering Mine Site Daily For Hauling Sand \*
  25. End Point Of Sand Haul Route
  26. Name & Contact Information of End Point Sand Transfer Facility
  27. Type of Trucks To Be Used For Hauling Sand
  28. Tarping Process of Sand Trucks
  29. Daily Hours of Operation By Sand Haulers (with mandatory stoppage for school buses) \*
  30. Seasons of Operation By Sand Haulers \*
  31. Route of Transit by Sand Haulers \*
  32. Length of Haul Route From Sand Mine To Sand Transfer Point or Wisconsin State Border
  33. Schools Impacted By Haul Route
  34. Incorporated Towns & Cities Impacted By Haul Route
  35. Rivers, Creeks & Wetlands With Potential Impact By Haul Route
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It should be the responsibility of the Buffalo County Zoning Committee to set the acceptable parameters for certain conditions (see \* items above). Without control over the parameters it leads to public confusion. A few examples come to mind:

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- Klevgard Mine CUP has no conditions relating to schools. On a daily basis 250 semi sand hauling trucks will interact with the school buses from the Alma Area School and will also pass directly in front of the Cochrane/Fountain City School Complex on State Highway 35.
  - Current CUPs have differing parameters for sand hauling hours as they relate to “start time”, “end time”, “summer” and “winter”. Compare Klevgard Mine to pending CUP for R & J Mine.
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- Duration of recently issued permits are greater than requested by the applicant, Klevgard Mine is again an example where the duration was 3 years and a permit was granted for 5 years. Duration should not exceed applicant’s request and standard durations should be established.
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- Haul routes are critical and basic standards should be set in advance and the impacts should be identified & known by the County before the beginning of the approval process. For example, the Klevgard Mine haul route was originally to utilize State Highway 88 South to State Highway 35. It was changed without proper public notice or public input to utilize State Highway 88 North to State Highway 37 West to State Highway 35. As a result:
    - School impact was expanded from passing to the side of the school to directly in front of the Cochrane/Fountain City school and no condition was added for school buses and protection of children. School impact was also added because of the direct interaction with school busses from the Alma Area School without proper public notice.
  - Community impact on State Highway 35 (the Great River Road) was increased from one (Fountain City) to two (Fountain City & Alma) with specific impact on tourist access and property values for thousands of county residents and business owners without proper public notice.
  - Route length was increased by 12 miles. While minimal for one truck route, when aggregated over the lifetime of the permit this increase of 12 miles equals 3.9 million additional miles.
    - 3,000 additional miles daily (12 miles times 125 trucks times two trips)
    - 15,000 additional miles weekly
    - 780,000 additional miles annually
    - 3,900,000 additional miles for permit period (5 years)
  - Natural resource impact on the Buffalo River, a portion of which is included in the Upper Mississippi River National Wildlife & Fish Refuge (designated as a Wetland Of International Importance) was not considered. Yet there is audio on-site testimony of the BOA considering the impact of a trout stream in Waumandee Valley for the R & J Mine.
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Thank you for your time and consideration of these recommendations,

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