

CONSERVATION, EDUCATION AND ECONOMIC
DEVELOPMENT COMMITTEE
AGENDA

DATE: Wednesday, October 3, 2018

TIME: 9:00 a.m.

LOCATION: Wood County Courthouse, Room 114

1. Call meeting to order.
2. Declaration of Quorum.
3. Public Comments (*brief comments/statement regarding committee business*)
4. Review Correspondence.
5. Consent Agenda.
 - a. Approve minutes of previous meeting
 - b. Approve bills
 - c. Receive staff activity reports
6. Risk and Injury Report
7. Land & Water Conservation Department
 - a. Open and approve low bid for the purpose of determining cost share amount for James & Joanne Coenen's three grassed waterways and rock crossings.
 - b. Open and approve low bid for the purpose of determining cost share amount for Otter Creek Farms waste storage facility project.
 - c. Report on well testing – Shane Wucherpennig.
 - d. 3-D groundwater model.
 - e. Discussion on groundwater.
 - f. Request from Citizens Water Committee for tour bus – discussion and possible action.
 - g. Discussion and possible action on Non-Ferrous Metallic Mining Ordinance.
 - h. Discuss CEED tour.
8. Economic Development
 - a. Wood County ATV Trail committee update
 - b. Discussion on Wood County's funding and role in Economic Development
 - c. Consider resolution requesting additional funding for Economic Development
9. Private Sewage
10. County Surveyor
11. Planning
12. UW Extension
 - a. Office Update
 - b. Horticulture Educator Update
 - c. Presentation- UW Extension FoodWise Coordinator, Jodi Friday
13. Schedule next regular committee meeting
14. Agenda items for next meeting
15. Schedule any additional meetings if necessary
16. Adjourn

MINUTES
CONSERVATION, EDUCATION & ECONOMIC DEVELOPMENT COMMITTEE
MONDAY, AUGUST 27, 2018

WOOD COUNTY COURTHOUSE, ROOM #115, WISCONSIN RAPIDS WI

NOTE: DUE TO INTERNET CONNECTION PROBLEMS THE MEETING WAS MOVED TO ROOM #114

Members Present: Kenneth Curry, Robert Ashbeck, Mark Holbrook, Dave LaFontaine, Bill Leichtnam, Harvey Petersen

Staff Present:

Planning & Zoning Staff: Jason Grueneberg.

Land & Water Conservation Staff: Shane Wucherpennig, and Lori Ruess.

UW Extension Staff: Jason Hausler

Others Present: Dist. #12 Supervisor Douglas Machon, Dist. # 15 Supervisor Bill Clendenning, Marla Cumming, Finance Director, Josh Miller, City of Marshfield, Justin Casperson, City of Marshfield, Scott Larson Marshfield Area Chamber of Commerce & Industry (MACCI), Rick Bakovka, Regional Economic Growth Initiative (REGI), Adam Tegan, City of Wisconsin Rapids, Jeremy Sickler, Alexander Field Airport Manager.

1. **Call to Order.** Chairperson Kenneth Curry called the CEED meeting to order at 9:00 a.m.
2. **Public Comment.** None
3. **Review Correspondence.** None
4. **Land & Water Conservation Department.**

A. Review/Approve 2019 Land & Water Conservation Department Budgets. Shane

Wucherpennig reported the Land & Water Conservation Department will have three new budgets in 2019, and will be closing out the Don Aron Memorial budget and rolling over the tree and shrub into the Land & Water Conservation Admin budget. The new budgets include Multi-Discharger Variance program, Mill Creek (9-Key Element) and 14-Mile Creek (9-Key Element).

Wucherpennig stated that the only tax levy budget in the Land & Water Conservation Department is the Land & Water Conservation Admin Budget. The DATCP Grant, Wildlife Damage Abatement and Claims, Non-Metallic Mining Reclamation, Permits & Fines, Multi-Discharger Variance (MDV), Mill Creek and 14-Mile Creek budgets are all non-levied budgets. He reviewed the budget summary and stated that overall the LWCD 2019 budget is at a 7.43% decrease in tax levy. The decrease is due to the \$20,000 grant for writing the Mill Creek 9-Key Element Plan and the additional Soil and Water Management Grant dollars for staff and support, which allowed for transferring of some staff hours from the Land & Water Conservation Admin budget to non-levied budgets. Following his review of the budgets, Wucherpennig asked if there were any questions. Bill Leichtnam asked if there were plans in the future to write 9-Key Element plans for 7-mile and 10-mile creeks. Shane explained the ranking process for selecting creeks for the 9-Key Element plan writing and stated they must be on the 303d list to be considered.

Chairperson Curry passed around a copy of the 2019 budget parameters letter from County Board Chairperson Doug Machon. In the letter Chairperson Machon asked all departments for a 1% reduction in operational levy supports.

Motion by Harvey Petersen to approve the 2019 Land & Water Conservation Admin, DATCP Grant, Wildlife Damage Abatement & Claims, Nonmetallic Mining, MDV, Permits & Fines, Mill Creek and 14-Mile Creek budgets as presented. Second by Bill Leichtnam. Motion carried unanimously.

5. UW Extension

- A. **Review/Approve 2019 UW Extension Department Budgets.** Jason Hausler stated he only included the 2019 UWEX budget summary in the CEED packet and apologized for the confusion. He handed out copies of the complete UWEX budget. He explained the increases including reallocation of wages and the spike in PC replacement line item. He also explained the decreases which included a reduction of \$10,000 in Clean Sweep and the removal of Farm Technology expenses from the budget. He added that he was planning ahead to 2020; therefore the proposed 2019 budget does not reflect the \$10,000 discount for contractual services as that discount will sunset in 2020. He hasn't seen anything confirming the 2019 discount, but heard there will be one. In summary, if approved as presented the UWEX budget would be a .79% reduction (without discount included) or a -2.5% reduction if the discount is included in the budget.

Chairperson Curry commented that budgets should reflect actual numbers, but he did appreciate the notice of the discount ending in 2020.

Mark Holbrook added that he was fine with the proposed budget as presented if it reflects the true cost of running the program in 2020 and beyond.

Marla Cummings explained the options the Committee had with approving the budget. Discussion followed.

Motion by Ken Curry to approve the UWEX budget as presented. Second by Mark Holbrook. Motion carried unanimously.

- B. **Horticulture Position Discussion.** Jason Hausler reported that Jeremy Erickson, Horticulture Educator has resigned. His last day will be the end of the week. Jason will be traveling to Madison to discuss the future Horticulture position and would like guidance from the Committee on the direction they would like to take with the position. He explained the position is currently a part-time (50%) position funded 100% by the county but there has been some discussion about combining with other counties (including Adams, Jackson and Juneau) to make this a full time Horticulture Specialist position. There are a lot of vegetables and cranberries in the Central Sands area and combining dollar for a commercial horticulture position could be beneficial. Discussion followed.

Bob Ashbeck expressed concern with filling a full-time position for commercial horticulture. He preferred a part-time position that would help individuals and small farmers.

Bill Leichtnam was in favor of the commercial horticulture position especially if Wood County could partner with surrounding counties.

It was the consensus of the Committee for Jason Hausler to explore the options of changing the dynamics of the current horticulture position.

- C. **Staffing & Programming Update.** Jason Hausler shared that Nancy Turyk, Community Development Extension Educator has been on staff for a little over a month and she has been receiving a lot of water quality questions. Jason asked for guidance from the Committee on how they would like her to handle those questions as she was hired for community development. Nancy has a wealth of knowledge and experience in water quality/research, but she should not be working outside her position description as that could lead to reclassification and reposting of the position. Jason has been working with her on how she can utilize her skills outside her water resources background and change her role in water resources to facilitator. Discussion followed.

6. Planning & Zoning.

- A. **Review/Approve 2019 Planning & Zoning Department Budgets.** Jason Grueneberg stated the Committee received the Economic Development budget along with the proposed 2019 Economic Development Grant Requests in the CEED packet. Jason summarized all the requests that came in and explained he doesn't withhold any applications.

The proposed grant requests included in the budget are:

Marshfield Area Chamber of Commerce & Industry - \$19,500
Marshfield Economic Development Board - \$30,500
Marshfield Residential Incentive (MRI) Program - \$31,250
Wildwood Park & Zoo Welcome Center Project - \$50,000
Heart of Wisconsin Chamber - \$19,500
Regional Economic Growth Initiative - \$30,500
Wisconsin Rapids Residential Incentive Program - \$40,000
State Fair Booth - \$2,500
Alexander Field - \$10,000
Roy Shwery Field - \$7,500

The 2019 total budgeted operating expense for Economic Development Grants is \$241,250, a 58.76% increase in tax levy. It should be noted that the Economic Development budget also includes Planning & Zoning Departmental expenses in the amount of \$7,325 for county marketing and tourism promotion, dues, and mileage for a total tax levy increase of 65.51% in the Economic Development budget. Lengthy discussion followed.

Scott Larsen, MACCI explained how the funding that comes from the County is run through the Chamber Foundation and that they try to do programming and training that benefits other areas of the County too.

Adam Tegan explained the new Wisconsin Rapids Residential Incentive Program. The program, in infancy stage, is designed to give \$5,000 incentive payments to developers to offset development of single family homes in under-utilized or undeveloped city lots.

Justin Casperson shared information on the Wildwood Park & Zoo Welcome Center Project. The main focus for the proposed \$50,000 grant request is the educational exhibit on groundwater which will be in the Welcome Center along with a small reptile display. \$150,000 has already been committed to the Welcome Center; just looking for an additional \$50,000.

Jason Grueneberg stated the county doesn't have a lot of staff resources to put to Economic Development and depends on collaborative players for Economic Development.

Several committee members expressed concerns including the tax levy increase and tax incentive programs going to cities, but not rural areas,

Bill Clendenning, as a representative from the Town of Grand Rapids, was opposed to the Wisconsin Rapids Residential Incentive Program.

Following lengthy discussion the following motions were made.

Motion by Ken Curry to approve the Economic Development Grants & Contribution expenditures in the 2019 Economic Development budget in the amount of \$151,250, (same as 2018) with the same designations as 2018. Second by Bob Ashbeck. Discussion followed.

Motion by Mark Holbrook to amend the previous motion, made by Ken Curry, to approve the Economic Development Grants & Contribution expenditures in the 2019 Economic Development budget in the amount of \$151,250 with no designation as to who gets the money at this time. Second by Bill Leichtnam. Discussion followed.

Voting Aye: Mark Holbrook and Bill Leichtnam

Voting Nay:

Ken Curry – The money needs to be allocated at this time; can review each application in the future.

Bob Ashbeck

Dave LaFontaine

Motion failed. Therefore, the original motion was still active and Chairperson Curry called for a vote on the motion he made to approve the Economic Development Grants & Contributions expenditures in the 2019 Economic Development budget in the amount of \$151,250, (same as 2018) with the same designations as 2018.

Voting Aye: Ken Curry and Robert Ashbeck

Voting Nay: Bill Leichtnam, Dave LaFontaine, and Mark Holbrook

Motion failed. Discussion followed.

*Motion by Dave LaFontaine to approve the proposed 2019 Economic Development Grants & Contribution expenditures in the Economic Development budget as presented. There was no second. **Motion failed.***

*Motion by Mark Holbrook to approve the proposed 2019 Economic Development Grants & Contribution expenditures in the Economic Development budget minus the \$50,000 for the Wildwood Park & Zoo Welcome Center Project. There was no second. **Motion failed.***

Motion by Dave LaFontaine to approve the Economic Development Grants & Contribution expenditures in the Economic Development budget for all past year projects as well as ½ of the requested amount for Wildwood Park & Zoo Welcome Center Project (\$25,000) and ½ of the requested amount for Wisconsin Rapids Residential Incent Program (\$20,000). Second by Robert Ashbeck.

Voting Aye: Dave LaFontaine and Robert Ashbeck

Voting Nay: Ken Curry, Mark Holbrook, and Bill Leichtnam

Motion failed.

Motion by Bill Leichtnam to add 10% to the 2018 Economic Development Grant allocation amount of \$151,250; unobligated to any group. Second by Mark Holbrook. Motion passed unanimously.

Ken Curry stated the committee will make a decision what if anything will be done with the 10% increase. Jason Grueneberg asked for clarification on the motion. He asked if the unobligated amount was the full amount or just the 10% (\$15,000). Bill Leichtnam stated his intention was the full amount and Mark Holbrook agreed that is how he understood the motion he seconded.

Ken Curry made a motion to reconsider the previous motion as he understood it as the 10% would be unobligated; not the full amount. Second by Dave LaFontaine. Motion passed with Bill Leichtnam voting nay.

Motion by Mark Holbrook to increase the 2018 Economic Development Grant allocation amount of \$151,250 by 10% and all 2019 applicants receive a pro-rated portion of the total. Second by Dave LaFontaine.

Voting Aye: Dave LaFontaine, Mark Holbrook, and Robert Ashbeck

Voting Nay: Ken Curry and Bill Leichtnam

Motion passed.

The Committee recessed for a short break at 11:43 a.m.

The Committee reconvened at 11:52 a.m.

Jason Grueneberg explained the CDBG is part of the Transportation and Economic Development budget and stated he also needed approval on the \$5,000 expense in Contractual Services and \$2,325 expense in Supplies and Expenses in the Economic Development budget.

Motion by Bill Leichtnam to approve the CDBG budgeted amount and the \$5,000 for Contractual Services and \$2,325 in Supplies and Expenses in the 2019 Transportation and Economic Development Budget. Second by Dave LaFontaine. Motion carried unanimously.

Jason gave the Committee a copy of the July 2018 Alexander Field report as Jeremy Sickler had to leave the meeting.

Jason Grueneberg presented the, Private Sewage, Census Redistricting, Land Records, Surveyor and Planning & Zoning budgets. He reviewed each budget and explained which ones were levied budgets and the approach that was taken to meet the requested 1% tax levy decrease. (Increase revenue by taking on one new program - Well Delegation and fee increases.) The proposed Surveyor budget meets the 1% tax levy decrease and the proposed Planning & Zoning Budget is at a -0.62% in tax levy. Both the Land Records and Private Sewage budgets have carryover which is allocated as operating expense.

Motion by Dave LaFontaine to approve the Planning & Zoning, Private Sewage, Census Redistricting, Land Records, and Surveyor budgets as presented. Second by Mark Holbrook. Motion carried unanimously.

7. Schedule any Additional Meetings if Necessary.

The next regular CEED meeting is scheduled for Wednesday, September 5, 2018 at 9:00 a.m. at the Wood County Courthouse in Room 115.

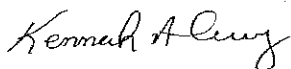
Agenda Items for Next Meeting.

- A. Presentation by Cathy Lotzer on the Marshfield Utilities Groundwater Guardian Program.
- B. Non-ferrous Metallic Mining Ordinance.
- C. Groundwater Discussion
- D. Economic Development Discussion

8. Adjourn.

Chairperson Kenneth Curry declared the meeting adjourned at 12:20 p.m.

Respectfully submitted,



Kenneth Curry, Acting Secretary

Minutes by Lori Ruess, Land & Water Conservation Department

Review for submittal to County Board by Kenneth Curry (approved on 9-12-18 @ 8:55 a.m.)

MINUTES
 CONSERVATION, EDUCATION & ECONOMIC DEVELOPMENT COMMITTEE
 WEDNESDAY, SEPTEMBER 5, 2018
 WOOD COUNTY COURTHOUSE, ROOM #115, WISCONSIN RAPIDS WI

Members Present: Kennth Curry, Robert Ashbeck, Mark Holbrook, Dave LaFontaine, Bill Leichtnam and Harvey Petersen.

Staff Present:

Planning & Zoning Staff: Jason Grueneberg and Kim Keech.

Land & Water Conservation Staff: Shane Wucherpfennig and Tracy Arnold.

UW Extension Staff: Jason Hausler and Matt Lippert.

Others Present: Dist. #12 Supervisor Douglas Machon, Dist. #14 Supervisor Dennis Polach, Dist. #15 Supervisor Bill Clendening, Nancy Eggleston (Wood County Health Department), and Cathy Lotzer (Marshfield Utilities/Groundwater Guardian Program).

1. **Call to Order.** Chairperson Curry called the CEED Meeting to order at 9:00 a.m.
2. **Public Comment.** None
3. **Review Correspondence.** None
4. **Consent Agenda.** The Consent Agenda included the following Items: 1) minutes of the August 15, 2018 CEED meeting, 2) bills from Planning & Zoning, Land & Water Conservation and UW Extension and 3) staff activity reports from Jason Grueneberg, Adam DeKleyn, Justin Conner, Jeff Brewbaker, Stevana Skinner, Kim Keech, Victoria Wilson, Shane Wucherpfennig, Tracy Arnold, Adam Groshek, Emily Salvinski, Lori Ruess, Alex Delaney, Matt Lippert, Jodi Friday, Chris Viau, Laura Huber, Nancy Turyk and Jackie Carattini.
 - A. Minutes of Wednesday, August 15, 2018. No additions or corrections needed.
 - B. Department Bills. No additions or corrections needed.
 - C. Staff Activity Reports. No additions or corrections needed.

Motion by Dave LaFontaine to approve and accept the August 15, 2018 CEED minutes, bills from Planning & Zoning, Land & Water Conservation and UW Extension, and staff activity reports as presented. Second by Mark Holbrook. Motion carried unanimously.

5. **Risk and Injury Report.** None.
6. **Presentation by Cathy Lotzer on the Marshfield Utilities Groundwater Guardian Program.**

Cathy Lotzer gave a presentation on the Marshfield Utilities Groundwater Guardian Program and Groundwater Guardian Green Site programs. The Groundwater Guardian Green Site program recognizes green spaces for their groundwater and environmental resources. Green spaces consist of large green spaces such as golf courses, parks, nature areas, ballfields and campuses adding recreation, beauty and livability to communities. The Groundwater Guardian Program was started in 1996. The goal of the Groundwater Guardian Program is to encourage people to protect groundwater by educating the community. The program encourages a strong local team with a clear framework for action to benefit the people and water of a community. There are five Groundwater Guardian teams in the State of Wisconsin. The reason that the Groundwater Guardian Program hasn't caught on state-wide is due to a downturn in the economy and lack of funding. The program is difficult to maintain because a designated person is needed to do the job. Some of the Groundwater Guardian Programs

community projects have been water festivals, clean sweep, pharmaceutical collection of medicines (12,529 pounds collected), Girl Scout groundwater patches and rain gardens. Discussion followed.

7. Land & Water Conservation Department.

- A. Report and possible action on the Non-Ferrous Metallic Mining Ordinance Shane Wucherpennig explained that the county has been in a waiting pattern to see what Taylor County plans to do with their Non-Ferrous Metallic Mining Ordinance. The intent was to model Taylor County ordinance but Taylor County has decided not to update or amend their proposed ordinance. Shane Wucherpennig shared that the Wood County Non-Ferrous Metallic Mining Ordinance was in the position to be acted on if the CEED Committee was ready. Chairman Curry expressed that the Non-Ferrous Metallic Mining Ordinance to be reviewed at the October CEED Committee meeting.

Motion by Bill Leichtnam to review the draft of the Wood County Non-Ferrous Metallic Mining Ordinance at the October CEED Committee Meeting and if approved to hold a public hearing prior to sending it to County Board. Second by Dave LaFontaine. Motion carried unanimously.

B. Wood County Water

- i. Report to Committee: Purposed county water testing/sampling plans status Shane Wucherpennig and Nancy Eggleston (Health Department) updated the committee regarding the status of the 104 wells that were tested for nitrate levels in Armenia and Southern Wood County. EPA and DNR are aware of the water testing results and the 42% contamination of the 104 wells.

Shane Wucherpennig shared that Wood County and Juneau County have been involved in reviewing a draft of a Memorandum of Understanding (MOU) which was drafted by the Armenia Growers Coalition and would outline a voluntary agreement with Wood County and Juneau County to work with well owners with nitrate levels above 10 ppm to provide them with safe drinking water short term and long term. The MOU draft has been reviewed by the EPA and DNR. EPA feels that the language of the MOU isn't strong enough. The MOU will be updated and completed within 30 days with the EPA recommendations. Shane Wucherpennig had Emily Salvinski create a central sands area map based on soils outlining the cropland corridor which is similar to Exhibit A in the MOU, but not the same. EPA can impose ACT 1431 without a MOU in place to the Armenia Growers Coalition. EPA Act 1431 would outline 6 key compliance requirements that the Armenia Growers Coalition would have to comply with. The preference for Wood County and Juneau County would be to have a voluntary MOU agreement in place versus EPA imposing Act 1431. Three growers of the Armenia Growers Coalition need to sign the MOU if approved by the EPA. EPA will explain results to the public of the wells they tested and found contamination in Armenia and Southern Wood County which will be released by the end of September.

Armenia Growers Coalition plans to assist landowners who have a well that tested high in nitrate levels but only offers to provide bottled water, a treatment system and maintenance for one year.

Lengthy discussion followed with several committee members expressing concerns.

- ii. Groundwater Discussion: Supervisor Leichtnam shared his request to the committee and the County Board Chair Doug Machon to form an ad hoc committee composed of members of each committee appointed by the Chair to bring policy and revision to the County Board as a whole. County Board Chair Machon commented that he won't

form an ad hoc committee because he feels that the issues belong at the committee level and if an ad hoc committee is formed it may become political in nature on county board floor. Supervisor Holbrook feels that an ad hoc committee would help educate the county board. County Board Chair Machon feels an alternative to an ad hoc committee would be a presentation to county board regarding the implications on groundwater. Supervisor Ashbeck shared that he feels that Wood County should have a Groundwater Guardian Program. Shane Wucherpfennig and Nancy Eggleston expressed that they would be willing to give a presentation on groundwater to the county board.

Motion by Bill Leichtnam for the Land & Water Conservation Department and Health Department to give a groundwater presentation to the county board. Second by Dave LaFontaine. Motion carried unanimously.

- C. Open bids for David Brehm (Highlander Cranberry) woven wire fence Tracy Arnold shared that two bids were received for the 5,155 feet of 8 feet high woven wire fence for David Brehm of Highlander Cranberry. The DNR has approved 75% cost sharing of the woven wire fence with 25% cost sharing from the landowner. There will be no fiscal impact to Wood County towards the woven wire project. Land & Water Conservation Department has estimated the project to cost approximately \$25,000.

Motion by Dave LaFontaine to approve the low bid from Real Fence LLC in the amount of \$22,890 for the purpose of the David Brehm (Highlander Cranberry) woven fence project. Second by Bill Leichtnam. Motion carried unanimously.

- D. Open bids for Pankratz Farms waste storage facility closure Shane Wucherpfennig shared that two bids were received for the Pankratz Farms waste storage facility closure. LWCD staff will inspect the waste storage facility closure once the project is completed. Cost sharing will consist of 50% from Land & Water Conservation Department and 50% from landowner. Land & Water Conservation Department has estimated the waste storage facility closure to cost approximately \$17,300.

Motion by Robert Ashbeck to approve the low bid to base cost sharing on from Steve Pankratz in the amount of \$31,100 for the purpose of Pankratz Farms waste storage facility closure. Second by Harvey Petersen. Motion carried unanimously.

- E. Consider/take action on resolution to amend the 2018 Wildlife Damage Abatement & Claims Program (WDACP) budget. Shane Wucherpfennig presented the resolution to amend the 2018 Wood County Wildlife Abatement & Claims (WDACP) budget for unanticipated state aid monies and appropriate those monies to Wildlife Damage expenditures. The Executive Committee has signed the resolution on September 4th. The project is for the David Brehm (Highlander Cranberry) woven wire fence project which has no fiscal impact to the county. Shane Wucherpfennig shared that the resolution needs CEED Committee approval.

Motion by Bill Leichtnam to approve the resolution to seek County Board approval to amend the 2018 Wood County Wildlife Damage Abatement and Claims Program (WDACP) budget for unanticipated state aid monies and to appropriate those monies to Wildlife Damage expenditures. Second by Dave LaFontaine. Motion carried unanimously.

8. Economic Development.

- A. Wood County ATV Trail Committee update Jason Grueneberg updated the committee regarding the ATV trail progress with Park & Forestry and Highway Departments. The next ATV Trail meeting will be on September 20th. ATV field work has been tentatively scheduled (weather permitting) on site in the county forests to determine trail accessibility and location. Jason Grueneberg shared that he has met with the Ho-Chunk Nation to outline approach of ATV trails in

regards to the Nekoosa Casino location. Jason Grueneberg commented that the southwest side of the county has unique obstacles such as the fenced area of the Sandhill Wildlife area and that the Town of Remington is not onboard having ATV trails in the town. Jason Grueneberg mentioned that Roland Hawk of the Highway Department will contact the City of Nekoosa and Town of Saratoga regarding the bridge crossing for ATV trails in Nekoosa. Highway Department is researching signage for ATV trails deciding who will absorb costs. Sandra Green from Park & Forestry is researching grant funding. Discussion followed.

A short break was called by Chairman Curry at 11:12 a.m. Chairman Curry reconvened the CEED Committee meeting at 11:20 a.m.

- B. Presentation and discussion on Wood County Economic Development Efforts Jason Grueneberg gave a PowerPoint presentation on Economic Development in Wood County. Jason shared the mission statement, 2018 Economic Development Budget, collaborative efforts with other agencies, coordinating updates to CEED Committee, leveraging grant opportunities and maintaining connections with Economic Development stakeholders. Jason summarized other agencies and programs including; UW-Extension Community Development Educator-Nancy Turyk, Central Wisconsin Economic Development, Central Housing Region, Wood County Housing Repair Program, Marshfield Economic Development Board, REGI, PACE (Property Assessed Clean Energy), tourism based support, project based support and Wood County economic investments.

9. **Private Sewage.** None

10. **County Surveyor.** None

11. **Planning.**

- A. Jason Grueneberg has shared that the Town of Grand Rapids has contacted the Planning & Zoning Department to update the comprehensive plan for the town. The town has requested a proposal for cost and timeline for the comprehensive plans completion.

12. **UW Extension.**

- A. 2019 Contract Update Jason Hausler presented the draft of the 2019 contract between Wood County and the Board of Regents of the University of Wisconsin System. Jason shared that a change in the contract is that educational services are aligned to county priorities and are provided after the contract is signed. The contract needs to be signed after the Wood County budget is approved and by the end of year.
- B. Presentation – UW Extension Agriculture Agent, Matt Lippert Matt Lippert shared that the 2018 Farm Technology Days held in Wood County in July was a successful event with great weather and location. Donations from area businesses, individuals and in-kind volunteering made the event a success. There were almost 2,000 volunteers for the event. Hotels were full in the Marshfield area and in Wisconsin Rapids. Attendance is estimated to be approximately 43,000 for the three day event. The main draw of Farm Technology Days is for farm families. Matt Lippert thanked the committee for their commitment and support to host 2018 Farm Technology Days. Wood County invested approximately \$60,000 for the event. Popular attractions at Farm Technology Days included a cranberry marsh where princesses and politicians wanted to be photographed, creative activities in the youth tent, Farm Medicine Center creating You Tube videos of Farm Technology Days, Farm Medicine Center staff providing health screening and a \$500,000 combine. Financial Report is not yet available.

13. **Schedule Next Meeting.**

The next regular CEED meeting is scheduled for Wednesday, October 3, 2018 at 9:00 a.m. at Wood County Courthouse in Conference Room #114.

14. Agenda items for next meeting.

- A. Review and possible action on the Non-Ferrous Metallic Mining Ordinance.
- B. Well presentation.
- C. 3D Groundwater Model

15. Schedule any additional meetings if necessary.


A special CEED Committee meeting is scheduled for Friday, September 7, 2018 at 2:00 p.m. at the Wood County Courthouse in Room #114 to discuss the 2019 Economic Development Budget.

A special CEED Committee tour is scheduled for Friday, September 21, 2018 at 7:45 a.m. with the bus leaving the Wood County Courthouse at 8:00 a.m.

16. Adjourn.

Chairperson Curry declared the meeting adjourned at 12:20 p.m.

Respectfully submitted,



Mark Holbrook, Secretary

Minutes by Kim Keech, Planning & Zoning Office

Review for submittal to County Board by Mark Holbrook (approved on September 11, 2018 at 8:17 p.m.)

MINUTES
 CONSERVATION, EDUCATION & ECONOMIC DEVELOPMENT COMMITTEE
 FRIDAY, SEPTEMBER 7, 2018
 WOOD COUNTY COURTHOUSE, ROOM #114, WISCONSIN RAPIDS WI

Members Present: Kenneth Curry, Robert Ashbeck, Dave LaFontaine and Bill Leichtnam. Mark Holbrook arrived at 2:10 p.m.

Members Excused: Harvey Petersen.

Staff Present:

Planning & Zoning Staff: Jason Grueneberg and Kim Keech.

Others Present: Dist. #5 Supervisor Adam Fischer, Dist. #14 Supervisor Dennis Polach, Dist. #15 Supervisor Bill Clendening, Marla Cummings (Wood County Finance Department), Josh Miller (City of Marshfield), Krista Coon (Heart of Wisconsin Chamber of Commerce), Jeremy Sickler (Alexander Field Airport), Arne Nystrom (Alexander Field Airport), Rick Bakovka (Regional Economic Growth Initiative), Adam Tegen (City of Wisconsin Rapids), Scott Larson (Marshfield Area Chamber of Commerce & Industry) and Mayor Zach Vruwink (City of Wisconsin Rapids).

1. **Call Meeting to Order.** Chairperson Curry called the CEED Meeting to order at 2:00 p.m.
2. **Public Comment.** None
3. **Review Correspondence.** None
4. **Review and consider approval of Transportation and Economic Development Budget.**
 Chairman Curry explained that there was a motion at the Executive Budget Meeting on September 4th to approve and accept the 2019 Transportation and Economic Development Budget sharing that there was no second. He shared that the directive of the County Board Chair was to decrease the tax levy by 1%. Chairman Curry commented that he made a motion at the Executive Committee to send the 2019 Transportation and Economic Development Budget back to the CEED Committee for changes.

Jason Grueneberg shared that the 2019 Transportation and Economic Development Budget was approved on August 27th with a 10% increase from the 2018 budget. There were two new grant requests for 2019 that totaled \$90,000 which were for the Wildwood Park & Zoo Welcome Center Project in the amount of \$50,000 and Wisconsin Rapids Residential Incentive Program for \$40,000. The consensus of the CEED Committee was to prorate and fund all grant requests reducing the share that existing stakeholders would receive by 31% from 2018. Jason Grueneberg shared that the bulk of the Transportation and Economic Budget are for grant requests with a small portion of the budget for mileage and WEDA dues. Jason commented that the CEED Committee needs to act today on the 2019 Transportation and Economic Development Budget to send to the Executive Committee for approval on September 18th.

Supervisor Ashbeck expressed that the Highway 10 Project hurt Milladore and feels that the economic development money should also benefit farmers and the rural area. Supervisor Leichtnam shared that the money should be disbursed equity wide throughout the county. Chairman Curry doesn't want supervisors to vote against the budget because of a grant request. Supervisor Fischer is surprised that Wood County doesn't give more for economic development.

Marla Cummings stated that the CEED Committee can vote on an amount versus who gets the grants.

Josh Miller shared that the City of Marshfield Residential Incentive (MRI) Program partnered with Wood County for a verbal two year agreement. 2019 would be the second year of that program. He commented that there are no funds available to make-up the difference if this program was reduced.

Adam Tegen (City of Wisconsin Rapids) saw an opportunity but would prefer not take away from other organizations. Mayor Vruwink (City of Wisconsin Rapids) commented that there are other ways to make revenue to fund the Wisconsin Rapids Residential Incentive Program.

Jason Grueneberg shared that the Economic Development mission is collaborative in nature and that groups depend on Wood County funding to move projects forward.

Rick Bakovka (Regional Economic Growth Initiative) commented that existing organizations are being cut by 31% by the budget that was approved by the CEED Committee on 8/27/18. He added that the existing partners should be funded at the same levels in the past and to create a new special request fund.

Motion by Dave LaFontaine to approve the 2018 budget amount and add \$90,000 for the two new grant requests to total \$241,500 grant requests. Second by Kenneth Curry. Motion failed 2-3. Voting no was Bill Leichtnam, Robert Ashbeck and Mark Holbrook. Bill Leichtnam would vote for this motion if the money wasn't earmarked for certain organizations. Robert Ashbeck feels that the money should be spread throughout the county. Mark Holbrook asked if the Executive Committee would approve a budget of \$241,500 if they didn't approve a \$166,463 grant request budget. Discussion followed.

Mark Holbrook added that organizations need to realize that when you write a grant they may or may not get funded.

Motion by Mark Holbrook to remove the Marshfield Park & Zoo Welcome Center Project in the amount of \$34,500 from the approved CEED Committee budget on 8/27/18 and to apply \$9,687 of that amount to the Marshfield Residential Incentive (MRI) Program due to a Wood County verbal 2 year commitment in the amount of \$31,250. Second by Bill Leichtnam.

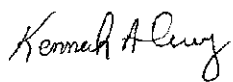
Motion by Bill Leichtnam to amend Mark Holbrook motion to divide the difference between the total 2018 budget requests and 2019 approved CEED Committee budget requests on 8/27/18 to the remaining existing stakeholders for a 21% reduction in grants to existing stakeholders. Motion carried 3-2. Voting no was Kenneth Curry and Dave LaFontaine. Dave LaFontaine feels that there should not be any grant cuts to the Marshfield Economic Development Board. Chairman Curry feels that the CEED Committee should have a blanket Transportation and Economic Development budget commitment figuring out who the grant recipients are later.

Supervisor LaFontaine feels that the CEED Committee should send a future request to the full county board for additional money added to the Economic Development budget. Supervisor Leichtnam proposed that the CEED Committee should consider a resolution to County Board for additional monies for Economic Development at the October meeting.

5. Schedule any additional meetings if necessary.

6. Adjourn. Chairperson Curry declared the meeting adjourned at 3:10 p.m.

Respectfully submitted,



Kenneth Curry, CEED Chairperson

Minutes by Kim Keech, Planning & Zoning Office

Review for submittal to County Board by Kenneth Curry (approved on September 26, 2018 @ 2:50 p.m.)

Committee Report

County of Wood

Report of claims for: Land & Water Conservation Dept

For the period of: September 2018

For the range of vouchers: 18180142 - 18180151

Voucher	Vendor Name	Nature of Claim	Doc Date	Amount	Paid
18180142	WOODTRUST BANK NA	WLD/LWC - SOLAR ENERGIZERS & B	08/07/2018	\$850.17	P
18180143	SALVINSKI EMILY	LWC - MEAL REIMBURSEMENT	08/28/2018	\$12.00	P
18180144	WUCHERPFENNIG SHANE A	LWC - DATA PLAN, MILEAGE, MEAL	08/28/2018	\$72.90	P
18180145	CLARK COUNTY LAND CONSERVATION DEPT	SWRM - NMFE GRANT RETIMBURSEME	08/13/2018	\$800.00	P
18180146	LINCOLN COUNTY LAND SERVICES	SWRM - NMFE GRANT REIMBURSEMEN	08/13/2018	\$800.00	P
18180147	MARATHON COUNTY CONSERVATION DEPT	SWRM - NMFE GRANT REIMBURSEMEN	08/13/2018	\$800.00	P
18180148	TAYLOR COUNTY LAND CONSERVATION DEPT	SWRM - NMFE GRANT REIMBURSEMEN	08/13/2018	\$800.00	P
18180149	WAL-MART COMMUNITY/SYNCB	LWC/WLD-ENV ED & ABATEMENT SUP	09/11/2018	\$31.21	P
18180150	GROSHEK ADAM	LWC - DATA PLAN REIMBURSEMENT	09/26/2018	\$30.00	
18180151	WUCHERPFENNIG SHANE A	LWC - DATA PLAN REIMB & MILEAG	09/25/2018	\$50.71	
Grand Total:				\$4,246.99	

Signatures

Committee Chair: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Report

County of Wood

Report of claims for: Planning & Zoning Department

For the period of: September 2018

For the range of vouchers: 22180089 - 22180099 38180021 - 38180022

Voucher	Vendor Name	Nature of Claim	Doc Date	Amount	Paid
22180089	EAGLE REPROGRAPHICS	LR-Plotter Paper	08/23/2018	\$279.60	P
22180090	WOOD TRUST BANK	Credit Card Charges	08/20/2018	\$25.07	P
22180091	INDUSTRY SERVICES DIVISION	PS-State Sanitary Permit (Aug)	08/31/2018	\$1,800.00	P
22180092	CARMODY SOFTWARE INC	PS-Upgrades/Services(Sept)	09/05/2018	\$299.00	P
22180093	AEGIS CORPORATION	PS-Notary Bond (Kim)	09/06/2018	\$25.00	P
22180094	BOYER KEVIN	SU-Services Per Contract(Sept)	09/11/2018	\$833.00	P
22180095	WCCA (COUNTY CODE ADMIN)	PS-WCCA Fall Conf (Jeff/Adam)	09/12/2018	\$330.00	P
22180096	GRUENEBERG JASON	PL-Expenses (Aug/Sept)	09/12/2018	\$111.75	P
22180097	POSTMASTER - WISCONSIN RAPIDS	PS-Postage 2nd Septic Rem(717)	09/17/2018	\$183.13	P
22180098	SKINNER STEVANA	PS-Expenses (Sept)	09/18/2018	\$63.49	P
22180099	DEKLEYN ADAM	PL-Expenses (Aug/Sept)	09/25/2018	\$315.57	P
38180021	WOOD TRUST BANK	ED-Fall Conf Reg (Jason)	08/20/2018	\$225.00	P
38180022	GRUENEBERG JASON	ED-Expenses (Aug/Sept)	09/12/2018	\$167.34	P
Grand Total:				\$4,657.95	

Signatures

Committee Chair:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Report

County of Wood

Report of claims for: UWEX

For the period of: September 2018

For the range of vouchers: 30180111 - 30180125

Voucher	Vendor Name	Nature of Claim	Doc Date	Amount	Paid
30180111	HUBER LAURA	reimbursement 4-H pins	09/11/2018	\$472.10	P
30180112	CENTRAL WI STATE JUNIOR FAIR BOARD	2018 state fair transportation	09/11/2018	\$900.00	P
30180113	EO JOHNSON CO INC	copier lease	09/11/2018	\$229.49	P
30180114	EO JOHNSON COMPANY INC	copies	09/11/2018	\$593.00	P
30180115	WOODTRUST BANK	computer rack for wendy's desk	09/11/2018	\$41.99	P
30180116	CARATTINI JACKIE	Carattini Sept Expenses	09/25/2018	\$191.23	P
30180117	HUBER LAURA	HUBER SEP EXPENSES	09/25/2018	\$139.52	P
30180118	LIPPERT MATTHEW	LIPPERT SEPT EXPENSES	09/25/2018	\$235.99	P
30180119	TURYK NANCY	TURYK AUG EXPESNES& BOOK	09/25/2018	\$301.67	P
30180120	VIAU CHRISTOPHER	VIAU SEPT EXPENSES	09/25/2018	\$98.65	P
30180121	YOUNG WENDY	YOUNG AUG & SEPT EXPENSES	09/25/2018	\$175.49	P
30180122	EMMONS BUSINESS INTERIORS	furniture	09/25/2018	\$589.05	P
30180123	ENTERPRISE RENT-A-CAR	Jackie & Nancy car rental	09/25/2018	\$63.82	P
30180124	UW SOIL TESTING LAB	UW SOIL TESTING CHARGES	09/25/2018	\$365.80	P
30180125	WAL-MART COMMUNITY/SYNCB	SWEPS-freezer storage incentiv	09/25/2018	\$17.22	P
Grand Total:				\$4,415.02	

Signatures

Committee Chair:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:



Activities Report for Shane Wucherpfennig September, 2018

- **September 4** – Budget hearing, Worked on Mill Creek Watershed 9 Key Element Plan.
- **September 5** – Attended CEED meeting.
- **September 6** – Worked on Mill Creek Watershed 9 Key Element Plan, Otter Creek Farms Design.
- **September 7** - Discussed groundwater monitoring/well testing with Wood County LWCD, Health & UW Ext
- **September 10 & 11**– Worked on Mill Creek Watershed 9 Key Element Plan.
- **September 12** – Met with Scott Provost (WDNR) to discuss monitoring strategy for the Mill Creek Watershed. Worked on Mill Creek Watershed 9 Key Element Plan.
- **September 13 & 14** – Worked on Mill Creek Watershed 9 Key Element Plan.
- **September 17** – Attended citizen's "water" committee meeting at River Block. Worked on Mill Creek Watershed 9 Key Element Plan.
- **September 18** – Attended County Board.
- **September 19** – Attended EPA Conference call With Counties & MOU.
- **September 20** – Attended Nutrient Management Farmer Education Grant meeting in Spencer.
- **September 21** – Otter Creek Farms Design.
- **September 24** – Otter Creek Farms Design.
- **September 24 - 26** – Worked on Mill Creek Watershed 9 Key Element Plan.
- **September 27** – Open Bids for James Coenon Waterways with Ken Curry, Phone conference with Scott Grossman NOV.

Activities Report for Tracy Arnold 09-2018

Wildlife Damage Abatement and Claims Program

- Maintaining DNR database with current Wood County information
- Enrolling Wood County landowners for the 2018 crop year
- Coordinating paperwork for the WDACP 2018 season
- Continually working with 1 landowner for an approved fence to finalize design
- Start the designs for 6 additional permanent fences to submit to DNR for approval
- Following up on failed fences to bring them back into compliance
- Numerous site visits to verify crop damage in order to apply for shooting permits
- Appraised 750 acres of corn
- Appraised 125 acres of soybeans
- Appraised 200 acres of cranberries
- Appraised 280 acres of alfalfa/grass-hay

Non-metallic mining reclamation program

- Updating NMM databases
- Processing pond exemptions as they come in
- Working with Coulee Frac regarding a new permit application and permit transfer
- Bohn Trucking reclamation permit public notice out 2 consecutive weeks

Land and Water Conservation

- Entering stream flow data into the SWIMS database for 11 sites (authorized by state to enter data)
- Completed stream flow on Two Mile, Blood Run and Five Mile
- Chair of the Youth Education Committee for the WI Land+Water
- Secretary of the North Central Land and Water Conservation Area Association
- Coordinating 2019 tree/shrub and wildflower sale with Lori
- Communications regarding cancelling the 2018 CEED Tour
- Coordinated with Pittsville High School with a pilot fall rusty crayfish trapping research project
- Presented to 65 students at THINK academy regarding monarch butterfly migration
- Requested new tree sale program from IT, current one is from 1995
 - Checked on the status of the new tree sale program

Activities Report for Adam Groshek – September 2018

Land and Water Resource Management Program/Animal Waste Storage Ordinance/CREP Activities:

- ~Pankratz Farms underbarn manure tank abandonment plan design, site visits, bid prep, cost estimate, and bid packet deliveries. Multiple discussions with DATCP staff and original engineer on the safety concerns with abandoning the tank.
- ~Arranging down payment process for Lee Accola so that Don Kolo is sure he will get paid and DATCP funding will cost-share the remaining once it is finished.
- ~Site visit, design, calculations, cost estimate, and bidding papers out for 3 grassed waterways and 3 rock crossings for Jim Coenen. Bids to be opened soon and hope is to get the construction started ASAP to get some vegetation growing before winter.
- ~Planning of CEED committee September 2018 tour and cancellation the week of.
- ~Discussions, planning, research of past area test holes, and design for new manure transfer system and barn add-on for Pankratz Farms and planning for expansion of clay lined manure pit.
- ~CREP meeting, paperwork, and environmental benefit reports for the Lobners.
- ~Discussions with Vesper WWTP over the Multi-Discharger Variance (MDV) and where any MDV money would be used.
- ~Wellness lunch-n-learns and other quarter activity logging.
- ~Otter Creek Farms manure storage structure add-on plan review for Shane.
- ~Purchasing of field supplies.
- ~Discussion with Barry Richardson to postpone the survey and design for his pit top road and cantilever pushoff until the milk prices come up some so he can better afford it. May restart the design process in 2019.
- ~Dealing with continued issues with computer drives and AutoCAD Civil 3D time lagging and crashing with LiDAR data.
- ~Well abandonment site visit, abandonment plan, and paperwork for a Weinfurter/Ruess old dug well.
- ~Site visit to Saul Weilers grassland CREP.
- ~Discussions with Bill Thiel on future cantilever pushoff ramp for loading his manure spreader.

Activities Report for Lori Ruess – September 2018

- Answered telephone and front desk questions.
- Mail pickup/delivery - Courthouse.
- Deposit of incoming checks on Wednesdays & Fridays.
- Calculated and mailed payroll percentages for specific budgets to Finance for August payrolls
- Reviewed general ledger and payroll registers and completed journal entries to correct payroll (WRS).
- Completed a cost-share reimbursement request form for Russell & Elaine Bauer and emailed to DATCP for processing.
- Completed a CREP practice payment reimbursement request in the amount of \$407 for Ra-Con Farms, Inc. Emailed the request to DATCP for processing.
- Completed a cost-share reimbursement request for Philip & Stacey Vruwink for residue management and emailed to DATCP for processing.
- Completed a cost-share reimbursement request for Robert & Maria Miller (Phillip Vruwink grant recipient) for residue management and emailed to DATCP for processing.
- Completed a cost-share reimbursement request of Joyce Isensee (Phillip Vruwink grant recipient) for residue management and emailed to DATCP for processing.
- Completed a cost-share agreement for well closure on property owned by Sandra Weinfurter.
- Assisted Tracy Arnold with the tour agenda and reservations – tour was canceled
- Completed bid letters for Jim Coenen waterway systems & Otter Creek Farms waste storage facility.
- Completed a reimbursement letter to DNR and invoice for \$22,000 (reimbursement for LWCD staff time for writing the Mill Creek 9-Key Element plan).
- Completed the August Lunch & Learn on the Power of a Good Nights Sleep.
- Ongoing electronic file updates – currently scanning LWRM documents and updating electronic files.
- Organized County Board and CEED packet information and took to County Clerk's office.

Activities Report for Emily Salvinski September 2018

- **Monday, September 3.** Holiday.
- **Tuesday, September 4.** Put together available info in cost-share contract. Worked on No-NMP map.
- **Wednesday, September 5.** Prepped for manure complaint visit. Went to site of manure spreading complaint.
- **Thursday, September 6.** Finished POWTS map for 9-key plan. Filled out manure complaint form and followed up with farmer. Sent requested information on 14-mile watershed.
- **Friday, September 7.** Worked on adding/sorting through additional data to water monitoring map/shapefile.
- **Monday, September 10.** Organized/sorted many gis shapefiles and folders
- **Tuesday, September 11.** Gathered stats for tables in 9-key plan. Put together final maps to go in parsnip doc with what was done in summer 2018 for spring 2019.
- **Wednesday, September 12.** Meeting with DNR to go over water monitoring strategy. Gathered stats for tables in 9-key plan.
- **Thursday, September 13.** Found correct shapefile online to gather stream length of Mill Creek and Tributaries for plan. Gathered population and median household income for plan. Found ESRI map for population growth for plan.
- **Friday, September 14.** Made 2005 inventory map for plan. Made different tillage scenarios in snap plus for plan. Got NMP non-NMP acres in watershed from GIS. Worked on barnyard/feedlot map for plan.
- **Monday, September 17.** Organized shapefiles
- **Tuesday, September 18.** Worked on conservation practices map for 9-key plan. Read through DNR TMDL materials to look for info for 9-key plan.
- **Wednesday, September 19.** Finished up conservation practices map.
- **Thursday, September 20.** Prepped for meeting. Sent updates to website. Checked status of field with manure spreading. Attended NMFE planning meeting in Spencer.
- **Friday, September 21.** Worked on NMFE spreadsheet for this season. Worked on NM database.
- **Monday, September 24.** Found stats in shapefile for 9-key plan.
- **Tuesday, September 25.** Started updating NMFE mailing list. Contacted potential nm cost-share people.

TO: Conservation, Education & Economic Development Committee

FR: Jason Grueneberg, Planning & Zoning Director
Adam DeKleyn, County Planner
Justin Conner, GIS Specialist
Jeff Brewbaker, Code Administrator
Stevana Skinner, Code Technician
Kim Keech, Admin Services 5
Victoria Wilson, Admin Services 4

RE: Staff Report for October 3, 2018

1. Economic Development (Jason Grueneberg)

- a. Meeting with North Central Community Action Program – On September 10th, I met with Diane Sennholz, Director of NCCAP. The purpose of the meeting was to determine if NCCAP would be interested in administering the Wood County CDBG Housing repair program in the future.
- b. ATV Field Work – On September 11th, Adam Dekleyn and I spent the day verifying ATV routes, and determining where ATV trails could be developed on County Forest Land. We started off at the Wood County ATV Area, worked our way through the towns of Port Edwards and Remington and went as far as Pray in Jackson County. Purpose of the ride into Jackson County was to confirm that there was a legal route connection into the Jackson County trail network, and to refuel.
- c. ATV/UTV Route and Trail Planning Committee – On September 20th a meeting was held to discuss ATV trails and routes in Wood County. Some of the items discussed included the observations from the field work completed by Jason Grueneberg and Adam Dekleyn, updates on municipal ATV ordinances, review of County ATV ordinance, discussion of possible bridge crossings, and next steps in the planning process.
- d. Central Wisconsin Economic Development Fund Board – On September 19th, the CWED Board met to consider 1 loan application and 4 modifications, updates from advisory and finance committees, monthly fund status report, and service provider updates.
- e. Central Wisconsin Economic Development Fund – On September 25th, I participated in the CWED Advisory Committee meeting. Agenda items included reviewing draft language pertaining to the process of appointing CWED Board Alternates, and creating a loan review board.
- f. Wisconsin Economic Development Association Fall Conference – On September 27th and September 28th, I attended the WEDA Fall Conference in Green Bay. Some items presented include information on Federal and State historic tax credits, updates on Tax Incremental

Finance fundamentals, placemaking concepts, Foxconn impacts, and creating destinations.

2. Planning (Adam DeKleyn)

- a. Plat Review Officer – (5) CSM's were submitted for review/approval. (8) CSM's were approved/recorded. (5) CSM's are pending approval.

(1) Condominium Plat reviewed/approved: Point Cove Condominium Addendum #5.
- b. Sewer Service Area Planning (Type I Amendment: Village of Biron) – Requested SSA amendment was reviewed and approved by the WDNR. Attached is the WDNR's administrative decision letter for your reference and review.
- c. Water Quality Management (WQM) Review – 208 Review Compliance Letter issued for:
 - I. Sanitary sewer extensions for Huffman Road & CTH. U Project (Village of Biron).
 - II. Sanitary sewer extensions for 14th Place South Project, (City of Wisconsin Rapids).
- d. Town of Lincoln Comprehensive Plan Update – Draft housing element was completed and presented to Plan Commission for review and approval.
- e. Town of Saratoga Community Survey Summary – Presented survey results at a Saratoga public meeting. Meeting was well attended. The town will use the survey results to assist in the development of a Strategic Plan.
- f. Wood County Parks, Recreation, and Open Space Plan – Planning group met. Continuing to prepare plan update.
- g. ATV/UTV Planning – Performing existing conditions inventory. Work group met for continued discussions.
- h. Nonferrous Metallic Mining – Reviewed/finalized Wood County Nonferrous Metallic Mining Ordinance.

3. Land Records (Justin Conner)

- a. ATV Trails – Attended meeting to discuss ATV trails.
- b. Land Records Modernization Plan – Updating the LRM plan to stay in compliance with WLIP grants. Land Records projects must be cited in the plan to be eligible for funding.

- c. Create maps and caches for CIS – CIS requires pre-cached base maps instead of individual GIS layer files. Caches totaled 30GB in size and 71 hours of processing.

4. Code Administrator's (Jeff Brewbaker and Stevana Skinner)

a. Private Sewage Program, Permitting, Maintenance and Violations

- i. (26) on-site investigations/inspections/compliances
- ii. (0) septic system verification letters & failing system investigations
- iii. (4) failing septic system orders, (0) holding tank maintenance violations & settlements
- iv. (21) soil tests reviewed, (0) soil on-sites, (2) hydrograph reports reviewed, (3) interpretive soils report reviewed
- v. (1) holding tank plan reviews, (6) conventional plan reviews, (6) mound plan review, (0) system and fill plan
- vi. (21) sanitary permits reviewed
- vii. (0) court cases for malfunctioning septic system and overfull holding tanks (0) referrals invoices & maintenance
- viii. (0) sanitary system easements (1) Undersized System Affidavit
- ix. (0) camper complaints
- x. (0) court cases for failure to comply with septic tank maintenance program
- xi. (1) meetings with holding tank offenders in office (1) meetings at property owners residence regarding holding tank violations
- xii. Stevana has been looking into the well delegation program certification
- xiii. Answered phone calls, emails and met in office regarding permitting and inspection questions.

b. Floodplain Ordinance Investigations and Permitting

- i. (8) site inspections, meetings or enforcement
- ii. (1) permit issued, screening sites or Letter of Map Amendment (LOMA)
- iii. (0) DNR Approved flood studies reviewed
- iv. (0) Cranberry farm certification
- v. (2) Meetings in office regarding citizens building near floodplain
- vi. Answered questions from citizens regarding building in floodplain and shoreland areas.

c. Shoreland Ordinance Investigations and Permitting

- i. (1) general shoreland permits reviewed & issued
- ii. (1) mitigation plans reviewed, (0) exempt structure affidavit
- iii. (12) onsite pre-construction inspections, meetings & enforcement, compliances
- iv. (1) navigability determinations

- v. (5) wetland evaluation/site visit
- vi. Answered phone calls and met with various people at the counter regarding shoreland zoning requirements.

5. Office Activity (Kim Keech and Victoria Wilson)

- a. Monthly Sanitary Permit Activity – There were 19 sanitary permits issued in August 2018 (10 New, 8 Replacements, 1 Reconnect and 0 Non-Plumbing) with revenues totaling \$6,325. There were 28 sanitary permits issued in August 2017 (10 New, 13 Replacements, 5 Reconnects and 0 Non-Plumbing) with revenues totaling \$8,375.

There were 106 sanitary permits issued through August 2018. For comparison purposes, the following are through the same period for the previous five years: 2017 – 126, 2016 – 109, 2015 – 117, 2014 – 116 and 2013 – 127.

- b. 2018 Tax Refund Intercept Program (TRIP) – As of September 25th, Wood County has received \$1,784.00 on six outstanding cases.
- c. 2018 Maintenance Notices – Septic Maintenance Notices, ATU (Aerobic) Maintenance Notices, White Knight (Aerobic) Maintenance Notices, and Farmer Exempt Holding Tank Maintenance Notices were mailed on Monday, April 23rd with a due date of Friday, August 10th. There were 717 Septic Maintenance 2nd reminders mailed on Monday, September 24th.
- d. 2018 Program Fee Notices – The approximately 2,871 program fee notices are tentatively scheduled to be mailed Friday, October 26th with a due date of Wednesday, November 28th.
- e. Zoning Permits Database for Shoreland and Floodplain – The new zoning permit database program has been completed by the Information Technology Department. Zoning permits have been transferred from the old TIPfe program to the new zoning permit database system created by the Information Technology Department. Office staff will be reviewing the zoning permits in the new database system for accuracy and updating zoning permits as time permits. Years completed & verified: 2014 - 2018
- f. Enforcement Activities Update (Small Claims) – None.
- g. Document Imaging Projects
 - i. Sanitary Permit Document Imaging Project Status. Sanitary permits for the years 1982 – 2016 are available for viewing on Wood County's website www.co.wood.wi.us/Departments/PZ. 2017 Sanitary Permits will be scanned in mid-October 2018.

- h. Wisconsin Fund Grant Program – The Joint Finance Committee on Thursday, May 11, 2017 on a 12-4 vote adopted ongoing funding for the Wisconsin Fund Grant Program through June 30, 2021.
 - i. (7) Wisconsin Fund Applications FY2019 – Wisconsin Fund Grant Applications were emailed to the State of Wisconsin on January 30th meeting the deadline date of January 31st. Disbursement of Wisconsin Fund Grant is expected late fall 2018.
 - ii. (1) Wisconsin Fund Applications FY2020
- i. Sanitary Permit Database System Project – The next phase for the sanitary permit system database will consist of creating a service provider and comments interface. This phase will consist of service providers reporting pumping, inspections and maintenance service events on the Wood County Sanitary Permit system. Office staff has met with the Information Technology Department on the initial phases of this project. An important piece of this project is having the capabilities to retain service and comment history as well as to be able to enter those on the Wood County Sanitary Permit system.
- j. Kim attended the CEED Committee Meetings on September 5th and September 7th. Kim attended the Wellness Committee meeting on September 18th.
- k. Victoria attended the ATV Route Discussion on September 20th.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



September 6, 2018

DNR Project No: WO0010

Adam R. DeKleyn, County Planner
Wood County Department of Planning and Zoning
400 Market Street
Wisconsin Rapids, WI 54494

Subject: Type I Amendment to the Wisconsin Rapids Sewer Service Area (SSA) – Water Quality Management (WQM) Plan

Location: Village of Biron, Wood County, WI (S36/35/25, T23N, R6E)

Dear Mr. DeKleyn:

We have completed our review of the subject sewer service area amendment request from the Village of Biron to add and remove an area of equal size (8.58 acres) to the Wisconsin Rapids SSA. The proposed amendment was submitted to the Department in August 2018. We hereby approve of this request.

The area proposed to be added to the Wisconsin Rapids SSA encompasses 8.58 acres. It includes a ½ mile of Huffman Road right-of-way so sanitary sewer can be extended from the Biron Business Park north to the future Bridgewater Development and neighboring areas. Additionally, three other parcels with existing residences are proposed to be added that were overlooked in a past SSA boundary amendment. An equal amount of land is proposed to be removed from the SSA. All lands to be removed are considered environmentally sensitive areas and have low potential for future development. See Map 1 for details.

Statewide AWQM Plan Amendment

This amendment is a formal update to the state's Areawide Water Quality Management Plan and the *Wisconsin Rapids Sewer Service Area/Water Quality Management Plan - 2030* and will be sent to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the federal regulations 40 CFR, Part 35. This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats. The approval of this sewer service area amendment does not constitute approval of any other required local, state, or federal permit for sewer construction or associated land development activities.

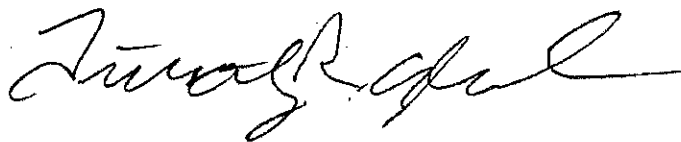
Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of

the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy R. Asplund". The signature is fluid and cursive, with the first name being the most prominent.

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality
Division of Environmental Management

cc:

Lisa Helmuth, WY/3

Linnea Rock, WY/3

Lacey Hillman, West Central Region Wastewater Supervisor *(via email)*

Mark Hazuga, West Central Region Water Resources Supervisor *(via email)*

Jon Evenson, Village of Biron President *(via email)*

Bill Vruwink, Village of Biron Public Works *(via email)*

Joe Eichsteadt, City of Wisconsin Rapids *(via email)*

Larry Koopman, Lampert-Lee & Associates *(via email)*

Keith Helmrick, Classic Development Corp. of Plover *(via email)*

CEED Committee Report

September 2018

MATT LIPPERT

Wood County UW-Extension, Agriculture Agent

- One issue of the Cranberry Crop Management Journal was produced during the month. We will be done with this publication for the growing season.
- The county soil judging contest and conservation day was held in the Pittsville School District this year. About 100 students attended from the four area schools that have high school agriculture programs- Pittsville, Wisconsin Rapids, Marshfield and Auburndale. The program included a tour of cranberry harvest and processing at Gardner Cold Storage. Students learned about land conservation and best management practices as part of the soils event.
- Farm Technology Days is now on the books. In September we are having several meetings to finalize bill payments, write committee reports for future shows and have the pleasant task of how to distribute the remaining money held by the show. We anticipate about \$100,000 will go to area volunteer organizations. The county money provided to start us out with money to make early purchases is intended to be repaid; final numbers are not yet in.
- I was on the radio with both WDLB and WFHR during the month.
- A number of home owner questions included care of apples, lawns, pricing standing corn and designing dairy replacement housing.
- I met with Master Gardeners and area Garden Club including a presentation on cranberry production.
- I assisted with educational tours at the Warrens Cranberry Festival.
- I assisted with a tour of Ukrainians learning about local agriculture and cranberry production.
- I met with the county Farm Bureau and assisted with their annual meeting.
- I worked with local producers on questions about pesticide application, harvest moisture, budgets and feed inventories.
- The ground water committee met during the month and attended the program to provide ideas on their organizational structure and to be informed about the county septic system monitoring program and the relative contributions of residential septic systems and agricultural production.
- I wrote an article for the Central Wisconsin Agriculture Specialization News Letter.
- I contributed to discussions about the Market Animal Sale as that group met for their first meeting to review the fair. There were revisions made in the carcass evaluation program which I organize and in light of other questions regarding possible restrictive eligibility for the sale I needed to be available to address interest in the implications of this aspect of the program.

JODI FRIDAY

Wood County UW-Extension, FoodWise Nutrition Educator

- Meeting with mentor Tammy Hansen in Marathon County (9/5)
- Meeting with coordinator of St. Bron's Community Meal Site for potential new programming (9/6)
- Meeting with Portage County Educator Penny Schmitt and Family Living Educator Sherry Daniels regarding Strong Bodies programming (9/6)
- Meeting with Heidi Elsen from Ho Chunk Head Start to discuss new programming for Head Start parents in collaboration with Jackie Carattini (9/10)

- Meeting with Emily Stieve from United Way to discuss Community Food Center/Hunger Coalitions goals (9/11)
- Meeting with Lacey Piekarski for programming with Wood County FSET (9/11)
- Meeting with Carrie Silers at Wisconsin Rapids River Cities High School to discuss new programming in collaboration with Jackie Carattini (9/12)
- Meeting with FoodWise Regional Manager Jill Hicks – FY19 Agreements (9/12)
- Attended Portage County staff meeting; meeting with Danielle Belsky from Portage County Boys & Girls Club to discuss programming; Taught a lesson on nutritious eating on a budget to Americorp Members, approximately 50 learners; attended the Portage County Ag & Extension Committee meeting (9/13)
- Meeting with new principal Penny Antell at Mead Elementary (9/14)
- Taught a lesson at the South Wood County Emerging Pantry focusing on fats and how to limit saturated fats, 9 learners (9/18)
- Meeting with principal Amanda Mayo at McKinley Elementary; meeting with Nicole Tank at Children's Hospital of Wisconsin to expand FoodWise reach to Portage and Wood County; meeting with Lindsay Kruzitski of Stevens Point YMCA for agreement signature (9/19)
- Phone conversation with Jason Hausler and staff member (9/20)
- Meeting with FoodWise Regional Manager Jill Hicks – Action Plan (9/25)
- Participated in a Zoom meeting on Smarter Lunchrooms (9/26)
- Attended the ADRC Nutrition Advisory Council Meeting (9/27)
- Attended the South Wood County Hunger Coalition meeting (9/27)

CHRIS VIAU

Wood County UW-Extension, 4-H Youth Development Educator

The following is a summary of Youth Development activities:

4-H Club and Program Management:

- 4-H Club and Volunteer Management concerns- Ongoing
- Wood County 4-H Leaders Association Meetings
 - Executive Committee 9/17
 - Full Association Meeting 9/24

Central WI State Fair

- Post Fair support
 - Extension staff review and recap
 - Jr. Fair Board September 19

Other

- WFHR Radio- 9/27

Administrative

- State and Regional Phone Conferences and Meetings
- UW-Extension All Colleague Meeting

- 4-H Youth Development Liaison Responsibilities- 50% FTE

LAURA HUBER

Wood County UW-Extension, 4-H Program Coordinator

- Assisted with Junior Fair wrap up – evaluations, premium checks, communications, etc.
- Attended Central Wisconsin 4-H Shooting Sports program meeting (9 September)
- Visited the Rozellville Rockets 4-H Club (10 September)
- Joined and attended SEED (Seeking Educational Equity and Diversity) in Port Edwards (17 September)
- Attended Junior Fair Board meeting (19 September)
- Participated in Northern Area 4-H Colleague meeting in Merrill (20 September)
- Coordinated meeting with older 4-H youth (PALS) (23 September)
- Attended Wood County 4-H Leaders Association meeting (24 September)
- Attended statewide online training (25 September)

Ongoing responsibilities:

- Updated and maintained the Wood County 4-H, WI Facebook page which currently has 739 followers.
 - Assisted with maintenance of the Central WI 4-H Shooting Sports Facebook page which has 281 followers
- Responded to communications to the office including general questions, 4-H enrollment, planning meetings, etc.
- Ongoing assistance for new leaders and the volunteer background checks
- Training and supervising intern Amanda Kyle (last day 21 September)

NANCY TURK

Wood County UW-Extension, Community Development Extension Educator

Meet & Greets. Discussion of partner initiatives and challenges and potential assistance from UWEX.

- Legislator for Ho Chunk Nation
- Mayor of Wisconsin Rapids
- Director of Wisc. Small Business Development Center
- Director and CEO of Incourage.
- Followed up on requests for information and made connections for assistance by other Extension colleagues and specialists.

Diversity and Inclusivity

- Preparing for Div/Inclusive workshop for Community Leadership Program (with Heart of Wisconsin Chamber).
- Attended first SEED training class in Port Edwards.

Clean Sweep

- Preparation and event on 9/29.
- Radio talk shows in Wisc Rapids and Marshfield (aired on 9/18 and 9/20).

- Submitted proposal to DATCP for 2019 program funding of Ag and Household Hazardous Waste. Discussed Rx funding with Health Dept. and police dept. partners and decided funding is not needed in 2019 since disposal costs are covered by DOJ programs.

UW Extension Onboarding

- Participated in several Cohort meetings via Zoom.
- Attended "Art of Facilitation" training in Madison.
- Attended 2 day meeting in Madison.

JACKIE CARATTINI

Wood County UW-Extension, Family Living Educator

- Attended a statewide mentoring sub-committee meeting.
- Attended Faculty Senate Meeting in Madison.
- Attended the HCE (Home and Community Education) Fall Kick-Off in Babcock on Sept 11th.
- Attended the monthly state JCEP Board meeting via phone.
- Provided information on the Upcoming Parenting series Raising a Thinking Child on WFHR and WDLB.
- Taught a program on Food Preservation at the WI. Rapids Library on Sept 12th.
- Taught a program on Food Preservation at the Nekoosa Library on Sept 18th.
- Taught the final session of Rent Smart at the Hannah House in Marshfield.
- Attended a Civil Rights Training in Madison.
- Taught a program on Food Preservation at the Pittsville Library on Sept. 25th.
- Attended a Healthy Aging Wood County meeting in Marshfield.
- Attended a regional Nutritional Advisory Council Meeting in Wisconsin Rapids.

**ORDINANCE 803
NONFERROUS METALLIC MINING AND RECLAMATION
WOOD COUNTY, WISCONSIN**

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Ordinance 803 – Nonferrous Metallic Mining and Reclamation

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PART I – GENERAL

803.01 TITLE. Nonferrous Metallic Mining and Reclamation Ordinance of Wood County, Wisconsin.

803.02 FINDINGS.

(1) Wood County (the "County") is a rural region largely dominated by and economically dependent on agricultural-lands and recreational-lands forest-lands. Clean air and clean water are necessary to maintain a healthy environment and support public health, safety and wellbeing within the County. Water is an especially precious natural resource in Wood County.

(2) If not properly regulated, metallic mining could result in environmental degradation that would have substantial adverse consequences to the residents of Wood County.

(3) Metallic mineral mining can only occur in the few locations where the forces of nature have deposited the minerals in abundance. Metallic minerals are a necessary component of products in daily use throughout the County. Metallic mineral mining has the potential to become the County's most environmentally intensive industrial activity and has the potential to adversely impact the environment and beneficially or adversely affect the public health, safety, welfare and economic well-being of the residents and transients of Wood County.

(4) Water and air resources move by natural forces throughout the County, carrying their life-sustaining qualities or noxious residues across property boundaries. If not properly regulated, metallic mineral mining, reclamation and mine waste management could have an adverse impact on the environmental quality and character of the County and the social and economic qualities and general welfare of the communities in Wood County. The County has a duty to apply its police powers to ensure that its environment and the health, safety, general welfare and interests of its residents are protected to the same extent that the environment and residents of other counties are protected, including the interests of Wood County residents in having a clean, safe and healthy environment and water supply.

803.03 INTENT. The Board of Supervisors ordains that all unincorporated areas of the County be uniformly subject to the County's regulation as set forth in this chapter to regulate within those areas how nonferrous metallic mineral mining may be conducted so as to promote the public peace and good order within the County including, without limitation, the purposes set forth in Section 59.69(1), Wisconsin State Statutes. Accordingly, nonferrous metallic mineral mining activities shall only be conducted in the County pursuant to a license to mine issued in conformance with this chapter and containing conditions that the County determines necessary to achieve the intent of this chapter. The

general intent of this chapter is to regulate the location, construction, installation, alteration, design, operation, use, reclamation and long term care of all nonferrous metallic mines and restrict the conduct of nonferrous metallic mineral mining activities within Wood County as necessary so as to protect and promote the public health, safety, prosperity and general welfare of residents and transients; preserve the public peace and good order within the County; further the appropriate use of land, air and water resources of Wood County; promote aesthetic values; provide for environmentally sound reclamation of land disturbed by mining activities; and promote the administration and enforcement of this chapter and provide penalties for its violation. This chapter is not intended to regulate the mining of any "ferrous mineral" as that term is defined in Chapter 295 of the Wisconsin State Statutes.

803.04 STATUTORY AUTHORITY. This Chapter is adopted under authority of the powers set forth in Sections 59.01, 59.03, 59.04, 59.51, 59.54(6), 59.57, 59.70, 92.07, 293.41 and 293.43(4), Wisconsin State Statutes.

803.05 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin State Statutes.

803.06 SEVERABILITY. Should any portion of this chapter be determined invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall remain in full force and effect.

803.07 APPLICABILITY. This chapter applies to the use and proposed use of land within all unincorporated areas of Wood County for the purpose of nonferrous metallic mineral mining regardless of when such use is commenced.

803.08 ADMINISTRATION. The provisions of this chapter shall be administered by the Wood County Conservation, Education and Economic Development Committee (CEED) in conjunction with the Land and Water Conservation Department and Planning and Zoning Department, as provided in this chapter.

803.09 EFFECTIVE DATE. This chapter shall become effective upon its adoption and publication by the Wood County Board of Supervisors.

803.10 DEFINITIONS.

- (1) Any term not expressly defined herein shall have the meaning set forth in Chapter 293, Wisconsin State Statutes, ("Ch. 293") and if not defined therein then as defined in Ch. NR 132, Wisconsin Administrative Code ("NR 132"), and if not defined therein then as defined in Chapter 182, Wisconsin Administrative Code ("NR 182") as those definitions exist on the effective date of this chapter.

(2) As used in this chapter:

- (a) "Administrator" shall mean the Wood County Land and Water Conservation Department.
- (b) "Applicant" shall mean a person or business entity that has applied for a Wood County Metallic Mining License.
- (c) "Committee" shall mean the Wood County Conservation, Education and Economic Development Committee (CEED).
- (d) "County" shall mean Wood County, State of Wisconsin.
- (e) "Department" or "WDNR" shall mean the Wisconsin Department of Natural Resources.
- (f) "License" or "Metallic Mining License" shall mean a license to mine nonferrous metallic minerals that is duly issued by the County in accordance with this chapter.
- (g) "Licensee" shall mean a person or business entity to whom a Wood County Metallic Mining License has been awarded.
- (h) "Mining" or "mining operation" means all or part of the process involved in the mining of nonferrous metallic minerals, other than for exploration or prospecting, including commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse.
- (i) "Mining site" means the surface area disturbed by a mining operation, including the surface area from which the minerals or refuse or both have been removed, the surface area covered by refuse, all lands disturbed by the construction or improvement of haulageway, and any surface areas in which structures, equipment, materials and any other things used in the mining operation are situated.
- (j) "Nonferrous metallic mineral" means an ore or other earthen material to be excavated from natural deposits on or in the earth for its metallic content but not primarily for its iron oxide content.

803.11 LEGAL REFERENCES CITED. For convenience, the titles of legal references used in this chapter on effective date are set forth below.

- (1) Statutes.

Ordinance 803 – Nonferrous Metallic Mining and Reclamation

- Wis. Stat. § 30: Navigable waters, harbors and navigation
- Wis. Stat. § 31: Regulation of dams and bridges affecting navigable water
- Wis. Stat. § 59.01: Body corporate; status
- Wis. Stat. § 59.03: Home rule
- Wis. Stat. § 59.04: Construction of powers
- Wis. Stat. § 59.51: Board powers
- Wis. Stat. § 59.54: Public protection and safety
- Wis. Stat. § 59.57: Economic and industrial development
- Wis. Stat. § 59.70: Environmental protection and land use
- Wis. Stat. § 92.11: Regulation of local soil and water resource management practices
- Wis. Stat. § 280: Pure drinking water
- Wis. Stat. § 281: Water and sewage
- Wis. Stat. § 283: Pollution Discharge Elimination
- Wis. Stat. § 285: Air Pollution
- Wis. Stat. § 291: Hazardous Waste Management
- Wis. Stat. § 293: Nonferrous Metallic Mining
- Wis. Stat. § 293.01: Definitions
- Wis. Stat. § 293.37: Application for mining permit
- Wis. Stat. § 293.41: Local agreements
- Wis. Stat. § 293.65: Withdrawal of surface waters; withdrawal of groundwater; damage claims
- Wis. Stat. § 295: Nonmetallic Mining Reclamation; Oil and Gas; Ferrous Metallic Mining
- Wis. Stat. § 985: Publication of legal notices; public newspapers; fees

(2) Administrative Codes.

- Wis. Admin. Code Ch. NR 102: Water quality standards for Wisconsin surface waters
- Wis. Admin. Code Ch. NR 103: Water quality standards for wetlands
- Wis. Admin. Code Ch. NR 104: Uses and designated standards and secondary values
- Wis. Admin. Code Ch. NR 105: Surface water quality criteria for toxic substances
- Wis. Admin. Code Ch. NR 132: Metallic mineral mining
- Wis. Admin. Code Ch. NR 132.03: Definitions
- Wis. Admin. Code Ch. NR 132.05: Notification of intent to collect data
- Wis. Admin. Code Ch. NR 132.07: Mining plan
- Wis. Admin. Code Ch. NR 132.08: Reclamation plan
- Wis. Admin. Code Ch. NR 132.17: Minimum design and operation requirements
- Wis. Admin. Code Ch. NR 132.18: Location criteria and environmental standards

- Wis. Admin. Code Ch. NR 135: Nonmetallic mining reclamation
- Wis. Admin. Code Ch. NR 140: Groundwater quality
- Wis. Admin. Code Ch. NR 142: Wisconsin water management and conservation
- Wis. Admin. Code Ch. NR 150: Environmental analysis and review procedures
- Wis. Admin. Code Ch. NR 151: Runoff management
- Wis. Admin. Code Ch. NR 182: Metallic mining waste
- Wis. Admin. Code Ch. NR 200: Application for discharge permits
- Wis. Admin. Code Ch. NR 207: Water quality antidegradation
- Wis. Admin. Code Ch. NR 216: Storm water discharge permits
- Wis. Admin. Code Ch. NR 269: Stone, gravel and sand segment of mineral mining and processing
- Wis. Admin. Code Ch. NR 270: Ore mining and dressing
- Wis. Admin. Code Ch. NR 300: Time limits and fees for waterway and wetland permit decisions
- Wis. Admin. Code Ch. NR 400: Air pollution control definitions
- Wis. Admin. Code Ch. NR 500: General solid waste management requirements
- Wis. Admin. Code Ch. NR 528: Management of accumulated sediment from storm water management structures
- Wis. Admin. Code Ch. NR 538: Beneficial use of industrial byproducts
- Wis. Admin. Code Ch. NR 660: Hazardous waste management: general
- Wis. Admin. Code Ch. NR 662: Hazardous waste generator standards
- Wis. Admin. Code Ch. NR 820: Groundwater quantity protection

PART II - STANDARDS

803.12 APPLICATION OF STANDARDS. All applications for license pursuant to this chapter shall be evaluated in accordance with the minimum standards, which are set forth in this subchapter, for the purpose of establishing conditions on and enforcing any license granted pursuant to this chapter. The committee shall evaluate the best available evidence and determine by a majority vote whether any standard has been or would be violated. The committee may recommend the County enter one or more local agreements pursuant to Section 293.41, Wisconsin State Statutes, and the provisions of any such local agreement shall determine the applicability of this chapter, in whole and in part. Except as provided by a local agreement to which the County is made a party, no license shall be granted to an applicant whose mining operation is projected to violate any applicable standard, except as the license establishes conditions that eliminate or mitigate the projected violations to the committee's satisfaction. If in evaluating whether a standard would be violated the committee relies on any provision of any local agreement to which the County is or will be made a party, the committee shall recommend that compliance with such local agreement be made a condition of licensure.

The chapters and sections of Wisconsin State Statutes and Wisconsin Administrative Codes referenced in this subchapter are hereby adopted in full, as they are written on the effective date of this chapter, for the purpose of incorporating and enforcing the standards and procedures there set forth as standards of this chapter. If any of these standards should conflict, the strictest applicable standard shall control.

803.13 GENERAL STANDARDS. All proposed metallic mining operations that would take place on lands in Wood County are subject to the standards in this section and any other considerations deemed necessary by the committee, except as set forth in any applicable local agreement to which the County is made a party.

- (1) Location and Operation. A metallic mineral mining project shall be located, designed, constructed and operated in such a manner so as to prevent any surface or subsurface discharge from the facility into navigable waters or groundwater that would cause a violation of any applicable water quality standard contained in or promulgated pursuant to Chapters 281 or 283, Wisconsin State Statutes, or constitute an unlawful discharge of any hazardous substance under Chapter 292, Wisconsin State Statutes, or under any other State, Federal or local law.
- (2) Environmental Impact Study. A license for a metallic mineral mine operation shall be denied unless an environmental impact report prepared by the applicant has been reviewed by the committee and all environmental impacts of the proposed mining operation have been considered and addressed to the committee's satisfaction.
- (3) Financial Assurance. The licensee shall provide financial assurance, adequate in kinds and amounts and to the committee's satisfaction, of the licensee's ability to undertake and complete the proposed mining operation in a manner that address all environmental impacts arising from the proposed mining operation in accordance with this chapter.
- (4) Control of Environmental Pollution. The licensee shall comply with the standards of Wisconsin State Statute Chapters 280, 281, 283, 285, 291, and 293, and related Administrative Code Chapters including but not limited to Chapters NR 102, 103, 105, 132, 135, 140, 142, 151, 182, 200 et seq., 300 et seq., 500 et seq., and 660, Wisconsin Administrative Code.
- (5) Natural Beauty. The licensee shall comply with the requirements of Sections NR 132.07(4)(j), 132.17(1) and (11), Wisconsin Administrative Code.
- (6) Groundwater Protection. The Preventive Action Limits and Enforcement Standards set forth in Chapters NR 140 and 820, Wisconsin

Administrative Code, shall apply to metallic mineral mining activities in Wood County, and shall be applied and enforced as set forth in this chapter, including but not limited to application of the provisions of Chapters NR 132 and 182, Wisconsin Administrative Code.

(7) Surface Water Protection.

(a) The Non-Agricultural Performance Standards set forth in Chapter NR 151 shall apply to metallic mineral mining activities in Wood County, and shall be applied and enforced as set forth in this chapter, including but not limited to application of the provisions of Chapters NR 132 and 182, Wisconsin Administrative Code.

(b) The water quality standards set forth in Chapters NR 102, 103, 104 and 105 shall apply to metallic mineral mining activities in Wood County, and shall be applied and enforced as set forth in this chapter, including but not limited to application of the provisions of Chapters NR 132 and 182 and Chapters NR 207, 216, 269, 270, Wisconsin Administrative Code.

(8) Water Supplies. The mining operation shall be conducted in compliance with the requirements of Section 293.65, Wisconsin State Statutes, and Chapters 30, 31, 280 and 281, Wisconsin State Statutes, and related Administrative Code Standards and Federal laws.

(9) Hydrologic Studies. A hydrologic study, including well and surface water monitoring, shall be conducted as part of the application and license requirements by an independent consultant agreeable to the applicant/licensee and the committee. The hydrologic information obtained prior to Application for License shall be included in the environmental impact report prepared pursuant to this chapter, and submitted to the administrator and the town clerks of townships that contain any portion of the proposed mining operation and all adjacent townships, to be kept on file and available to the public. Each owner of a well in an affected township shall be given a copy of the information relevant to his well or wells upon request and shall receive a full copy of the full hydrologic study upon payment of costs for photocopying and delivery. Should a license be granted, the licensee shall continue hydrologic studies and reporting as required by conditions set forth in the license.

(10) Well Monitoring. For a period of two years prior to commencement of construction of any mine, and during the period of operation of any mine, and for thirty (30) years after completion of mine reclamation as determined by the committee, the

applicant/licensee shall monitor on a continuous basis all private and public wells located within two miles of the perimeter of the mining site and any other wells that the hydrologic study recommends should be monitored, in order to provide baseline data concerning quantity and quality of water adequate for all purposes, including, but not limited to, determining the validity of any well damage claim. The well monitoring intervals and analytical parameters shall be established at the time of permit application and included in the permit as a condition of permit approval. The well monitoring required under this chapter shall be performed by an independent consultant agreeable to both the committee and the applicant. The identity of the consultant shall be set forth in the license, and any change in the identity thereafter shall be approved by the committee. That consultant shall employ the split sample technique upon request of the Administrator, committee, applicant or license and shall make samples available upon request to the committee or any person or consultant designated by the committee to receive such samples. The information obtained in this monitoring program shall be included in the environmental impact report specified in this subchapter and shall be filed with the Administrator. Who keeps track of this, where do they submit this data too.

- (11) Air Quality Standards. The standards set forth in Chapters NR 400 et. seq., Wisconsin Administrative Code, shall apply to metallic mineral mining activities in Wood County, and shall be applied and enforced as set forth in this chapter.
- (12) Hazardous Waste Standards. The standards set forth in Chapters NR 662 et. seq., Wisconsin Administrative Code, shall apply to hazardous wastes generated by metallic mineral mining activities in Wood County, and shall be applied and enforced as set forth in this chapter.
- (13) Solid Waste Standards. The standards set forth in Chapters NR 182, 528 and 538, Wisconsin Administrative Code, shall apply to metallic mineral mining activities in Wood County, and shall be applied and enforced as set forth in this chapter.
- (14) Mine Reclamation Standards. The standards set forth in Sections NR 132.08(2) and (3), Wisconsin Administrative Code, shall apply to metallic mineral mining activities in Wood County, and shall be applied and enforced as set forth in this chapter.

- (15) Topsoil Preservation for Use in Reclamation. The mining operation shall be conducted in compliance with the requirements of Section NR 132.07(4)(g), Wisconsin Administrative Code.
- (16) Indigenous Plant Species Required in Reclamation. The mining operation shall be conducted in compliance with the requirements of Section NR 132.08(2)(g), Wisconsin Administrative Code.
- (17) Adjustment for Inflation. The dollar amount to be paid for any fee, deposit or other amount fixed pursuant to this chapter shall be adjusted to reflect the percentage change in the "Consumer Price Index" for all urban consumers (CPI-U) for the U.S. City Average price data for "all items" as published by the United States Department of Labor, Bureau of Labor Statistics, provided however that in any event, the amounts payable shall not be reduced below the amounts fixed in this chapter or fixed in any license issued pursuant to this chapter. If said Consumer Price Index ceases to be published during the effective lifetime of this chapter, another standard indexing technique shall be designated by the committee and become immediately effective except with respect to any licensee then in effect, for which the committee and the licensee shall attempt to negotiate a mutually agreeable indexing technique before the committee establishes the actual new indexing technique. Disputes over the proper calculation shall be resolved by reference to the procedures, provisions and data of the U.S. Department of Labor, including but not limited to those currently available for inspection at <http://www.bls.gov/cpi/cpi1998d.htm>.
- (a) Definitions. The charge fixed by this chapter for the Reference Year shall be deemed the "Base Charge." The year for which a payment is due shall be deemed the "Applicable Year." The term "index" shall mean the "all items" group of the United States City Average Consumer Price Index (CPI-U) (1982-84=100) issued monthly by the Bureau of Labor Statistics of the United States Department of Labor, or its successor. The Reference Year for amounts fixed by this chapter shall be the year 2011 and the annual average for the Reference Year shall be 224.939. The Reference Year for amounts that are not fixed by this chapter but are fixed and required to be paid by any license issued pursuant to this chapter, shall be the calendar year prior to the year in which the subject license is awarded. The charge in successive years shall be the Base Charge increased or decreased for inflation relative to the Reference Year.

- (b) General Explanation. The Base Charge fixed by this chapter shall be multiplied by the inflation adjustment for the Applicable Year relative to the Reference Year to yield the actual amount payable for the Applicable Year.
- (c) Specific Calculation. Each payment due shall be equal to the product of the Base Charge multiplied by the fraction, the numerator of which is the "index" for the Applicable Year and the denominator of which is 224.939, as expressed by the following formula: Amount Due = Base Charge x (Index for Applicable Year / 224.939)

803.14 SPECIAL STANDARDS. In addition to all other standards in this chapter and except as set forth in any applicable local agreement to which the County is made a party, all proposed metallic mining operations that would take place in Wood County on lands that are not owned by the United States or any agency thereof shall be subject to the standards in this section.

- (1) Public Health, Safety and Welfare. All mines licensed pursuant to this chapter shall be located, constructed, operated and reclaimed to protect the public health, safety and general welfare. A proposed mining operation shall be deemed in violation of this standard if the committee determines the proposed mining operation would result in a measurable, overall negative effect to public health, safety and general welfare of the residents and transients of Wood County in the short-term or the long-term, pursuant to the committee's analysis and as evidenced by the best available data on parameters approved by the committee. The committee's analysis shall include, at minimum, the following parameters: changes in per capita rates of illness, disease, accidents and injuries; reasonably foreseeable and measurable changes in recreational opportunities and other indices of well-being; reasonably foreseeable and measurable changes to the natural environment; per capita income; average wage rate including benefits; total employment; unemployment rate; tax base; availability of quality housing stock; availability of quality health care; traffic congestion; social well-being; economic and social changes to the affected communities; and other reasonably foreseeable and measurable direct and indirect impacts of the mining operation on the residents and economy of Wood County, all as the committee finds relevant and appropriate. As determined by the committee in accordance with this paragraph and, considering all reasonably foreseeable direct and indirect detriments and benefits of the mining operation, an analysis performed to the committee's satisfaction must demonstrate a positive overall benefit for the public health, safety and general welfare combined, or the mining operation shall be deemed in violation of this standard.

- (2) Traffic Safety, Roadway Maintenance and Infrastructure. All studies, plans, reports and analyses regarding roadways, traffic, traffic safety, drainage, utilities, and public utilities shall be in conformance with Wisconsin Department of Transportation standards.
- (3) Mine Safety and Security. The licensee shall comply with the requirements of Sections NR 132.07(3)(i) and (j), NR 132.07(4)(m), and NR 132.17(2), Wisconsin Administrative Code.
- (4) Prevention of Harm to Agricultural Lands or Livestock. The mining operation shall be conducted in compliance with the requirements of Section NR 132.08(2)(c), Wisconsin Administrative Code.
- (5) Limitations on Blasting. The licensee shall comply with the requirements of Section NR 132.07(5), Wisconsin Administrative Code. However, should the committee and licensee disagree on the scope of the pre-blasting survey, the committee's reasonable determination shall prevail and will be set forth in the license.
- (6) Financial Assurance. The licensee shall provide financial assurance, adequate in kinds and amounts and to the committee's satisfaction, of the licensee's ability to undertake and complete the proposed mining operation in accordance with this chapter including, without limitation, the ability of the licensee to address in conformance with this chapter all adverse economic impacts arising from the proposed mining operation.
- (7) Economic Impact Study. A license for operation of a metallic mineral mine shall be denied if on the basis of all information provided by the applicant and gathered by the committee, the committee projects that the mining operation will result in a net adverse economic impact on the County or the residents of the County. The economic impact study shall include all relevant post-mining costs and losses including costs and losses related to environmental impacts of the mining operation.

PART III – NOTICE OF INTENT

803.15 NOTICE OF INTENT TO COLLECT DATA. A person or business entity intending to collect data leading to submission of an application for Wood County Metallic Mining License, Wisconsin Metallic Mining Permit or Federal authorization to conduct metallic mineral mining operations shall, prior to collecting any such data, provide the administrator with a nonrefundable fee in amount of \$25,000.00 and a notice of intent which shall include all the materials specified in Section NR 132.05, Wisconsin Administrative Code. The notice required by this section shall be known as the Notice of Intent and shall be

submitted to the committee in care of the administrator, who shall promptly provide a copy to the current chair of the Committee.

803.17 ADMINISTRATIVE FEE REQUIRED.

- (1) The person or business entity intending to collect data leading to submission of an application for metallic mining license shall pay all extraordinary costs associated with the County's review of and response to the Notice of Intent, such as legal and consulting fees to review the notice of intent, assist with the hearing and assist the committee understand and appropriately respond to the notice of intent. The County's Notice of Intent review shall be deemed complete upon the latter of the withdrawal of Notice of Intent, receipt by the County of application for a license or after all appeals of any issue related to the Notice of Intent have been exhausted.
- (2) The required administrative fee shall include the initial fee of \$25,000.00 to be paid with submittal of the Notice of Intent. The County reserves the right to require, and the person or business entity intending to collect data shall promptly submit, as required by the committee, payment of additional funds as necessary to complete the County's review of and response to the Notice of Intent.

PART IV – METALLIC MINING LICENSING

803.18 ASSUMPTIONS. In ordaining this chapter, Wood County assumes that the state mining regulations in effect on the effective date of this chapter including, without limitation, Chapter 293 of the Wisconsin State Statutes and Chapters NR 132 and NR 182 of the Wisconsin Administrative Code, will apply to any metallic mine in Wood County.

803.17 LICENSE REQUIRED.

- (1) No person or business entity may commence construction of a metallic mine or conduct metallic mining in Wood County except in conformance with a valid Metallic Mining License issued by the County pursuant to this chapter.
- (2) Licenses issued in accordance with this chapter may contain conditions, restrictions and limitations on mine construction and performance of Mining activities as necessary to achieve the intent of this chapter.
- (3) Conditions established by any license granted pursuant to this chapter must be met at all times or the licensee may be found in violation and be subject to enforcement, fines, penalties and license revocation as provided herein.

- (4) Except as provided in this chapter, a license issued pursuant to this chapter shall become valid on the date the applicant is awarded a State of Wisconsin Metallic Mineral Mining Permit for the same mining site. If a State of Wisconsin Metallic Mineral Mining Permit for the same mining site is not required, then any Metallic Mining License awarded pursuant to this chapter shall not be effective until the licensee has procured all necessary permits, licenses and approvals from applicable state and federal agencies to construct, operate, reclaim and close the mining operation.
- (5) Any license issued pursuant to this chapter may be in addition to any Local Agreement entered into by the County and the applicant.
- (6) Any license issued pursuant to this chapter may be in addition to any other State, Federal or local permits, licenses or approvals necessary for any mine construction or any aspect of the mining operation.

803.20 APPLICATION FOR LICENSE.

- (1) Application. An application for a Wood County Metallic Mining License shall be filed with the administrator and shall include a fee of \$50,000, and an electronic copy and 25 paper copies of the following original materials:
 - (a) A request for license;
 - (b) A copy of the applicant's application for State of Wisconsin metallic mineral Mining Permit;
 - (c) If for any reason a State of Wisconsin metallic mineral Mining Permit is not required to conduct the mining operation or the State of Wisconsin will not require an application for a Metallic Mineral Mining Permit, or if the application requirements for State of Wisconsin metallic mineral Mining Permit should change substantially from those in effect on the effective date of this chapter, the applicant shall provide the administrator with all of the information, materials and application content that would be required to be provided to the Department under the mine permit application process;
 - (d) Other materials as required by this chapter;
 - (e) A statement signed by the applicant and notarized by a Wisconsin notary public in which the applicant certifies to all of the following:
 - 1. The applicant's name and address;

2. All information provided in the application is accurate and complete to the best of the applicant's knowledge;
 3. The applicant agrees to abide and be bound , during and after the application process, by all of the provisions and requirements of this chapter, applicable County, State and Federal laws and regulations and any permits, licenses and approvals granted under such ordinances, laws and regulations; and
 4. As a condition of applying for a Metallic Mining License, the applicant agrees that the County ordinances are valid and agrees not to challenge in court the validity of any County Code chapter pertaining to the application for or granting of a Metallic Mining License, provided the applicant may challenge any denial of a license.
- (2) Environmental Impact Report. The application shall include an environmental impact report as described under the version of Section NR 150.25, Wisconsin Administrative Code, which shall be limited in scope to baselines and impacts in Wood County and shall include such contents as may be specified by the committee including, without limitation, the existing baseline conditions and the likely and potential impacts of the mine with respect to each of the following baselines:
- (a) Employment, economic activity and tax base.
 - (b) Population and housing stock.
 - (c) Government services and utilities.
 - (d) Major and minor land uses and the percentage of lands devoted to each use.
 - (e) Traffic impact analysis.
 - (f) Air quality and classification per state and federal standards.
 - (g) Environmental characteristics of the mine site, including wildlife, vegetation and physical parameters of groundwater quality and quantity, and surface water quality and quantity, including wetlands.
 - (h) Environmental characteristics within Wood County including, without limitation, air, groundwater, surface water and acres of disposal facilities for any waste

- (i) Aesthetic features and conditions.
 - (j) Cultural features including an analysis of historical and/or cultural preservation concerns.
 - (k) Ambient noise within five (5) miles of mining site and along major roadways within 10 miles of the mining site.
- (3) County Impact Summary. The application shall include a county impact summary report, which shall include a thorough narrative description of the project in sufficient detail to allow the County to assess probable physical, environmental and developmental impacts of the proposed mine and assess and summarize the potential and estimated impacts on the human health, safety and welfare and economic well-being of residents and transients of the County, based on the potential environmental and socioeconomic impacts of the proposed mining operation. The report shall include a life-of-mine analysis of mining impacts upon social and environmental baseline parameters through completion of reclamation, and shall address such phenomenon as the boom/bust cycle. The county impact summary report shall identify all reasonably foreseeable roadway construction and maintenance needs arising in Wood County from operation of the proposed mine and reasonably foreseeable secondary impacts of the mining operation which may result in the demand for additional roadway improvements. With respect to roads in Wood County, the county impact summary report shall identify and describe the anticipated needs for roadway modifications resulting from the likely mine-related traffic impacts, including both primary and secondary impacts and shall fully describe the existing reasonably foreseeable mine-related changes to traffic patterns, traffic volume, the class of roadways associated with those patterns, and any load-related needs and restrictions.
- (4) Incomplete Application. If any required information is not provided with the initial application materials, the application shall not be considered complete until all required submittals are provided and the applicant shall provide an estimated date when such materials will be provided.

803.21 ADDITIONAL INFORMATION.

- (1) The applicant is responsible for providing any documents required under any other section of this chapter.
- (2) The applicant must submit to the administrator copies of application materials submitted for all other permits, licenses and approvals required by any County ordinance, state or federal law or regulation.

- (3) The committee, upon determining that sufficient information has not been provided as required by any provision of this chapter or that additional information is necessary for adequate consideration of the proposed project, may request supplemental information from the applicant. Such request will be in writing and with as much specificity as reasonably possible. Should the committee request additional information, it may halt its review until such information is provided by the applicant.

ADMINISTRATIVE FEE REQUIRED.

- (1) The applicant shall pay a fee to cover all costs associated with the County's review of the application, which shall be known as the administrative fee. application review shall be deemed complete upon the latter of issuance of a license, after all appeals of any denial have been exhausted, or after the County completes its work following any withdrawal of the application by the applicant.
- (2) An application fee in the amount of \$50,000.00 shall be deposited with the County as the initial payment of the required administrative fee. The County reserves the right to require payment of additional funds as necessary to pay for the extraordinary expenses to complete application review, which include but are not limited to the cost of legal counsel, consultants and the cost of any additional staff the administrator must hire to handle the workload created by the application review and other tasks the County finds necessary to comply with this chapter. The applicant shall promptly submit supplemental application review deposits as recommended by the committee and required by the County. The applicant shall maintain an adequate administrative fee deposit balance at all times as a condition of maintaining an application in good standing.

PART V – CONDITIONS ON METALLIC MINERAL MINING LICENSE

803.23 GENERAL. A Metallic Mining License shall be issued only upon such conditions as necessary to fulfill the intent of this chapter and ensure that the impacts of the mining operation are consistent with the protection of public health, safety and general welfare of the residents of Wood County and conservation of the environmental resources of Wood County; the impacts of the mining operation will not violate any County ordinance; and lawful conduct of the mining operation would promote the economic well-being of the residents of Wood County. It is not the intent of this chapter to duplicate in type and amount any financial assurance that will be provided by the applicant pursuant to any state or federal requirement.

803.24 SELECTION AND CONTENT OF CONDITIONS OF LICENSURE. The Committee shall determine such conditions as it finds necessary to achieve the

intent of this chapter and shall make a final recommendation to the Board of Supervisors regarding the appropriate conditions of licensure, appropriate conditions of County local agreement, approval of County local agreement and issuance of a license so as to achieve the intent of this chapter. The paragraphs below in this subchapter are examples of conditions that may or may not be recommended by the committee, or may be revised, rewritten or supplemented with additional conditions addressing the same or any other issues as the committee deems appropriate to achieving the intent of this chapter. The committee may recommend conditions be required in a license, in a County local agreement or both. The committee shall act on a case by case basis, upon the facts and circumstances presented, to devise and recommend any conditions that it finds appropriate, including devising conditions to address topics that are not expressly addressed in this chapter or recommending no conditions if the mining operation will be satisfactorily regulated by the state or federal government or the mining operation will be satisfactorily regulated by conditions set forth in a local agreement to which the County is a party. In establishing conditions, the Committee shall be mindful that the conditions it may establish for award of a license may vary depending on whether the mining operation is proposed to be conducted on federal lands.

803.25 EXAMPLES. Types of issues which may be considered as conditions of license and how these issues might be addressed.

- (1) Strict Compliance. Strict compliance with all applicable State and Federal laws, regulations and permits shall be required of any licensee. Failure to comply with such laws, regulations or permits shall constitute a violation of the County Metallic Mining License and shall give the County the right to suspend or revoke the County Metallic Mining License and take other enforcement action.
- (2) Changes to Laws. If State laws or regulations are amended or created and are less restrictive than previous law or federal law, the licensee shall comply with the standards that were in place at the time the Metallic Mining License was granted. Under changing law circumstances, the licensee may request a license modification in accordance with this chapter, but if the license is opened for modification the licensee shall not be entitled to retain the original license conditions.
- (3) Conflict of Laws. Whenever State, Federal or County requirements may be in conflict, the strictest standard shall govern.
- (4) Administrative Fee Deposit. The licensee shall pay all costs associated with the County's administration of the license, including but not limited to fees charged by consultants and other experts, legal fees, and administrative costs incurred by the County to handle the workload created by administering the license and other tasks necessary to

comply with this chapter. Maintaining an adequate administrative fee deposit balance at all times shall be a condition of maintaining a license. The County shall notify the licensee annually of the anticipated fee which shall be paid in advance on a quarterly basis and shall be reconciled and adjusted on an annual basis. All administrative fees paid shall be deposited to an Assigned Account and the County shall issue statements at least annually of such account showing all deposits and categories and amounts of expenses incurred. The account shall remain funded as provided in this chapter, conditions to the license or any agreement in force between the County and the applicant or licensee, but the minimum amount on deposit shall not be allowed to fall below \$100,000.00. The account shall remain funded until after all required mine reclamation is determined by the committee to be complete and all mine waste facilities are closed to the committee's satisfaction and then only then shall any amount remaining on deposit be refunded to the applicant.

- (5) Financial Assurance. After consulting with the applicant and considering all relevant information including but not limited to the amount of financial assurance provided by the applicant to comply with applicable state and federal financial assurance requirements and information gathered at public hearings and provided by the applicant and the County, the committee may require the licensee to provide any means and amount of financial assurance the committee deems necessary to fulfill the intent of this chapter. The following subsections provide examples of some of the possible means of financial assurance.

- (a) Performance Bond. The committee may require the licensee to post an irrevocable bond issued by a surety company authorized to conduct surety business in Wisconsin, in an amount the committee shall determine, the amount of which shall be sufficient to cover 100% of all reasonably foreseeable costs of mine reclamation, long-term care of any mine waste facility, and possible damages and negative impacts arising from mining operations which are not, to the committee's satisfaction, already adequately bonded or otherwise provided for under other local, State or Federal financial assurance requirements. The amount of the required bond may be increased or reduced for cause shown, including changing conditions. If at any time there is a default on the bond provision, the Permit shall be automatically suspended until the bond deficiency has been cured. Any bond provided to satisfy an obligation arising under this paragraph may not be cancelled without first providing a replacement bond or other financial assurance and receiving the advance approval of the committee. If the issuing surety company becomes bankrupt or insolvent or ceases to be authorized to conduct business in

Wisconsin, the licensee shall, within 30 days of notice, deliver a replacement bond to the committee's satisfaction. An alternative means of financial assurance, including combinations of methods, may be requested by the applicant provided the applicant supplies all supporting materials the committee believes necessary to evaluate the alternative, but the committee shall have sole discretion over the sufficiency and acceptability of any alternative means financial assurance.

(b) Cash Deposit to Trust for Roadway Damage Compensation.

The licensee agrees to enter a roadway maintenance agreement to the satisfaction of the committee and to establish and fund an irrevocable road damage trust of which the County shall be the sole beneficiary. The committee shall name a trust administrator who shall receive the initial deposit. The licensee shall initially deposit funds in an amount determined by the committee to be the reasonably anticipated cost to construct, repair and reconstruct all affected public roadways to meet the traffic demands brought about by the mining operation for one cycle of road use and rebuilding. The cost projection shall be based on a roadway improvement and maintenance engineering study conducted by the committee at the licensee's expense. As a condition of the license, the licensee shall make additional deposits to the trust as required by the roadway maintenance agreement. The County may enter agreements with other units of government affected by the proposed or actual mining operation as provided by law, including Section 59.03(2)(b), Wisconsin State Statutes, to provide for road construction, maintenance and repair; and in accordance with such agreements the County may spend or disburse funds from the road damage trust to address roads under the jurisdiction of such other governments. The committee shall seek the cooperation and assistance of the county highway committee (HIRC) and county highway commissioner, if any, in planning and undertaking all roadway studies, planning, construction, maintenance and repair pursuant to the roadway damage trust.

(c) Cash Deposit to Trust for Land Value Compensation.

The County shall establish and the licensee shall fund an irrevocable land value compensation trust, or other mechanism mutually agreeable to the committee and licensee, to compensate affected landowners for diminution in value of their owned property, suffered as a result of the mining operation or secondary impacts of the mining operation. The committee shall name a trust administrator and determine the

amount of initial deposit. The licensee shall initially deposit funds in an amount equal to the equalized value of the land and improvements the committee reasonably expects would be lost over a 10 year period at locations that are (i) within 3 miles of the mine site or (ii) contiguous to a navigable lake or stream that is likely to be adversely affected by the mining operation. Land owned or leased by the licensee and land that is part of any mining site shall not be eligible for payments under this section. Land sales between family members or relatives or affiliated business entities shall not be taken into account for purposes of price comparison. To avoid duplication of payment for the same loss, any award for diminution in value provided pursuant to this chapter shall be recorded against the pertinent property in the County Records and shall run with the land.

i. Aggrieved landowners may apply periodically at their sole expense to receive reimbursement from the trust to compensate them for the diminution in value to their property. The landowner shall pay the County's costs to hear and decide their claim. The landowner shall bear the burden of establishing that there has been a diminution in the value of their property as a result of the mine, the amount of that diminution, and that the funds requested would not duplicate any payment for the same loss.

ii. It shall be the licensee's responsibility to maintain an adequate fund balance in the trust at all times during mine construction, operation and reclamation, as established by the committee after consultation with appropriate experts and considering all relevant information including, but not limited to, information gathered at public hearings and provided by the applicant or licensee. If the licensee shows by a preponderance of the evidence that the balance in the trust is greater than necessary to compensate for actual diminution in property values, the trust administrator shall issue an appropriate refund to the licensee. The trust shall continue in force until five years after the later of completion of reclamation or closure of the last mine waste facility, at which time the balance on deposit shall be paid to the licensee or its

successor in interest and the trust shall be dissolved and cease to exist.

- iii. To hear and decide claims for reimbursement from the Land Value Compensation Trust, the County may establish a board consisting of three to five residents of the County, at least one of whom shall be licensed to appraise real estate in Wisconsin and another of whom shall be a certified public accountant, and all proceedings of said board shall be in public and all decisions of said board shall be reduced to writing that is signed and dated by the board chairperson and which contains findings of fact, conclusions of the board and recommendations to the trust administrator.

(d) Cash Deposit to Well Fund. The licensee shall agree to pay into a fund established by the County to pay for replacing any wells contaminated, damaged or depleted by the mining operation and/or for providing potable water to any owner of a well adversely affected by the mining operation. Disbursement of funds from the fund account shall be at the sole discretion of the committee and shall be in accordance with any rules the committee may adopt to limit fraud and abuse of the Well Fund. The account shall be an Assigned Account and bear interest and be funded by the licensee in an amount determined by the committee based on the maximum number of wells likely to be adversely impacted based on the mining plan and hydrologic modeling of the mining site and any adverse effects to groundwater and surface water reasonably anticipated from mining related activities. Hydrology studies shall be conducted by an independent consultant named by the committee and shall be completed before the onset of mine construction. The costs of the studies shall be at the expense of the licensee. On an annual basis the administrator shall issue a report to the committee covering the preceding calendar year and presenting the status of the fund, distributions made there from, and interest and principal balances on December 31. The committee may agree that after a certain balance has been reached or after charges against the fund have stabilized for a certain number of years, the licensee could receive all future interest paid on the fund balance. At any time after the 30th anniversary of the completion of mine reclamation, the committee may direct the administrator to

disburse all remaining funds in the well fund to an Assigned Account, for use by the County in such manner as the committee deems to be appropriate.

- (6) Annual Operations Report. The licensee shall submit to the administrator an annual report by March 1 of each year for the preceding calendar year, until and through the release of financial assurances other than the well fund, or the licensee's certification of the completion of reclamation, whichever is later. Each report shall include all of the following:
- (a) The current acreage affected by the extraction process but not yet reclaimed.
 - (b) The amount of acreage that has been reclaimed to date including detailed explanations and photographs of the reclamation efforts and the cost incurred to achieve those results.
 - (c) Information identifying any instances of noncompliance, penalties, fines or complaints and the manner in which such instances were rectified.
 - (d) Records of any non-routine maintenance required on site.
 - (e) A signed certification by the licensee to the effect that: "I certify that this information is true and accurate, and except as expressly set forth herein the metallic mineral mining site described herein complies with all conditions of the applicable County license and any applicable permits, licenses and approvals."
- (7) Quarterly Inspection Summary. The licensee shall submit to the administrator, within 30 days following the close of each calendar quarter, a report summarizing the results of the following inspections:
- (a) Daily Inspections. The licensee shall inspect any tailings ponds and any other waste lagoons on a daily basis for evidence and indications of any phenomenon, activity or process which might affect the integrity of the tailings pond or dike.
 - (b) Monthly Inspections. The licensee shall designate one or more qualified senior personnel to inspect the tailings

ponds and any other waste lagoons on a monthly basis and prepare, sign and date a report. If the person or persons making the monthly inspections is not a Wisconsin registered professional engineer, then the licensee shall also provide for quarterly inspections by a registered professional engineer.

- (c) **Natural Event Inspections.** The licensee shall inspect the tailings ponds and any other waste lagoons after any unusual natural occurrence including, but not limited to, the following: earthquake, tornado, flood, storm event exceeding the 100-year storm threshold or any other natural event which the licensee should reasonably expect could affect the integrity of the tailings pond or dike.
- (8) **Inspection Logs.** All daily, monthly and quarterly inspection observations shall be recorded in a log and maintained on the premises of the mine and be made available for inspection by County officials during regular business hours. The licensee shall submit copies of inspection logs to the County upon request.
- (9) **Commencement of Construction.** Mine construction must be commenced within two (2) years of the effective date of the last necessary County, state, or federal permit, approval or license issued to the licensee or the County may modify or terminate the license.
- (10) **Survival of Obligations.** All obligations of the licensee pursuant to this license shall be continuing obligations of the licensee and shall survive commencement and termination of mining and revocation of this license.
- (11) **Any other condition that the committee deems appropriate.**

PART VI - ADMINISTRATION AND PROCEDURES

803.26 ADMINISTRATIVE FEE PROCEDURES.

- (1) The fees submitted by an applicant for Notice of Intent Review and Application for Metallic Mining License, and for deposit upon being granted a license and other administrative fee deposits received from the applicant or licensee shall be placed by the County in an Assigned Account, for which statements shall be issued at least annually, and shall be used as necessary to pay the County's reasonable administrative and enforcement expenses associated with the evaluation of the subject Notice of Intent including expert fees, legal fees and administrative expenses for Notice of

Intent review, holding of required hearings, enforcement, and other matters compelled by the need to review and respond to the Notice of Intent the application for license as provided by this chapter, such as environmental monitoring. At the request of an applicant or licensee that is attempting to transfer its interest in any application or license, upon any such transfer any monies on deposit in the Assigned Account shall be held and applied for the benefit of the transferee, provided the transferee meets all requirements of this chapter and further provided that if County approval is required for the applicant or licensee to transfer such interest then such transfer must first meet with the County's approval and satisfaction.

- (2) The County will provide a periodic accounting of its expenses to the applicant as appropriate, and within 30 business days of notice from the County, the entity from which funds are requested shall deposit additional administrative fee deposits as requested by the County.
- (3) Should the applicant challenge the County's review of or response to the Notice of Intent or review of the application, the applicant shall continue to fund the administrative fee account until all of the applicant's and County's appeals have been exhausted. Should the courts not uphold the County's review of or response to the Notice of Intent or review or response to the application, and the exhaustion of appeals results in a final decision in the applicant's favor in any respect, the County shall in no circumstances be required to refund any of the administrative fee encumbered to that date nor shall the County under any circumstances be required to pay any of the applicant's costs, losses or attorney fees.
- (4) Should the Notice of Intent be withdrawn by the person or business entity that filed the Notice of Intent, the County shall complete its work on the notice of intent and within 120 days there from shall perform an accounting and send the applicant an invoice to cover the cost of the County's work or issue a refund to the applicant of all deposits that were not utilized or encumbered in the County's review and withdrawal process.
- (5) Should the applicant submit an application for metallic mining license the County shall complete its work on the notice of intent and within 120 days there from shall perform an accounting and any unencumbered Notice of Intent funds from the applicant that are on deposit in the administrative fee account shall be converted to application review fees and the applicant shall be responsible to ensure that the account is and remains funded as provided in this chapter.
- (6) Should the applicant withdraw its application for metallic mining license, the County shall as soon as practicable halt the application review process and perform the tasks necessary to memorialize its work regarding the application and then the County shall stop its work on the application and

within 120 days there from shall perform an accounting and send the applicant an invoice to cover the cost of the County's work or issue a refund to the applicant of all deposits that were not utilized or encumbered in the County's review and withdrawal process.

- (7) Should a license be awarded, the administrative fee account of the applicant shall be and remain funded as provided in this chapter, any conditions to the license and any agreement in force between the County and the applicant or licensee.
- (8) Should the license be denied, the applicant shall fund the administrative fee account until all of the applicant's appeals have been exhausted. Should the courts uphold the County's decision to deny, and the exhaustion of appeals results in a final decision in the County's favor, within 120 days of the exhaustion of all allowable appeals the County shall perform an accounting and send the applicant an invoice to cover the cost of the County's work or issue a refund to the applicant of all deposits that were not utilized or encumbered in the County's review and withdrawal process. Should the courts not uphold the County's decision to deny, and the exhaustion of appeals results in a final decision in the applicant's favor in any respect, the County shall perform an accounting and send the applicant an invoice to cover the cost of the County's work or issue a refund to the applicant of all deposits that were not utilized or encumbered in the County's review and withdrawal process, but the County shall under no circumstances be required to refund any of the administrative fee encumbered to that date nor shall the County under any circumstances be required to pay any of the applicant's costs, losses or attorney fees.
- (9) The administrative review fees shall be in addition to any other fees necessitated by County review such as inspection fees, construction related fees, site-related fees for waste disposal or other matters and any fees necessitated by additional County approvals, licenses or permits and/or County oversight.

803.27 HEARING REGARDING THE INTENT TO COLLECT DATA.

The Administrator shall schedule and conduct a public informational hearing to occur not later than 45 days following the receipt of any notice of intent to collect data. At the hearing, (i) the committee shall briefly explain the state mining regulation process, the process for obtaining a license under this chapter and explain its role in administering this chapter; (ii) the person or business entity intending to collect data shall present a brief statement summarizing its intentions and shall answer questions from and as allowed by the committee regarding the potential mining project and any information presented in the notice of intent; and (iii) the committee shall seek public comments regarding the notice of intent. This hearing may be held in

conjunction with any hearing held in Wood County pursuant to Section NR 132.05(3), Wisconsin Administrative Code.

803.28 RECEIPT OF APPLICATION FOR LICENSE.

- (1) Upon receipt of any application, the administrator shall immediately initial and date the original of each of the application materials filed and shall promptly prepare an affidavit by the administrator that the materials so initialed constitute the application in its entirety as presented by the applicant.
- (2) Within two business days following receipt of the application materials submitted by the applicant, the administrator shall provide the initialed original application materials to the County Clerk along with the administrator's affidavit, to be preserved with County records.
- (3) Within five business days following receipt of the application, the administrator shall distribute one copy to each of the following:
 - (a) Each member of the committee.
 - (b) The town chairman of any town in which any part of the proposed metallic mineral mining project would be located of every town adjacent thereto.
 - (c) The tribal government of any Native American community that owns tribal lands or claims ceded territory rights in any town in which any part of the proposed metallic mineral mining project would be located.
 - (d) The Secretary of the Wisconsin Department of Natural Resources.
 - (e) The designee or ranking local employee of any federal agency that owns any land on which any part of the proposed mining site is located.
- (4) The remaining copies shall be made publicly available at the following locations:
 - (a) The town hall of any town in which the planned metallic mineral mining project is proposed.
 - (b) The office of the Administrator.

- (c) The office of the County Clerk.
- (d) The public libraries within Wood County.
- (5) Promptly after distributing the application as required above, the administrator shall ensure the application is posted on a web site established by the County.

803.29 PROCEDURES FOR APPLICATION REVIEW AND PUBLIC HEARINGS.

- (1) Nothing in this chapter shall be construed to mean that the committee or the Board of Supervisors (the "County Board") shall be required to approve an application or grant a license for metallic mineral mining.
- (2) The Mining Committee will direct the administrator as required to facilitate the committee's review of all application materials.
- (3) Within 15 business days of receipt of the application, the administrator shall publish Class 2 legal notice, under Chapter 985, Wisconsin State Statutes, announcing receipt of the application for a Metallic Mining License and providing a list of locations where the application can be reviewed, and the notice shall be posted at the office of the administrator. All public hearings pursuant to this chapter shall be preceded by Class 2 legal notice unless a Class 3 notice is required by other applicable law or regulation.
- (4) The administrator shall schedule a meeting of the committee to discuss the application review procedures to occur within 30 days of receipt of the application, and shall promptly provide notice of such meeting by registered letter to the town chairman of any town in which any part of the proposed metallic mineral mining project would be located.
- (5) The committee shall conduct at least one public informational hearing and may use other reasonable means to identify and determine which issues raised by the application are of substantial significance to the human and natural environments. The hearing under this Section 47.29(5), Wood County Code, shall be scheduled to occur no sooner than 15 days after the committee's first meeting following receipt of the application and no later than 60 days after that committee meeting. The time allotted for any such hearing shall be determined by the committee in advance and be made part of the public notice. The hearing shall be held in a space deemed appropriate by the administrator based upon proximity to proposed mine site, available space and anticipated participants and other attendees. At least one week prior to the public hearing the administrator shall publish a summary of the application in a local newspaper and post the summary on the web site of the zoning department.

- (6) The public informational hearing under Section 803.29(5), Wood County Code, shall be conducted by the committee's designee, who shall act as moderator of the discussion to ensure a fair hearing within the guidelines established by the committee. At the hearing, the administrator, the committee or its designee shall describe the purpose of the hearing and the regulatory and local agreement process applicable to metallic mining proposals. At the hearing, the applicant shall present a brief statement summarizing its intentions and shall answer first the questions from the committee, the administrator and/or the committee's designee and then from the public as called upon by the moderator. The moderator may use reasonable means to control the discussion to create efficiency and complete the hearing within the time allotted for the hearing, including the use of written question and comment cards and halting discussion of topics that have already been adequately addressed in the opinion of the moderator or the committee's chairperson.
- (7) Following the public informational hearing under Section 803.29(5), Wood County Code, during the committee's review of the application and prior to the adoption of preliminary recommendations, the committee shall accept written comments to be considered in its review of the application, and such comments shall be addressed to the committee in care of the administrator.
- (8) The committee shall consider the application, the advice of its advisors, and public comments received for at least 45 days but not more than 365 days from receipt of application, subject to any pause provided by this chapter, at which time the committee shall, at an open meeting of the committee, adopt preliminary recommendations on the application based on the committee's review of the application, public comments and any information provided by the committee's experts. If the committee's recommendations include negotiation of a local agreement that has not yet been executed by the County Board, then the committee shall present its recommendations as alternatives, which shall include the preferred recommendations if a local agreement containing specific provisions as recommended by the committee is made effective between the County and the applicant as distinguished from the second choice alternatives that are recommended if such local agreement would never become effective between the County and the applicant.
- (9) The committee's preliminary recommendations on the application shall be posted by the administrator on a web site established by the committee and a paper copy shall be made available to the public at the Wood County Land and Water Conservation Department. Within 30 days of the committee's adoption of preliminary recommendations, the administrator shall ensure that a public informational hearing is noticed and held on the committee's preliminary recommendations. The hearing may be held at the County Seat, in any town in which any part of the proposed metallic mineral mining operation would be located, or at any other appropriate facility designated by the administrator. The moderator may use reasonable means to control the discussion to create

efficiency and complete the hearing within the time allowed, including the use of written question and comment cards and halting discussion of topics that have already been adequately addressed in the opinion of the moderator or the committee's Chairperson.

- (10) Following the public informational hearing under Section 803.29(9), Wood County Code, the committee shall accept written comments for a time period of 15 days. Such written comments and any comments raised in the public hearing shall be summarized by the committee's advisors and considered by the committee in preparing its final recommendations.
- (11) Within 60 days of the public hearing under Section 803.29(9), Wood County Code, the administrator shall deliver to the County Clerk a written summary of the comments received at the public hearing and the County Clerk shall promptly publish the summary as a Class 1 legal notice under Chapter 985, Wisconsin State Statutes.
- (12) Within 90 days of the public hearing under Section 803.29(9), Wood County Code, but not before 15 days following the publication of legal notice of the summary of public comments the committee shall, subject to any pause provided by this chapter, at an open meeting of the committee, consider the summary of public comments and other relevant materials and shall, by majority vote, adopt a summary response to the public comments and proposed final recommendations with respect to granting or denying a license to the applicant and any appropriate conditions of licensure, and shall promptly provide its summary response to the public comments and proposed final recommendations to the County Clerk.
 - a. Each of the committee's proposed final recommendations shall be supported by written findings of the committee. The committee's proposed final recommendations shall, at minimum, address the following:
 - i. Identify any standard(s) the committee finds inapplicable to the proposed mining operation and the reasons therefore.
 - ii. Identify any standard(s) the committee finds applicable to the proposed mining operations and the reasons therefore.
 - iii. For each applicable standard, identify with specificity any conditions(s) the committee recommends be placed on any license issued to allow the proposed mining operation so as to meet the applicable standards or mitigate the projected impacts of the proposed mining operation to the committee's satisfaction, and for each such condition, identify the standard that will be met or adequately mitigated by inclusion of such condition.

1. If the committee recommends that the County and the applicant enter into a local agreement that is not in full force and effect, then the committee shall identify each objective of such local agreement that is necessary to meet the intent of this chapter or otherwise advisable and the committee shall recommend the County not issue a license unless a local agreement meeting each recommended objective is executed by the County and the applicant.
 2. If the committee concludes a license should be awarded, the committee shall state its conclusion along with each condition that should be set forth in the license.
 3. If the committee concludes a license should be denied, the committee shall state its conclusion along with the specific reasons a license should be denied.
- (13) The County Clerk shall schedule a meeting of the County Board, which shall occur not later than 90 days after the County Clerk receives the committee's proposed final recommendations, subject to any pause requested by the applicant pursuant to Section 47.29(19), Wood County Code, and shall place the committee's proposed final recommendations on the agenda of that County Board meeting and publish the final recommendations and summary response to the public comments as a Class 1 legal notice under Chapter 985, Wisconsin State Statutes.
- (14) The County Board shall consider the proposed final recommendations of the committee at the open meeting of the County Board held pursuant to Section 803.29(13), Wood County Code, at which it shall decide when to hold public hearings regarding the committee's proposed final recommendations for local agreement and award or denial of license. The action taken at this meeting may not include awarding or denying a license.
- (15) At any time prior to voting on the committee's final recommendations, the County Board may request additional information from the committee but such request shall not lengthen the County Board's decision-making time frame.
- (16) No sooner than 45 days before and not later than 60 days following the County Board meeting held pursuant to Section 803.29(13), Wood County Code, the County Board shall hold a public hearing on the issue of whether to award or deny a Metallic Mining License and, if any local agreement has been proposed between the County and the applicant, the public hearing shall also address the issue of whether the County and applicant should enter the proposed local agreement. A notice of hearing

shall be provided in writing to the appropriate district office of the WDNR and to any federal authority that owns any land upon which any part of the mine site will be located at least ten (10) days prior to the hearing. At the public hearing, any person may appear or be represented by an attorney or agent to present testimony on the record. If after the public hearing held pursuant to Section 803.29(16), Wood County Code, and before the County Board votes to award or deny a license the committee should, by resolution, revise any of its proposed recommendations to the County Board, the committee shall submit its revised recommendations to the County Board and such revised recommendations shall become the committee's final recommendations. If the committee does not so revise any of its proposed final recommendations then the committee's proposed final recommendations shall be its final recommendations.

- (17) Within sixty (60) days of the close of the public hearing under Section 803.29(16), Wood County Code, the County Board shall, at an open meeting and by resolution supported by a majority of the County Board, either deny awarding the applicant the Metallic Mining License or approve awarding the Metallic Mining License as provided in the committee's final recommendations including any conditions regarding any local agreement, provided the County Board's approval shall not amend any conditions recommended by the committee. A copy of the resolution shall be submitted, within ten (10) days after it is adopted, to the applicant, the appropriate district office of the Department and to any federal authority that owns any land upon which any part of the mine site will be located.
- (18) Should the County Board approve awarding a license, the administrator shall issue the license as resolved by the County Board and not inconsistent with the committee's final recommendations, provided that if a local agreement is a condition of licensure the County Corporation Counsel first provides a written opinion that the local agreement is valid, fully executed, made upon adequate consideration and meets all conditions the County Board has established for inclusion in the local agreement. Every license awarded under this chapter shall contain the condition that it will become effective on the effective date of the last to be awarded of the permits and approvals required under state and federal law for the lawful commencement of construction of the proposed mine.
- (19) The applicant may request any reasonable pause in the committee's work schedule under Section 803.29(8), (12) and/or (13), Wood County Code, to better coordinate the timing of the County's activities pursuant to this chapter with similar activities taking place within the state government, and the applicant may withdraw its application for license at

any time and request cancellation of all further County consideration of its application by notifying the administrator in writing.

- (20) The committee may, upon motion duly made and supported by majority vote of the committee, increase the time schedule provided for by Section 803.29(8) and/or (12), Wood County Code, only for good cause shown, including the desire to allow additional time to address public concerns timely raised, to complete negotiations of a local agreement, to postpone a hearing or decision until relevant and appropriate materials become available for review from the state and/or federal permit process, or to allow for the County's proceedings to occur closely in time to the occurrence of similar proceedings under the state and/or federal permit processes, provided that any extension of time effected pursuant to this paragraph shall, by itself and in combination with any "pause" previously effected by the applicant Section 803.29(19), Wood County Code, allow the County to complete its decision to grant or deny a license before the state's decision to grant or deny a state mine permit.

803.30 LICENSE DENIAL. Only the County Board may deny awarding a license to an applicant. Any such denial shall be in accordance with Section 803.30, Wood County Code, and shall occur at the open meeting held in conformance with Section 803.29(17), Wood County Code, and only after completing the procedures set forth in Sections 803.29(1) through (16), Wood County Code.

- (1) Denial Required. A license shall be denied upon the committee's recommendation of denial to the County Board if, after reasonable attempts to establish conditions intended to mitigate the adverse effects of mining and allow the proposed mining operations to meet all applicable standards, the committee determines to its satisfaction that the mining operation, as proposed, would violate any applicable standard without adequate mitigation to the committee's satisfaction.
- (2) Denial Allowed. A license may be denied upon the committee's recommendation of denial to the County Board if the applicant is not in good standing with respect to its payment of administrative fees required under this chapter or if any of the following situations may reasonably be expected to occur during or subsequent to mining as a result of the proposed mining operation:
 - (a) Landslides or significant deposition of sediment or debris from the proposed operation into any navigable stream or on the bed of any natural lake.
 - (b) Surface subsidence which cannot be stabilized or reclaimed.

- (c) Any hazard is presented that would result in irreparable and unavoidable damage to any of the following, which has not been mitigated by the applicant's obtaining of the consent of the landowner or regulatory agency:

(i.) Residential dwellings.

(ii.) Public, commercial or institutional property, structures or roads.

(iii.) Public roads.

(iv.) Culturally significant or historic properties.

(v.) Habitat required for survival of vegetation or wildlife designated as endangered by WDNR or Federal regulations in effect with respect to the mine site.

- (d) Any net adverse economic impact on the County as measured over the life of the proposed mine, including the reclamation phase, provided the proposed mining site is not confined to land owned by the United States.

- (e) Any detriment to public or private water supplies including, but not limited to, the impacts of withdrawals of groundwater for the operation or mine de-watering, that is not cured to the satisfaction of either the committee or the affected private landowners.

- (f) Any instance of current, substantial non-compliance at another mining site owned or operated by the applicant, located within or outside the State of Wisconsin, that has persisted for at least 365 days without formal resolution by, or commencement of remedial actions acceptable to, the regulatory agency with primary jurisdiction over the matter, provided the proposed mining site is not confined to land owned by the United States.

- (g) Any instance of significant ongoing environmental investigation, remediation, or oversight by a government entity as the result of substantial documented noncompliance at another site owned or operated by the applicant including, for example, judicial or administrative proceedings, suspensions or revocations of other permits, forfeitures of financial assurances required by other permits, or fines and penalties assessed against the applicant in excess of \$500,000 as the result of all claims pertaining to a single

matter, provided the proposed mining site is not confined to land owned by the United States.

- (h) Any instance in which the applicant provides false or misleading information in any material respect or significantly limits the County's ability to properly consider all relevant information.
- (i) Any instance in which the applicant, after opportunity to make corrections or supplement the record, fails to provide to the County with an adequate license application, fee deposit, evidence of financial assurance or any other submittal required by this chapter.
- (j) Any other factors which lead the County to conclude that the proposed license would be contrary to the public health and safety of County residents, provided such factors are supported by specific factual findings of the committee as to a particular factor and a particular harm to public health and safety, and further provided the proposed mining site is not confined to land owned by the United States.

(3) Denial Must Be In Writing. Any denial under this chapter shall be in writing, signed and dated by the County Board, and shall contain detailed documentation of the reasons for denial.

(4) Re-Submittal. If the County denies a license after conducting proceedings as set forth in this chapter, the applicant may re-submit its application in accordance with this chapter, and re-submittal shall constitute a new application in conformance with all provisions of this chapter, provided that any differences between the original application and the new application shall be summarized by the applicant in a document entitled "Explanation of Reasons for Re-Submittal." An application received by re-submittal may be denied for any reason that any application may be denied.

803.31 LICENSE MODIFICATION.

- (1) The County reserves the right to reopen and modify any Metallic Mining License if it is determined by the committee, upon the basis of newly discovered evidence, including evidence presented at State or Federal hearings for the same project, that mining activity pursuant to the license would, without further conditions placed on the license, substantially endanger the public health, safety or welfare. Any action to reopen a license shall be done by hearing with at least 30 days' notice to the license holder. In order to reopen the license and modify any terms and conditions, the hearing must show that there is reasonable cause to believe that the newly discovered evidence demonstrates a substantial

threat to the public health, safety or welfare. No modifications to an existing license shall be made unless supported by a preponderance of the newly discovered evidence.

- (2) The County reserves the right to reopen and modify any Metallic Mining License if newly discovered evidence shows that there is new science or technology that would substantially decrease the impact of the mine's operations on human health, safety, welfare or the environment or would substantially and cost-effectively allow the required outcome of the planned reclamation to be accomplished in less time or with greater certainty. Any action to reopen a license shall be done by hearing with at least 30 days' notice to the license holder. In order to reopen the license and modify any terms and conditions under this section, the hearing must show that there is reasonable cause to believe that the newly discovered science or technology substantially and cost-effectively allows the planned reclamation to be accomplished in significantly less time or with greater certainty. No modifications to an existing license shall be made unless supported by a preponderance of the newly discovered evidence.
- (3) For the County to reopen a license, the committee shall identify the specific terms of the license subject to reopening and shall hold a public hearing before presenting its recommendations to the County Board. The recommendations shall include the specific reason(s) for reopening the license. If the committee recommends reopening the license, the County Board shall reconvene the Metallic Mining License hearing in accordance with the procedures in this chapter.
- (4) Should the licensee desire to modify the license in any way, it may request modification by submitting a written application for and supporting such modification to the administrator. Such application shall be in substantially the same form as the original application for license, with the same level and substance of information required, although it shall be permissible to incorporate by reference any portions of the original application that still pertain. Upon receipt of the application to modify, the administrator and committee shall follow the procedures outlined in this chapter for review of an application for license.
- (5) If, subsequent to issuance of a license, State or Federal laws or regulations are created or amended to be less restrictive than previous State or Federal laws or regulations, the licensee may request a modification in accordance with this chapter, provided any such modification shall open the license to additional conditions as the committee deems necessary to meet the intent of this chapter, and further provided the applicant must comply with the standards which were in place at the time the Metallic Mining License was granted,

unless and until the license is modified or this chapter is amended to provide otherwise.

803.32 TRANSFER OF LICENSE. When one entity succeeds to the interest of another in an un-reclaimed mining site, the County shall release the current licensee of the responsibilities imposed by the license only if:

- (1) Both the current licensee and the successor are in compliance with the requirements and standards of this chapter.
- (2) The successor assumes the responsibility of the current licensee in writing and agrees to operate, complete, and reclaim the mine in accordance with the license and all other applicable permits and approvals.
- (3) The successor shows proof of financial responsibility in substantially the same manner and amount as the current licensee and the successor agrees to maintain any instrument of financial assurance or trust fund at the same level as the current licensee.
- (4) The transfer is not valid until all required financial assurances have been submitted by the successor, accepted by the County, and the County makes a written finding that all conditions of the license will be complied with. The current licensee shall maintain compliance and all required financial assurance until 30 days after the successor has received the County's approval and license consistent with this chapter.
- (5) Failure to comply with the requirements of this section shall constitute default and shall automatically terminate the license.

803.33 DURATION OF LICENSE. The Metallic Mining License issued in accordance with this chapter shall last through operation and reclamation of the Metallic Mineral Mining Site so long as the licensee complies with all conditions of licensure and provisions of this chapter, provided all required licenses, permits, approvals and financial assurances are maintained, and suspension or revocation does not occur pursuant to this chapter. However, should any State or Federal permit, license or approval necessary for lawful operation of the mining operation be revoked or rescinded, the County Metallic Mining License will be deemed immediately suspended and will be revoked for cause if evidence of cure is not delivered to the administrator within 180 days or another time period established by the committee at the licensee's request.

803.34 EXPIRATION OF LICENSE. A Metallic Mining License shall expire on the date the committee finds that expiration is appropriate, as suggested by any of the following.

- (1) The licensee gives written notice that it will not proceed with its project.

- (2) Mine construction has not begun and two (2) years have elapsed.
- (3) A state or federal permit necessary for the mine is denied and such denial is upheld after the final appeal or the time to appeal has elapsed.
- (4) Reclamation of all mining facilities has been completed, pursuant to the conditions of the license and all amounts payable under any financial assurance provision of the license have been paid, or sufficient sums are on deposit to pay such amounts in the future.

803.35 EXPANSION OF MINING OPERATIONS. Expansion of any metallic mining operation that is not specifically allowed by or is inconsistent with any limitation or parameter of the existing license for such operation is prohibited and is a violation of this chapter. Performance of activities not described in the application and activities not expressly allowed by a condition of the license shall be considered an unlawful expansion. The movement of any waste, ore or concentrate to a mining site from a location outside the boundary of that mining site shall be deemed an unlawful expansion of mining operations unless such movement is specifically and expressly authorized in a license issued under this chapter.

803.36 SUSPENSION OR TERMINATION OF MINING.

- (1) A licensee must provide notice to the County as soon as possible of any temporary halt of mining operations lasting more than 180 days including a statement showing projected loss of employment. Notice shall include the reason for the temporary suspension as well as plans to ensure continued compliance throughout the suspension period.
- (2) The licensee must provide notice of its intent to permanently terminate all activity at the project site no later than one year before the proposed operation is terminated. The licensee must provide notice by the end of each calendar year of any significant change in the anticipated timing of each major phase of the project as originally reported in its plan of operation submitted pursuant to this chapter and explain any reasonably foreseeable changes to the overall project lifetime based on such changes.
- (3) Upon receipt of a notice of temporary halt in mining or upon a cessation lasting more than 180 days, whichever is sooner, the committee may require that the licensee take additional measures to ensure that public health, safety and welfare are protected during the temporary cessation of mining operations, including but not limited to, a temporary cap on tailing facilities, additional security measures, additional erosion control measures, and other site stabilization measures.

- (4) A suspension longer than two (2) years shall be considered a permanent abandonment and require the licensee to commence closure and reclamation. The licensee may request the committee re-evaluate this requirement based on exceptional circumstances but the committee's eventual decision is final.

803.37 COMMENCEMENT OF RECLAMATION. Reclamation of any mine shall begin as soon as possible with a minimum of within one year after cessation of mining activities, whether temporary or permanent, in accordance with the Reclamation Plan.

PART VII - ENFORCEMENT

803.38 RIGHT OF ENTRY AND INSPECTION BY THE COUNTY.

- (1) Compliance Inspections. Upon issuance of a Metallic Mining License, the licensee is deemed as a condition of licensure to have consented to allow inspections of the mining site and all mining operations by the administrator, the committee or their designees for the purpose of determining compliance with the provisions of this chapter and the terms conditions of the license. Inspections may occur pursuant to this section upon showing of proper identification, with or without advance notice to the licensee.
- (2) Right to Sample. As a condition of licensure, the right of inspection includes the right to perform environmental sampling and testing for any purpose, including to determine compliance with the license and any health, safety and environmental laws and to determine the need to increase reclamation bonding amounts.
- (3) Records Review. All required records to demonstrate lawful operation of the mine shall be maintained by the licensee at the mining site and made available within a reasonable time to the committee's designee to assist the committee to determine compliance with the provisions of this chapter.
- (4) Investigation of Complaints. The licensee shall provide access to the mining site to allow the County, the committee or their designees to inspect for the purpose of investigating any complaint against the licensee alleging a condition contrary to the protection of the public health, safety or welfare.

803.39 PENALTIES. Any violation of this chapter, a license issued pursuant to this chapter or a plan required by a license issued pursuant to this chapter may result in injunctive relief, forfeitures, or both, against the violator.

- (1) Any person or licensee who violates this chapter or any license or order issued under this chapter shall forfeit not less than \$10 nor more than \$10,000 for each violation. Each day of violation is a separate offense.
- (2) The administrator shall, promptly after verifying any violation of any provision of any license or local agreement to which the County is a party, notify the licensee in writing of such violation and require the licensee to report to the administrator within 10 days.
- (3) The County shall be entitled to recover from the violator the reasonable and necessary expenses associated with prosecution of the violation.
- (4) All funds recovered pursuant to this section will be placed in an assigned account established by the County and used at the committee's sole discretion consistent with achieving the intent of this chapter.

803.40 REVOCATION OF LICENSE.

- (1) Revocation of any license awarded pursuant to this chapter shall terminate the licensee's right and authority to mine pursuant to this chapter, but shall not affect the licensee's obligation to comply with any continuing obligations of the licensee under the terms of the license or any local agreement to which the County is a party.
- (2) For any violation that is not corrected to the satisfaction of the administrator and the committee, the committee shall review reports and recommendations prepared by the administrator and the violator or licensee and shall, at one or more open meetings, establish and levy an appropriate forfeiture and order an appropriate compliance schedule consistent with the intent of this chapter, the violation of which shall constitute a separate violation of this chapter.
- (3) If the licensee fails to correct or cure the violation to the committee's satisfaction in accordance with any compliance schedule approved by the committee, the committee shall immediately petition the Board of Supervisors to revoke the license and commence legal action against the licensee for injunctive relief and additional appropriate forfeitures.