

POLK COUNTY
LAND CONSERVATION COMMITTEE

IN RE: The Administrative Appeal of
Land and Water Resources Department
Non-Metallic Mining permit #76

FINDINGS AND DECISION

The above entitled matter came before the Polk County Land Conservation Committee on January 6, January 7, and January 8, 2009. The Appellants were represented by Richard Ihrig, Polk County Land and Water Department [hereinafter "Department"] was represented by assistant Polk County Corporation Counsel, Malia Molone, Mathy Construction and Milestone Materials [hereinafter "Milestone"] were represented by Douglas Clark and the Polk County Land Conservation Committee was represented by Priscilla R. Dorn Cutler. Testimony was given by Peter DeJardin, Daniel Boardman, Barbara Delany, Jean Schermer, Jeremy Williamson, David Peterson, Tim Ritten, Paul Hanson, Candy Anderson. All reference to section numbers in this decision is to the Polk County Nonmetallic Mining Ordinance amended July 17, 2007. Based upon the evidence presented at the hearing:

1. This matter is remanded to the Department to direct Milestone to include all tax parcel identification numbers on the application.

2. This matter is remanded to the Department to include five foot intervals, seep-spring and wetland locations, bed rock glade locations and the entire field road on the existing conditions map. The location of such natural and man made structures shall also be indentified on adjoining property owner's lands. The Department shall use all resources available to the Department, including the expertise of Jeremy Williamson.

3. The committee did not find a pattern of serious violations of Milestone's permits issued by Chippewa County as Milestone addressed Chippewa County's concerns.

4. The issues of topsoil is adequately addressed by Milestone's reclamation plan, subject to inspections (§31) and enforcement (§32), the potential for an increase in financial assurances (§14) and the potential for an audit by the Wisconsin Department of Natural Resources (§28).

5. The issue of land use, i.e. passive recreation and agriculture, is adequately addressed by Milstone's reclamation plan, subject to ongoing inspections (§31) and enforcement (§32), the potential for an increase in financial assurances (§14) and the potential for an audit by the Wisconsin Department of Natural Resources (§28).

6. The issue of habitat restoration and vegetation restoration is closely associated with land use and is adequately addressed by Milestone's reclamation plan, subject to ongoing inspections (§31) and enforcement (§32), the potential for an increase in financial assurances (§14) and the potential for an audit by the Wisconsin Department of Natural Resources (§28).

7. The issue of storm water runoff is adequately addressed by Milestone's reclamation plan, subject to ongoing inspections (§31) and enforcement (§32), the potential for an increase in financial assurances (§14) and the potential for an audit by the Wisconsin Department of Natural Resources (§28).

8. The issue of the reclamation plan and its impact on the Trade River was not connected by expert testimony.

Dated this 14th day of January, 2009

Polk County Land Conservation Committee



By: Larry Jepsen

Its: chairman