

POLK COUNTY
LAND CONSERVATION COMMITTEE

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

FINDINGS AND MEMORANDUM

1. Do the appellants have standing to bring this appeal? Yes. Pursuant to Section 22.00 of the Polk County Nonmetallic Mining Ordinance and Wis. Stat. §227.42, all parties currently involved shall be given the opportunity to be heard.

2. Should Mathy Construction be prohibited from supplementing its reclamation permit application during the contested case hearing? The committee will respond to objections during the contested hearing.

3. Should this matter be remanded to the Polk County Land and Water Resources Department for a comprehensive environmental review? No. The Town of Laketown does not have a zoning ordinance to control land use and it is beyond the authority of this committee to order a comprehensive environmental review. The Polk County Nonmetallic Mining Ordinance provides for "standards" in the reclamation process under Section 11.

4. Should the contested case hearing on this matter be postponed until all related lawsuits are resolved? No. The contested hearing on this matter is separate from and independent of other proceedings.

5. The clarification of issues. Section 22.00 of the Polk County Nonmetallic Mining Ordinance provides for review of a reclamation permit. The contested hearing shall be limited to Polk County's decision to issue, deny or modify a nonmetallic mining reclamation permit.

6. The necessity or desirability of amendments to the pleading. This issue was not addressed at the pre hearing conference.

7. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof. The parties may exchange demands for admissions of fact and of document if they choose to do so by December 31, 2008.

8. The limitation of the number of witnesses. The number of witnesses called to testify shall be within the discretion of the attorneys and shall not include repetitive testimony. A list of witnesses and a summary of their testimony shall be

provided by each party to all opposing parties, including Priscilla R. Dorn Cutler, by December 31, 2008.

9. Such other matters as may aid in the expeditious disposition of this Administrative Appeal. This issue was not addressed at the pre hearing conference.

Dated this 26th day of December, 2008

**Polk County Land
Conservation Committee**



By: Larry Jepsen
Its: Chairman