

STATE OF WISCONSIN  
Town of Lucas, Dunn County  
July 10, 2012

**RESOLUTION # 2012-02**  
**to Oppose the Proposed Frac Sand Transload Facility**  
**and Rail Spur in the Town of Menomonie**

The Town Board of the Town of Lucas, Dunn County, Wisconsin, by this resolution, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

WHEREAS, the Town Board, in its capacity to act for the good order of the general municipality and the health, safety, and general welfare of the public and community, resolves to protect the common interest of its residents and their future livelihood; and

WHEREAS, the frac-sand transload facility and rail spur proposed by Vista Sand, LLC in the bordering Town of Menomonie and associated hauling route would negatively affect town residents and property owners in the following manner:

1. Noise, dust, light, significant truck traffic, and the industrial nature of the project would cause a public nuisance atmosphere, negatively affecting local residences, businesses and farms near the site and along the hauling route and will deter further local, residential, and agricultural development in our town and the general area;
2. Property values around the site and along the hauling route within our town will be significantly and permanently reduced due to the high volume of expected heavy truck traffic on the 40-plus-mile hauling route to and from the facility each day, negatively affecting the economic welfare of individuals and depressing our local tax base;
3. The hundreds of trucks a day associated with the proposed spur would dramatically increase traffic through our town and numerous other towns causing extreme hazards to our residents and safety issues in our community and the surrounding area;

4. The virtually non-stop, 24-hour per day scope and nature of the proposed facility and rail spur site, with resultant noise, traffic and lighting, will greatly diminish and threaten the tranquility and pristine environment of our town, negatively impacting the health and wellbeing of residents residing within one mile of the site and beyond;
5. Stockpiles of sand up to 30 feet in height will expose town residents living within a mile or more of the perimeter of the site to potentially hazardous levels of airborne, respirable silica dust, and will negatively impact their properties further by creating a daily nuisance;
6. The proposed project may require the use of high capacity wells for dust control purposes which may negatively affect private wells, surface waters, and other water resources within our community without proper impact studies being undertaken;
7. All of these negative impacts combined with the stigma associated with being characterized as a "mining district" would permanently reduce the appeal of our area as a desirable site for future business, agricultural and residential development; it would limit our opportunities for future economic development and stability, and severely damage the area's ability to build a sustainable tax base and offer quality, long-term jobs.
8. The proposed project represents a direct conflict with our town's comprehensive land use plan and directly contradicts the objectives, goals, and policies contained in said comprehensive plan;

WHEREAS, a proposed rezone of this site from agricultural to industrial would destroy approximately 180 acres of long-established, prime farmland and create "spot-zoning," antithetical to the fundamental goals of the concept of "zoning" and the preservation of the aesthetic of rural character;

WHEREAS the proposed project is in clear conflict with key provisions of the Town of Menomonie Comprehensive Plan and Groundwater Ordinance, and does not meet the consistency mandate of Sec. 66.1001, Wis. Statutes, and it would thus be illegal to rezone the parcel in light of this blatant inconsistency;

WHEREAS, local municipal rail use controls are limited, and the project would likely be exempted from adhering to local, public nuisance regulations limiting noise;

WHEREAS, the proposed project would act as a magnet for additional industrial-scale sand mines in our area, presenting additional conflicts with our

land use plan and presenting the resultant potential for cumulative impacts on our surface and ground waters, roads, wildlife corridors and many other shared local resources;

WHEREAS, following an industrial rezone, the proposed project could subsequently significantly expand its scope of operations or incorporate new and potentially polluting activities (such as a drying and processing facility or on-site mining) beyond the company's currently stated "initial" intentions, and could do so with relatively little regulatory process or oversight;

WHEREAS, the potential environmental, economic, health and safety impacts of the project upon the whole area have not received adequate study;

WHEREAS, the proposed project has drawn predominantly negative feedback and opposition from our own and surrounding towns, and the Town of Menomonie has not, despite direct requests, sought input from surrounding towns;

WHEREAS, contractual "cooperation agreements" advanced by Vista Sand in order to coerce support for the project from local residents in exchange for cash featured aggressive nondisclosure agreements that have had a corrosive and corrupting effect on open and objective public discourse;

WHEREAS, the Town Board, in its ability to recognize the threat of infringement on the future livelihood of the community and its long standing heritage of agricultural character, tranquil and scenic beauty, rural landscape, and rolling countryside; and

WHEREAS, the Town Board recognizes the current fiscal instability, volatility, and "boom/bust" atmosphere of the mining and oil and gas industries, and the environmental safety record of non-metallic mining and related facilities, and their long-term, negative impact on land, air roads, and water resources;

NOW, THEREFORE, **be it resolved** that we, the Town of Lucas, do formally oppose the proposed rezoning of the land in question. We ask that the County deny Vista Sand's request on the grounds that it is inconsistent with area Comprehensive Plans, Preferred Land Use Maps and Zoning, as well as with the Sustainable Eco-Dunn County Resolution — enacted by Dunn County to endorse sustainable developments while protecting the eco system and implementing sustainable practices — and that it would put the public health, safety and welfare at risk.

Signatures:

*ADAMS*

7.10.12

Town Chair

Date

*Bob Kasper*

7/10/12

Town Supervisor

Date

Town Supervisor

Date

*Amy Gjestson*

7/10/12

Town Clerk

Date