

Town of Cooks Valley Non-Metallic Mining Application
This is a portion of Appendix A
15784 40th Street
Clerk Residence
3717 County Highway A
Bloomer, WI 54724
Filing Fee \$500

Date of Application September 28, 2012

Company Name Ted Swinney, Trustee

Contact Person Geoffrey G Griffin

Address 14070 Hwy 52 SE, Chatfield, MN 55923

Phone (507) 867-1666 Fax (507) 867-1665 Cell _____

Email geoffg@ggg.to

Proof of Insurance (Please attach a copy of this at the back of the application) Pending

Legal Description of land for proposed mine development The NW 1/4 and the SW 1/4 of the NE 1/4
of Section 32 and the SE 1/4 of Section 29, all in T30N, R10W, Town of Cooks Valley,

Tax parcel number 23010-2941-00000000, 23010-2942-00000000, 23010-2943-00000000,
23010-2944-00020000, 23010-3221-00000000, 23010-3222-00000000, 23010-3223-00000000, 23010-3224-00020000
23010-3213-00020000 of surface land owner Ted Swinney, Trustee, 814 Meandering Way, Mesquite, TX
75150

Name and address of mineral owner Ted Swinney Trustee, 814 Meandering Way, Mesquite, TX
75150

1) Type of Mine:

Construction Fill (Sand, gravel, aggregate, or clay used in the construction trades).

☒ Industrial Sand Mine (used to produce glass, moldings for castings, manufacture of abrasives,
or processed into proppant or other industrial uses).

2) Final destination of mined material: EOG Processing Facility, Chippewa Falls, WI

3) Describe current land uses within and adjacent to the project area. Photos would be helpful in providing
a view in all directions. Coordinate the photos with the description below.

is approximately 80-acres wooded and 60-acres agricultural use in the northerly 140 acre parcel and approximately 152-acres wooded and 40-acres agricultural use in the southerly 192 acre parcel.

4) Permits:

A) Does this mine have a current reclamation permit from Chippewa County to operate? Pending

B) List other permits (county, state, federal, DNR, etc.) necessary for this project, indicate status and provide a copy (if available).

WPDES Permit No. WI-0046515-05 -WDNR - Needs Letter of Intent

Industrial Well Approval - WDNR - Needs to be applied for

Driveway & Road Approach Permit - Town of Cooks Valley - Needs to be applied for

5) Size:

A) Expected maximum depth of mine? 1090-1055 feet. Depth is relative to what benchmark? Mean Sea Level (Natural ground cover, mean sea level, road elevation, etc.)

B) Groundwater level in the project area? 1080-14 feet. Confirmed or estimated? (circle one).
Depth is relative to what benchmark? Mean Sea Level

C) Will any part of the mine extend below the water table? Yes _____ No X

If yes - do you intend to dewater? Yes _____ No _____

If yes - Estimated dewatering rates in gallons per day? NA. What impact, if any, will mine dewatering have on neighboring wells? Provide data to support any conclusions or statements made, including any monitoring well data, well construction data, and current water withdrawal rates.

D) Specify total area 260 Acres (in acres) to be affected by this project. Include areas for future expansion, stockpiling, processing, haul roads, settling basins, buildings, parking facilities. Show all phases for the removal of material. Give a complete description of the entire site. Use a separate sheet if necessary. Any area of extraction must be at least 50 feet from any line fence or property boundary.
Approximately 260 acres will be affected in 8 phases of mining. All areas of extraction will remain 50 feet from any property boundary.

6) Mining operations:

A) Describe the method that will be used to dispose of brush and other vegetative debris. Describe the process completely: All land clearing and grubbing activities will include the complete removal of brush, trees and stumps. Marketable timber is preserved by the land clearing forester. All other non marketable timber and brush will be chipped for use in reclamation and soil erosion control or removed from the mine property.

B) Describe the methods that will be used to retain topsoil and all other overburden. Describe how the topsoil, subsoil, and other materials will be stored until the reclamation process takes place. Horizon A topsoil and horizon B subsoil are stripped separately using conventional earth moving equipment including but not limited to excavators haul trucks, bull dozers and scrapers. These soils are separated and stored in the screening berms adjacent to the excavation mine limits for use in final reclamation. Berms are as depicted in the site plan. Post mining the stockpiles will be spread to achieve the approved reclamation grades.

C) Describe the processing methods that will be used at the site. (Processing methods may include stockpiling & storage, blending, grading, crushing, screening & cleaning, scalping, dewatering, and dust control). If there are none, please explain why they are not necessary. Processing activities are those activities customarily incident to nonmetallic mining including but not limited to earth excavating and grading, blasting, crushing, screening, washing, stock piling and loading all subject to geological conditions and market demand and in compliance with all applicable perm

D) Describe the method of extraction (shovel and truck, front-end loader and truck, hydraulic dredge, dragline and truck, self loading scraper, other): After blasting, various types of heavy equipment such as bull dozers, front end loaders and excavators will be used to break up partially consolidated material for transport via haul truck, conveyor, or slurry piping to the wash plant

E) Will explosives be used: Yes ☒ No ☐

If yes - specify the types & methods of explosives used and describe what precautions will be used to prevent physical hazards to persons and neighboring property from flying debris, excessive air blasts, or ground vibrations. Depending on the mine's location to nearby structures, more detailed information may be required on the blasting program (such as a third party blasting study).

The blasting agent used is Ammonium Nitrate - Fuel Oil (ANFO). Physical hazard to persons or neighboring properties is prevented in that all blasting activities are completed by blasting contractors licensed in accordance with Wisconsin Department of Safety and Professional Services Chapter SPS 305 Licenses, Certifications and Registrations and conducting activities in accordance with the Wisconsin Department of Safety and Professional Services Chapter SPS 307 Explosives and Fireworks.

F) Will water be used at the site? Yes ☒ No ☐ (Water may be necessary for processing and also to keep dust under control at the pit site and the haul road, if present). If yes - describe the volume of water needed, the source of the water, and any run off control measures (if needed).

Water is used onsite for wash production and dust control. Wells will be permitted in an application process through the Division of Water, Bureau of Drinking Water and Groundwater at the State of Wisconsin Department of Natural Resources.

G) Describe the methods used to control dust at the site. This includes mining processes, on haul roads, and while transporting to final destination. Be as complete as possible.
Fugitive dust emissions attributed to mine operation are primarily controlled by application of water to the fugitive dust source. Fugitive dust emissions are also controlled by limiting speed limits within the mine and taming trucks after they are loaded.

H) Will fuel tanks, solvents, explosives, or other chemicals be stored on site? Yes ☒ No ☐
If yes - describe these materials and how they will be secured, stored, and method of containment.
Indicate locations of storage facilities on mine map(s).
Petroleum products and flocculants are contained and stored on site in compliance with the rules established by the Wisconsin Department of Safety and Professional Services - Regulation of Industry, Building and Safety and the Mining Safety and Health Administration.

I) Will any of structures need to be established on site. Yes ☒ No ☐. This includes any storage shed, portable toilet, employee facility, etc. If yes - specify the number, type, and location:
The on site structures needed include those required for administrative office, employee break/lunch, quality control, maintenance and containment/storage activities. In addition the site includes structures associated with the wash plant production and scaling.

J) Identify the number of employees expected to work at the site and the facilities that will be provided: 30- 35 employees are expected to work at the site. Employee facilities include a fully equipped office and break/lunch room.

K) Hours / days of operation (including maintenance): 6:00 AM to 10:00 PM 2-8hour Shifts

L) Length of time the mine is to remain operational? From 20 13 to 20 33.

7) Trucking operations:

A) How many loads per day: +/-175 . Hours trucks will operate: 6:00 AM to 10:00 PM

B) Weight per load: 24 Tons

C) Type of truck: type of truck vary from bottom dump truck

D) Which township and county roads will be used to transport material? Please provide a complete description of all roads to be used to transport and to return to the site. Performance bonds may be necessary for the repair and/or restoration of any township road affected in an adverse way. What specific contributions will be taken to insure that the township roads will be maintained to a safe and secure condition?

8) Environmental:

A) List resources that may be impacted by this project such as timber, agriculture, surface water, ground water, air quality, noise pollution, and plant, wildlife or fish habitat. Describe measures that will be taken to mitigate those impacts.

This project will have no measurable impact to area resources.

B) Are there any known endangered species on or near the mine site? Yes _____ No X _____.
If yes - Describe the species and whether an environmental impact statement will need to be prepared?

C) Are there any known acid producing minerals or soils present? Yes _____ No X _____.
If yes - how will acid water pollution from the excavation, stockpiling, and waste areas be controlled?

D) What is the schedule and method for well monitoring within a ¼ mile of the mine's boundaries before, during and after the mine is opened, worked, and reclaimed? (Monitoring distance may need to be increased if the mine depth is near the water table, dewatering is used, or explosives are used):

A network of groundwater monitoring wells will be installed for the purpose of establishing the actual groundwater elevation at the mine site and for monitoring changes to the groundwater elevation over time. Wells are monitored with automatic data loggers programmed to record elevations daily.

E) Describe erosion control practices that will be used during mining. If no measures will be used, explain why none are needed. Soil stockpile erosion is controlled by seeding and the establishment of veg on stockpiles combined with silt fencing placed on the outside berm edge. Soil erosion is also controlled by creating an internally drained mine excavation. Site erosion control will comply with the Nonmetallic Mining Operations General Permit and WDNR Administrative Code NR 151 - Runoff Management.

F) Describe measures that will be taken to screen the operation from view of surrounding land uses or an explanation of why such measures are not needed. If they are not needed, please include photos of the area (aerial or ground level) Please show the areas affected on a plat.
Unmarketable materials, which generally include the overburdens and interburdens encountered are moved

beyond the limits of excavation providing initial screening to the excavation.

9) Reclamation: (this section is preliminary - the actual Chippewa County Reclamation plan for the proposed mining site will need to be submitted to the township before the plan commission can officially review the application)

A) Describe progressive reclamation activities that will occur over the life of the operation. Be complete in the description. If necessary show the reclamation in the various phases. (Attach at the back if necessary).

Unmarketable materials, which generally include the overburdens and interburdens encountered, are moved beyond the limits of excavation often providing initial screening to the excavation. As mining advances through each cell future unmarketable materials are backfilled in previously mined areas to conform to and meet with the post mining reclamation plan.

The reclamation process is continuous and ongoing from year to year.

B) Is an excavated / impounded body of water to be left as part of the reclamation? Yes _____ No X .
If yes - 1) Will it be secured to prevent unauthorized access by the public? Yes _____ No _____.
If yes - 2) Will it be stocked with fish? Yes _____ No _____. If yes - what species? _____.

C) Describe the methods that will be used at the cessation of seasonal operations to stabilize slopes from erosion. This includes both wind and water erosion. Be complete in your description
Erosion is controlled throughout the entire year independent of any seasonal operation cessation.

D) Will the site will become inactive during current operations for an unspecified period of time?
Yes _____ No X _____ If yes - Describe the interim reclamation methods that will be used:

While we don't expect the operation to become inactive, operation of the mine is subject to market demand

E) Describe proposed reclamation including final slopes, high wall reduction, benching, terracing, and other structural slope stabilization measures. Will the reclamation practices being followed be in agreement with all items in Chapter 30 of the General Code of Ordinances of Chippewa County? Specifically, this is Chapter 30 (NON-METALLIC MINING RECLAMATION)

Reclamation will comprise of no steeper than 3H: 1 V slopes and gently rolling terracing all in compliance with the Nonmetallic Mining Reclamation Permit and DNR Administrative Code NR135 -

Nonmetallic Mining Reclamation

F) Describe anticipated topography, water impoundments, artificial lakes, and future land use of the site. This should be based upon the entire proposed site. It should include a detailed description of the process and how it will relate to the Chippewa County Non-Metallic Mining Reclamation Ordinance. The reclamation features described in this section are all as depicted in Final Site Map of the Nonmetallic Mining Reclamation Plan. Final slopes will be constructed at 3H: 1 V or flatter to meet reclamation standards. The post mining reclaimed land use will be appropriate for pasture farmland and/or open space for wildlife.

G) Describe plans for the disposition of surface structures, haul roads, and related facilities after completion of mining.

Post mining reclamation includes the removal of all mine related structures and equipment. All private driveway accesses to residences will remain. All private residential structures that are not disturbed by mining activity will remain.

H) Describe the methods proposed for the disposal or reclamation of oversize and undersized materials. If returned to the site, how will they be incorporated into the reclamation process?

Nonmarketable, nonmetallic minerals or other soils will be returned to the open excavation areas of the mine so that post mining reclamation grades as depicted in the approved nonmetallic reclamation plan will be achieved

I) Describe or attach a copy of a seeding plan that includes methods of seed bed preparation, seed mixtures, seeding rates, mulching, and other techniques needed to accomplish site stabilization.


The seeding plan is documented in the Nonmetallic Mining Reclamation Plan.

J) Describe long term maintenance needed to support reclamation.(as per the amended ordinance):
No long term maintenance is expected.

K) Provide an estimate of the reclamation cost of each phase of the project or the entire site if phasing is not planned.

As part of WDNR Administrative Code NR135- Nonmetallic Mining Reclamation, a Financial Assurance Bond for Nonmetallic Mining is bound unto the Chippewa County Department of Land Conservation and Forest Management in the amount of \$500,000.00.

To the best of my knowledge, I certify that the information provided on this application and accompanying documents is true and accurate.

Property Owners signature  Date 10/1/2012

Please print or type the signature Geoffrey G Griffin on Behalf of Ted Swinney, Trustee

Mining Company signature  Date 10/1/2012

Please type or print the signature Geoffrey G Griffin on Behalf of Ted Swinney, Trustee

Company Ted Swinney, Trustee

Address 814 Meandering Way, Mesquite, TX 75150

Signature of this application authorizes the Town of Cooks Valley staff and its designees to enter upon the property to perform needed inspections. Entry will not require a prior notice.

() The applicant agrees to provide twenty-five (25) copies of this application. These copies are necessary for the plan commission, town board, adjoining landowners, and general public at the public hearings.

COOKS VALLEY NON-METALLIC MINING PERMIT

This is a portion of Appendix A
15784 40TH STREET
CLERK RESIDENCE
3717 COUNTY HIGHWAY A
BLOOMER, WI 54724

THE TOWNSHIP OF COOKS VALLEY, LOCATED IN CHIPPEWA COUNTY,
WISCONSIN, HEREBY GRANTS A NON-METALLIC MINING PERMIT TO:

Ted Swinney, Trustee

RESIDING AT THE FOLLOWING ADDRESS: 814 Meandering Way, Mesquite, TX 75150

THIS IS A CONDITIONAL USE PERMIT. IT IS GRANTED WITH ALL OF THE
CONDITIONS LISTED BELOW.

THIS PERMIT IS NOT TRANSFERRABLE TO ANY OTHER PERSON OR
COMPANY. IT IS TRANSFERRABLE ONLY TO HEIRS OR SPOUSES-
PROVIDED THE STIPULATIONS AS OULINED IN THE APPLICATION AND
PERMIT ARE FOLLOWED.

THE LAND ASSOCIATED WITH THIS PARTICULAR PERMIT IS LOCATED IN
THE SW 1/4 OF THE NE 1/4 ,SECTION 32 ,

TOWNSHIP 30 North ,RANGE 10 West . IF OTHER

SECTIONS OR PLOTS EXIST-PLEASE LIST. NW 1/4 Sec. 21 & SE 1/4 Sec. 29

PARCEL NUMBER 23010-2941-00000000, 23010-2942-00000000, 23010-2943-00000000,
23010-2944-00020000, 23010-3221-00000000, 23010-3222-00000000, 23010-3223-00000000, 23010-3224-00020000
23010-3213-00020000.

- ❖ Permits for operation need to be renewed annually for at least the first 5 years. At that point the duration might be extended for multiple years if the provisions of the permit have been followed.
- ❖ Permits will allow activity and reclamation in specific areas as outlined in the operational plan. The operational plan was submitted in detail with the application.
- ❖ Activities are to be in compliance with Wisconsin DNR (WDNR) (WPDES) permit
- ❖ A setback of 250 feet from any well and 250 feet from any structure (house, barn, garage, etc.)
- ❖ Hours of operation: 6:00 AM to 10:00 PM Mon-Sat.

- ❖ Operator will follow all provisions of the Chippewa County Non-Metallic Mining Reclamation Ordinance and Wisconsin Administrative Rule NR135.
- ❖ Activities to be conducted in compliance with submitted materials listed under "Plan Review Documents" or the "operational plan". This includes the covering of all haul trucks-and any other stipulations agreed upon by the Township of Cooks Valley and the landowner or lease holder prior to the actual hauling and /or mining.
- ❖ Wells within _____ mile will be tested for quality.
- ❖ No hauling may take place from any mine or pit area after the permit(s) have/has expired.
- ❖ **It is the responsibility of the landowner and/or lease holder to keep all permits current. Failure to pay the necessary fee before the due date shall result in the fee increase to \$750.00.or suspension of the permit. The due date for this permit is: _____.**
- ❖ Annual review of the permit will take place prior to the expiration date of the permit (at least 15 but no more than 30-calendar days).
- ❖ A complete record of the hearing and the decision of the Plan Commission and/or Town Board will be available for inspection at the Town Hall upon request. Information can be reviewed/and/or requested at the convenience of the Town Clerk (Cooks Valley does not have an office open at the Town Hall). Information may be sought Monday through Friday. This does not include Weekends or Holidays
- ❖ The Conditional Use Renewal fee is \$200.00 annually for the first five (5) years. After that it will be for the duration of the permit as determined by the Town Board. Violations of the terms of this permit during a permit period will cause it to cease. This fee should be submitted to the Clerk of Cooks Valley.
- ❖ **Revocation of Permit—If any condition of the permit is violated or if the use is substantially detrimental to persons or property in the neighborhood, the Plan Commission and/or Town Board shall hold a public hearing on the revocation of the permit. If, upon finding of facts, any material condition of the permit has been violated or if the character and quality of the area has been substantially and adversely affected by the continuation of the activities as allowed under the Conditional Use Permit, the Town Board may revoke and/or modify the Conditional Use Permit. At that point legal action will initiated to ensure that compliance with the Non-Metallic Mining Ordinance of Cooks Valley occurs.**
- ❖ **In the event of revocation or termination, the Conditional Use Permit will be determined to be void and the property shall be reclassified to its original type. At this point a performance bond, taken at the time of renewal will be invoked.**
- ❖ **Lapse of permit—Conditional Use Permits issued shall lapse and will be considered void 6 months after approval by the Plan Commission and/or Town Board unless the use is fully established and improvement of the property as described in the permit is implemented.**
- ❖ **Performance bonds and road maintenance procedures as agreed to by the Town Board, Landowner and /or Company shall be adhered to. Failure will result in revocation of this permit. This shall be in writing and signed by all parties prior to the issuance of this permit. Performance bonds and proof of liability are required prior to the issuance of a permit.**

- ❖ Any person or persons jointly or severely aggrieved by the decision of the Plan Commission or Town Board or any taxpayer, or any officer, department, board or bureau of the Township, may commence an action in the Circuit Court for Writ of Certiorari.
- ❖ Any haul roads shall be maintained so that dust is kept to a minimum by an approved method. There are chemicals available to do this. A suitable surface may also meet the conditions of the permit.
- ❖ Any legal fees arising from non-compliance to this permit shall be paid for by the landowner, company, and/or haulers of the material.
- ❖ Other Conditions:
(May include, but are not limited to: Tarping of loads, trucking routes and times of use, operation and processing methods used, other permits required for operation, etc.)

❖ Other conditions: _____

Other conditions: _____

WE AGREE TO THE ABOVE CONDITIONS AND TERMS OF THIS PERMIT:

LANDOWNER

PRINTED NAME & SIGNATURE: Ted Swinney, Trustee

ADDRESS 814 Meandering Way, Mesquite, TX 75150

MINING COMPANY

PRINTED NAME & SIGNATURE: Ted Swinney, Trustee

ADDRESS 814 Meandering Way, Mesquite, TX 75150

HAULER(S) NAME(S): All-Ways Transit, Inc.

ADDRESS(ES) 7693 State Hwy 64, Bloomer, WI 54724

HAULER(S) NAME(S): _____

ADDRESS(ES): _____

DATED _____

TOWN BOARD:

Chairman : _____ **Supervisor:** _____

Supervisor: _____ **Clerk:** _____