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Jamie Kuhn, Dane County Executive

Administration • Land Conservation • Parks • Water Resource Engineering • Watersheds & Ecosystem Services

August 20, 2024

Zoning and Land Regulations Committee
c/o Zoning Administrator Roger Lane and Assistant Zoning Administrator Daniel Everson
Sent via email to: Lane.Roger@danecounty.gov
Everson.Daniel@danecounty.gov

RE: Conditional Use Permit Application #02629 for Non-Metallic Mining Wildcat Pit / Southwest Investments LLC

Dear Chair Doolan and Members of the Zoning and Land Regulation Committee,

This letter is written in response to the Conditional Use Permit (CUP) Application dated June 6, 2024 and filed on behalf of Southwest Investments LLC (the "Applicant") by Michael J. Marquette of JMM LLC to construct and operate a nonmetallic mining operation in the Town of Verona

The Dane County Park Commission, in the name of Dane County, owns the 160 acres immediately to the south of the proposed nonmetallic mining operation ("County Property"). Dane County Parks, a division of the Land & Water Resources Department, is responsible for management of the County Property. The County Property contains approximately 1,935 feet of two bank frontage along Badger Mill Creek and 1,775 feet on the Sugar River and the confluence of the two streams sits in the southern portion of the property. Both streams are classified as Tier I Stream Projects in the 2018 - 2023 Dane County Parks & Open Space Plan.

The County Property will be restored over time, with a focus on groundwater protection, improved water quality, wetland function and improved fish and wildlife habitat.

There are many potential comments, questions and concerns regarding the proposed use that are likely being raised by many entities and individuals. Given the complexity of the issue, I will limit focus on the following at this time:

1. Neither the applicant nor the landowner have met with Dane County Parks to address any concerns. This is in violation of the criteria outlined in the Town of Verona/Dane County Comprehensive Plan as it relates to proposals for more intensive use within the Transitional Agriculture Area. Concerns that Dane County Parks staff will raise include, but are not limited to:
 - a. How will the existing state corridor snowmobile trail that runs through Southwest Investments LLC property be routed with the addition of a nonmetallic mining operation?
 - b. How will public safety on the County Property be protected?
 - c. What visual and auditory protections will be in place for users of the County Property specifically but also for users of the Sugar River and Badger Mill Creek, which are waters of the state that benefit everyone, regardless of County ownership.
2. There is little to no data to support the impact of the project on water quality and quantity. The Dane County groundwater model developed by the Wisconsin Geological and Natural History Survey (WGNHS) displays the reaches of the Sugar River and Badger Mill Creek in this area as relatively high areas of groundwater inputs (i.e. gaining sections, outlined in red in Figure 1).

Without data, it is difficult to impossible to determine if the nonmetallic mining operation would or would not intercept some degree of groundwater that currently moves from the N/NE towards the Sugar River and Badger Mill Creek (Figure 2). With high hydraulic conductivity in the surficial sediment and shallow sand/gravel aquifer in the general vicinity (Figure 3), lateral effect from the mine could divert the direction of groundwater flow away from the Sugar River and Badger Mill Creek, during dry periods or more permanently; especially with these waterways being (at the closest point) only 1600' from the southern mining limits. This could be exacerbated by groundwater drawdowns as a function of using a hydraulic dredge to extract sand and gravel. For these reasons I strongly recommend a more robust groundwater monitoring/modeling effort should be conducted by the applicant prior to reaching a decision on the CUP application.

3. The proposed use is likely to substantially impair or diminish the value of the Sugar River, Badger Mill Creek and surrounding lands.

Thank you for your consideration of these questions and potential concerns as you review the application.

Sincerely,

Laura Hicklin

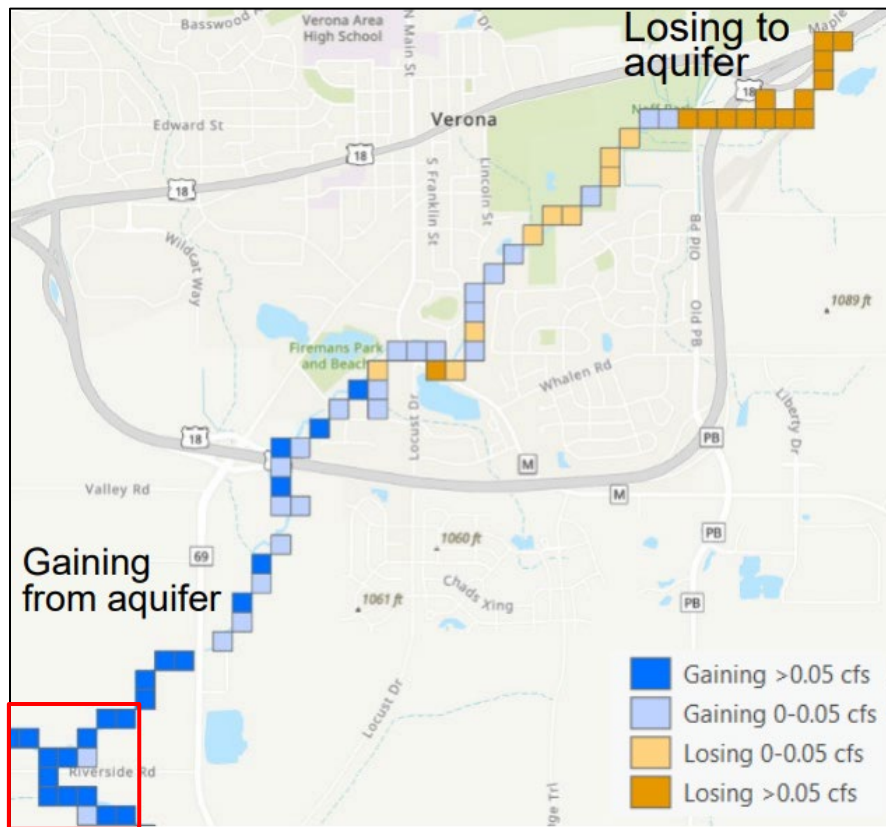


Figure 1. Badger Mill Creek-Sugar River groundwater inputs and losses. Anna Fehling, Wisconsin Geological and Natural History Survey.

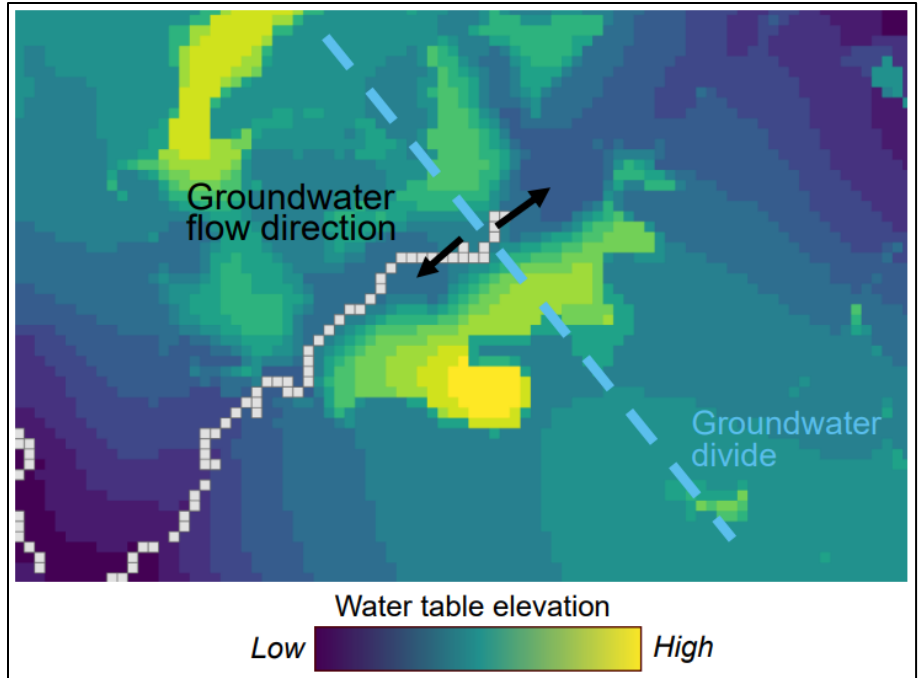


Figure 2. Badger Mill Creek-Sugar River groundwater flow direction-water table elevation. Anna Fehling, Wisconsin Geological and Natural History Survey.

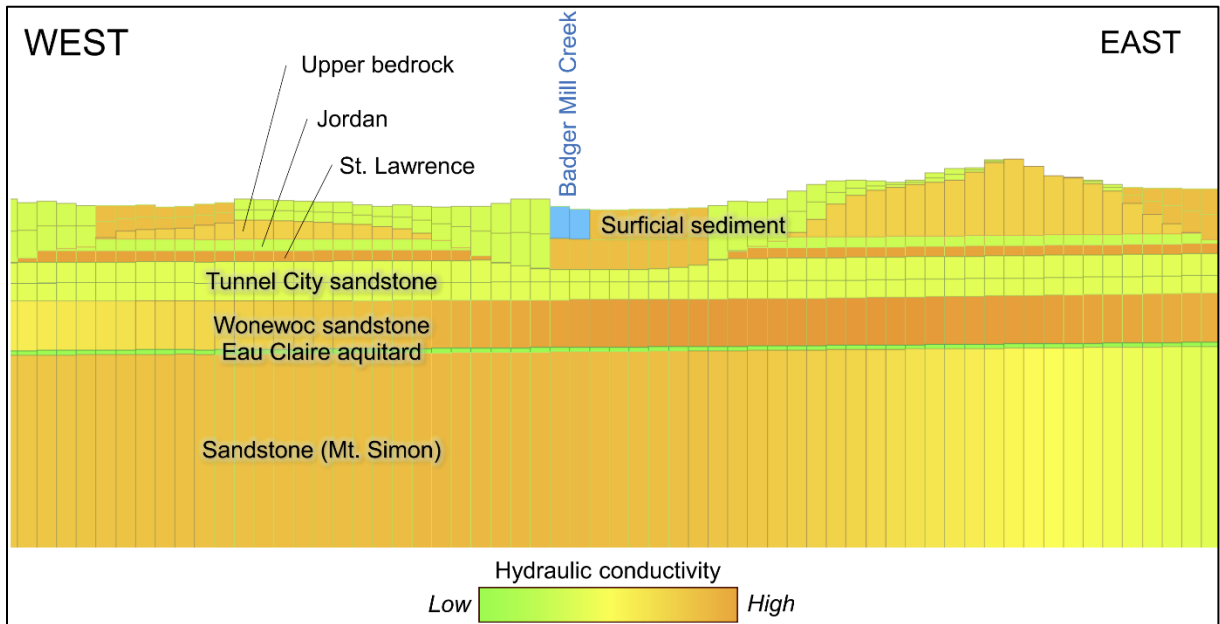


Figure 3. Badger Mill Creek-Sugar River groundwater flow direction-water table elevation. Anna Fehling, Wisconsin Geological and Natural History Survey