

# BEFORE THE DANE COUNTY BOARD OF ADJUSTMENT

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Appeal of Yahara Materials, Inc. and Buckeye Quarry LLC, of decision and order of the Dane County Assistant Zoning Administrator regarding violations occurring at the Buckeye Quarry at 4315 East Buckeye Road, Town of Blooming Grove, Dane County, Wisconsin

Appeal No. 3665

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## BRIEF OF DANE COUNTY ZONING ADMINISTRATOR

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This appeal concerns the expansion of quarry activity beyond the boundaries of a legal non-conforming non-metallic mineral extraction site constituting a violation Dane County Code of Ordinances.

An administrative appeal has been file by Attorney Michael Lawton on behalf of Yahara Materials Incorporated and Buckeye Quarry LLC, as a result of a stop work order issued on the mineral extraction activity located at the Buckeye Quarry located at 4315 Buckeye Road, Town of Blooming Grove, Dane County, WI. The stop work order was issued when it was discovered that the extraction operations had been expanded past the boundaries of a registered non-conforming mineral extraction site. The activities are being performed on land that is not part of a legal non-conforming use without first obtaining a conditional use permit pursuant to Dane County Code of Ordinances Section 10.191.

The appellant contends that the area is part of a registered mineral extraction site and activities can continue without limitations to the area. The appellant also contends that the activities in the area were found to be acceptable to Dane County Zoning Division due to annual reclamation reports and inspections conducted by the County.

To the contrary, the information that was submitted by Yahara Materials to comply with reclamation ordinances was inaccurate and did not show the actual area of mineral extraction activity being conducted at the Buckeye Quarry. The reports over the last four years show all activity within the confines of the registered non-conforming site. The illegal activity was discovered as of result of updated aerial which shows the actual areas of the illegal expansion of the Buckeye Quarry.

### **History**

In 1969, the Dane County Zoning Ordinance was amended to include the regulation of mineral extraction activities. The ordinance change required all future mineral

extraction operations to obtain a conditional use permit prior to the activity. Opportunity was provided to the industry to register existing quarries that were in operation so that they could be identified as being a legal nonconforming use. The use would be allowed to continue under its non-conforming status.

On March 14, 1969, The Madison Stone Company registered the Reno Gherke property located in portions of the northeast  $\frac{1}{4}$  of Section 14 and the west  $\frac{1}{2}$  of Section 13 in the Town of Blooming Grove as an existing quarry. The Gherke property consisted of approximately 108 acres. The request was verified using aerial photography and accepted. The property was mapped in the non-conforming registration plat book for ease of reference. When site was mapped, the boundary was drawn to the west edge of the northeast  $\frac{1}{4}$  quarter of Section 14. Please note that the western 250 feet of the northeast  $\frac{1}{4}$  quarter was actually owned by Fobes (adjacent neighbor).

In 1992, a Dane County Zoning Administrator's interpretation was challenged regarding the boundaries of registered non-conforming mineral extraction sites. Under *Smart Vs. Dane County Board of Adjustment*, the court ruled that the limits of registered sites extend to the ownership boundaries as they existed at the time of the adoption of the ordinance(1969), rather than 40 acre quarter-quarter sections that had been registered. With this ruling defining the boundaries of non-conforming sites, the registration plat book was updated to reflect the extent of these registered legal non-conforming mineral extraction sites.

In 1996, the Wisconsin Legislature adopted Wisconsin Act 277 (Wisc. Stats. 295.20) which created a statute for the preservation of marketable nonmetallic mineral extraction deposits. The statute allowed landowners to register sand/gravel deposits to publicly claim a right to the deposit and show intent to extract the product. The registration was required to be recorded with the county's Register of Deeds. No such registration has been filed on the property located in the northwest quarter of Section 14 (the subject property).

In 2001, the State adopted Wisconsin Administrative Code NR 135. The regulations required all non-metallic mineral extraction operations to produce a reclamation plan for their sites and obtain annual reclamation permits from municipalities having jurisdiction. The intent of the regulation was to ensure quarry operations reclaim excavated areas and provide guarantees that the area would be restored to accommodate a future use (agriculture/commercial/residential). The annual reports are only required to provide information on the activity areas of the site. The active areas are charged an acreage fee. The incentive is to reclaim excavated areas as depleted so that minimal acreage fee applies. Yahara Materials has been submitting reclamation permits for the Buckeye Quarry since 2001. The review of the annual permits is primarily conducted through aerial photography having the operator's depict the new areas of activity on these aerial photos. Field inspections are conducted on a sample of the 154 sites throughout Dane County. The sites are all verified for reclamation plans and financial assurances.

In 2010, Yahara Materials submitted information for the reclamation permit on the Buckeye Quarry. The permit identifies two new areas of extraction activity that are shown by “sketched in” polygons. All areas are within the registered non-conforming boundaries.

In 2011, Yahara Materials submitted information for the reclamation permit. The permit identifies one new area of extraction activity that is shown by a “sketched in” polygon. All areas are within the registered non-conforming boundaries.

In 2012, Yahara Materials submitted information for the reclamation permit. The permit identifies one new area of extraction activity that is shown by a “sketched in” polygon. All areas are within the registered non-conforming boundaries.

In 2013, Yahara Materials submitted information for the reclamation permit. The permit identifies one new area of extraction activity that is shown by a “sketched in” polygon. All areas are within the registered non-conforming boundaries.

In 2014, new aerial photography was produced through the Fly Dane project. The new photos show mineral extraction activity well beyond the registered site at the Buckeye Quarry.

On November 10, 2014, Assistant Zoning Administrator Everson issued a stop work order at the Buckeye Quarry for mineral extraction activity being conducted beyond the registered non-conforming site without prior obtaining a conditional use permit.

### **Argument of the appeal**

The appellant claims that the area in question is part of the legal non-conforming site. All register non-conforming sites were documented by Dane County Zoning Division in 1969 by way of the registration letters, inspection reports, and actual drawing of the boundaries of the sites in a plat book. The Gherke property was documented in the plat book. Later, as a result of the *Smart* decision , the full extent of the 1969 Gherke ownership was included in the plat book.

The documented boundary does not extend past the western boundary of the Northeast quarter of Section 14 in the Town of Blooming Grove. The activity identified in violation is in the Northwest quarter of Section 14. In searching the Register of Deeds, no documentation recorded to show the an intent to extract marketable nonmetallic minerals from the adjacent parcels as provided for under Wisconsin Statute 295.20.

The appellant claims that the activities should be allowed based on reclamation permits being issued for the site since 2001. All annual reclamation permits that have been submitted by Yahara Materials show that the active mining taking place within

the confines of the registered non-conforming site. Dane County Zoning did not have any other information to rely on other than the 2010 aerial photo which showed the extent of the mineral extraction site.

It was not until the 2014 aerial photography became available that the discrepancy was found with the operation. The aerial photo showed that the aggregate was being removed from the northwest quarter of Section 14. With this new information, Dane County Zoning acted upon the violation.

### **EQUITABLE ESTOPPEL**

The Appellants claim that Dane County is barred by the doctrine of equitable estoppel from asserting that the subject property is not a valid legal non-conforming mineral extraction site. They, however, cite no legal authority for this proposition, because Wisconsin law simply does not support it.

Estoppel cannot be used to prevent a municipality from enforcing its zoning ordinance. Zoning ordinances are enacted by the County pursuant to its police powers expressly granted by the Legislature. Municipal and other government units are not wholly immune from the application of the doctrine of equitable estoppel. But, Wisconsin courts have not allowed estoppel to be invoked against government when the application of the doctrine interferes with the police power for the protection of the public health, safety or general welfare. *City of Milwaukee v. Leavitt*, 31 Wis.2d 72, 76 (1966) and *Wisconsin Department of Revenue v. Moebius Printing Co.*, 89 Wis.2d 610, 639 (1979)

The rule of law is clear in Wisconsin that estoppel may not be used against a municipality to prevent it from enforcing its zoning ordinance, even if a public official committed an unauthorized act or provided incorrect information. *Snyder v. Waukesha County Zoning Board of Adjustment*, 74 Wis.2d 468, 477-78(1976). In this case the Appellants do not allege unauthorized acts or reliance on incorrect information. Rather, they argue that Dane County was silent regarding whether the subject property was subject to a valid non-conforming use. The facts don't support their argument as the County did not know of the expansion of the mineral extraction until 2014. But, clearly Wisconsin law does not authorize application of the doctrine of equitable estoppel under these circumstances.

### **LACHES**

The Appellants reliance on the doctrine of laches is misplaced for the same reasons. The law is clear that an equitable defense should not be used to prevent a municipality from exercising its police powers like zoning. But, more importantly the facts simply do not support an application of the doctrine of laches. The elements of laches are (1) unreasonable delay, (2) **knowledge of and acquiescence in the course of events**, and (3) prejudice to the party asserting laches. *Estate of Lohr*, 174 Wis.2d 468, 477 (Ct. App. 1993) (emphasis added) In this case there was no knowledge and acquiescence by the county. The county did not know about the

illegal expansion of the quarry until 2014, at which time the county immediately took action. The Appellants concealed the expansion on filings with the county for several years. They cannot now claim equitable relief as it is they who have unclean hands here.

### **Summary**

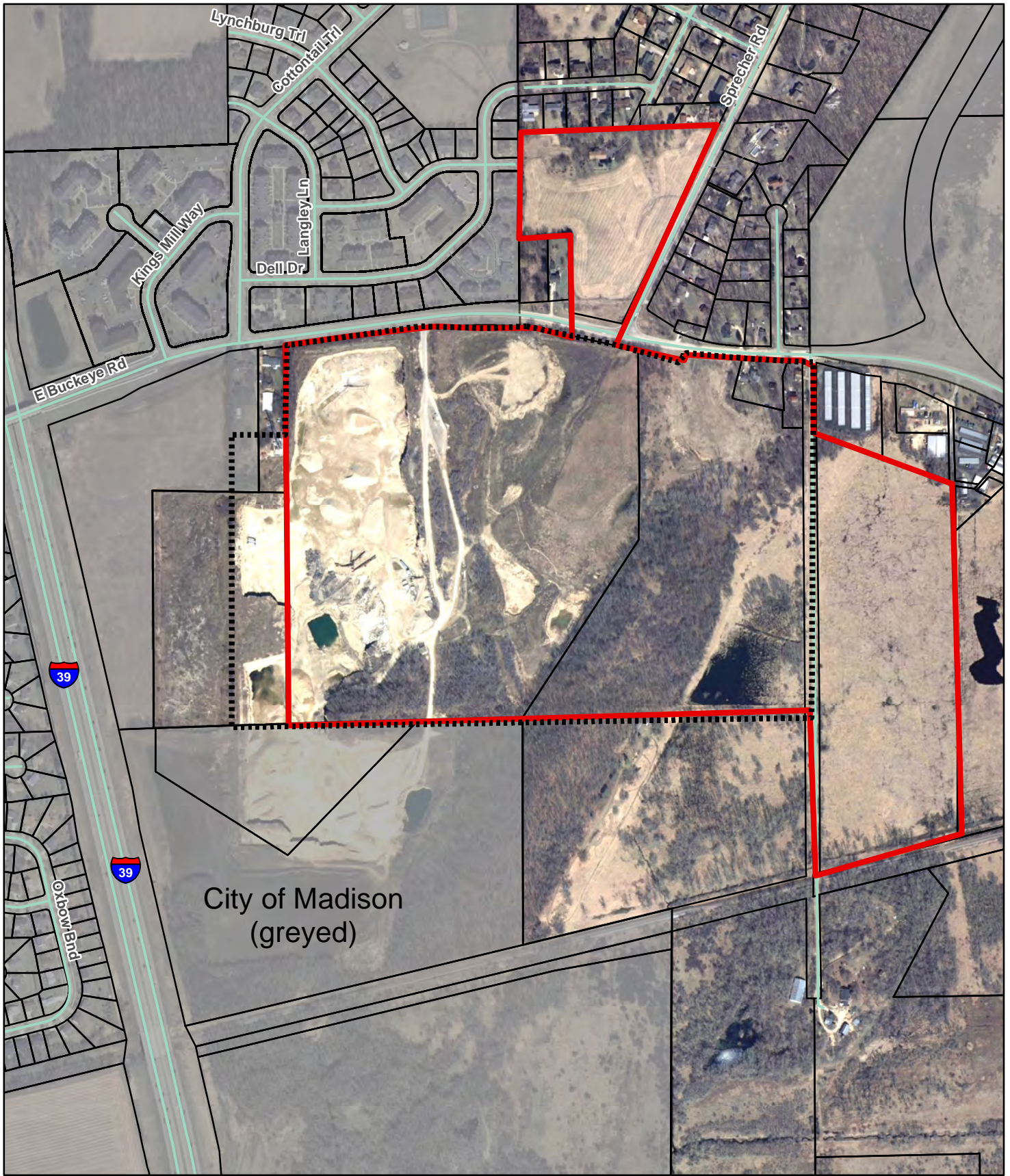
I respectfully request that the Dane County Board of Adjustment make the following Findings of Fact:


1. The Gehrke property was registered in 1969 as an active mineral extraction site. The ownership boundaries were contained within the northeast  $\frac{1}{4}$  and the southeast  $\frac{1}{4}$  of Section 14 in the Town of Blooming Grove as shown in the 1969 Plat Book.
2. The Genres did not own property in the northwest  $\frac{1}{4}$  of Section 14 in the Town of Blooming Grove.
3. Any mineral extraction activity outside legal non-conforming sites that were registered in 1969 require a conditional use permit to be obtained pursuant to Dane County Code of Ordinances Section 10.191.
4. Mineral extraction activities are being conducted by Yahara Materials in the northwest  $\frac{1}{4}$  of Section 14 in the Town of Blooming Grove. A conditional use permit has not been obtained for such activity.


### **Conclusion**

With the aforementioned evidence, I respectfully request that the Dane County Board of Adjustment make the following conclusion:

1. Yahara Materials has conducted non-metallic mineral extraction activities in an area which requires a conditional use permit under Dane County Code of Ordinance Section 10.191.
2. The area in question is beyond the boundaries of the 1969 registered non-conforming mineral extraction site.
3. The area in violation is located in the northwest  $\frac{1}{4}$  of Section 14 in the Town of Blooming Grove.
4. The Stop Work Order was properly issued by the Dane County Zoning Division for the violation occurring at 4315 East Buckeye Road, Town of Blooming Grove, Dane County, Wisconsin.



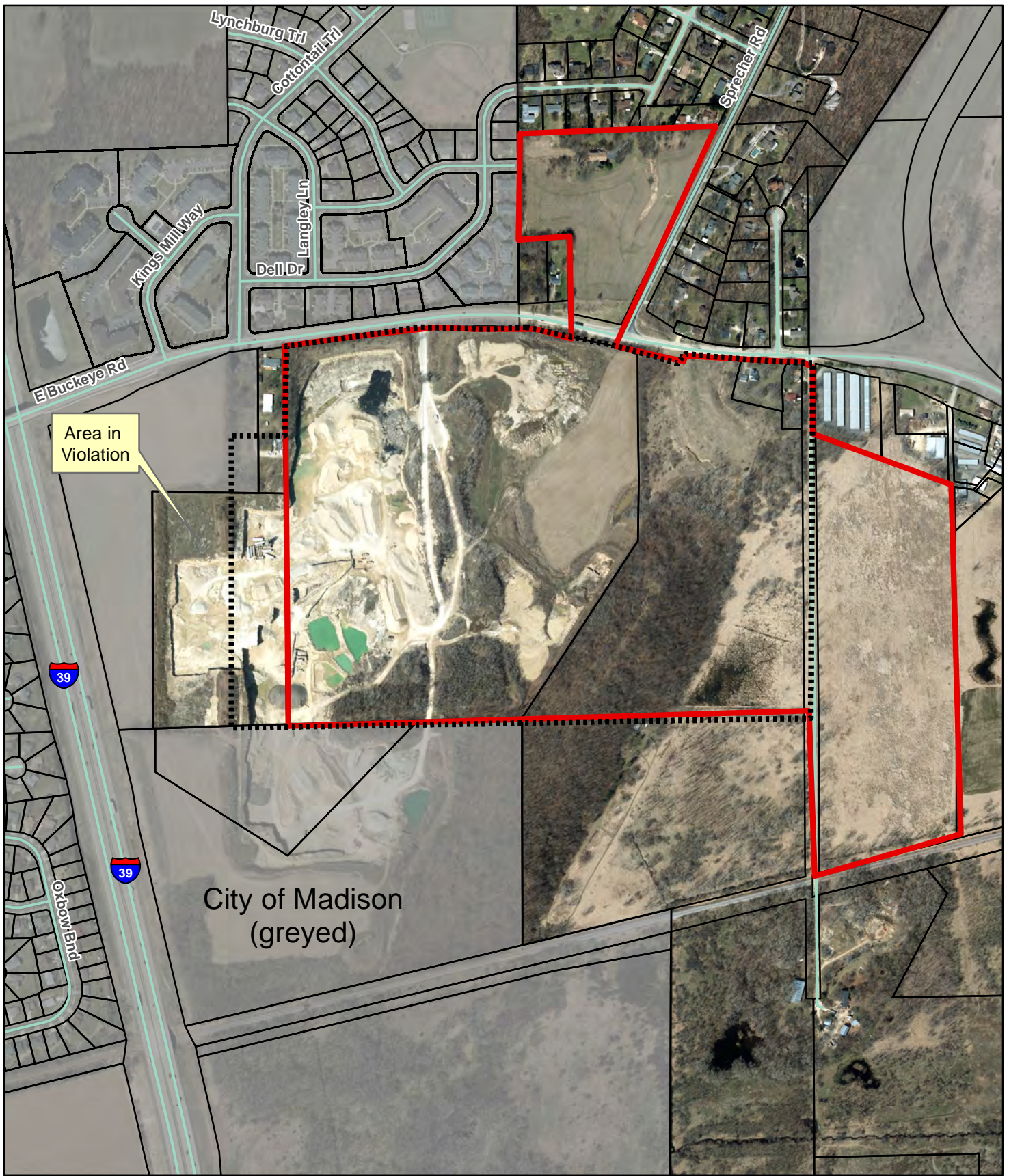
 Boundary of the Gherke property in 1969


 Boundary of Registration Site as mapped in original plat book




# 2010 Photo

0 250 500 1,000 Feet



 Boundary of the Gherke property in 1969

 Boundary of Registration Site as mapped in original plat book



# 2014 Photo

0 250 500 1,000 Feet

# MADISON STONE COMPANY INCORPORATED

Route 1  
MADISON, WISCONSIN  
249-8562

14 March 1969

Dane County Zoning Department  
City - County Building  
Room 314  
Madison, Wis. 53709

Gentlemen:

We hereby register the below listed quarries and or gravel mineral extraction operations in Dane County that have been used in prior years:

<u>OWNER</u>	<u>TOWNSHIP</u>	<u>SECTION</u>
• Sam Messerschmidt	Burke	17 <i>NE NE</i>
• Lena Hoffman	Burke	17 <i>W 1/2 NE</i>
→ • Reno Gherke	Blooming Grove	14
• Perry T. Fess	Burke	26 & 27 <i>SW 1/4 of 27</i>
• Madison Stone	Blooming Grove	2
• Clem Hensen	Bristol	30
• Madison Stone	West Port	10
• Vernon Bork	Cottage Grove	17 <i>A 1/2 W</i>
• Madison Stone	Sun Prairie	8
<i>W</i> Charles Anderson	Dunn	25-35-36
• Francis Nordness	Vienna	23
<i>ok</i> • V. C. Reindahl	Oregon	24
• Louis Rolfsmeyer	Blooming Grove	12
• Madison Stone	Burke	17 <i>NO</i>
• Carl Simonson	Deerfield	27
• Anna Pollow	Verona	16
• Capital Sand & Gravel	Cross Palains	11
• Capital Sand & Gravel	Cross Plains	24
• Simon Fergestad	Christiana	30
• Thomas Skaar	Cottage Grove	27 & 28 <i>SW 1/4 28</i>
• Ed. Olson	Cottage Grove	29 <i>NO</i>

MADISON STONE CO. INC.

*H. M. Nelson*  
H. M. NELSON  
President

HMN/wnd

1969 Registration Letter  
for the Gherke property



MINERAL EXTRACTION REGISTRATION

TOWN Blooming Grove SECTION 11

OWNER Reno Gharke

REGISTERED BY Madison Stone Company

DESCRIPTION OF LAND REGISTERED \_\_\_\_\_

ZONING DISTRICT A-1 R-1, Weather Oak Hills, Lot 18  
Weather Oak Hills NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>

ZONING DEPARTMENT VERIFICATION

<u>1/4 1/4</u>	<u>AERIAL PHOTO NO.</u>	<u>PHOTO EVIDENCE</u>	<u>FIELD EVIDENCE</u>	<u>ACCEPTED</u>
<u>SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub></u>	<u>1JJ-238</u>	<u>yes</u>	<u>yes</u>	<u>OK</u>
<u>SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub></u>	<u>1JJ-238</u>	<u>yes</u>	<u>yes</u>	<u>OK</u>
<u>NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub></u>	<u>1JJ-238</u>	<u>--</u>	<u>--</u>	<u>OK</u>

Barus in NW 1/4 NE 1/4 for future

COMMENTS \_\_\_\_\_

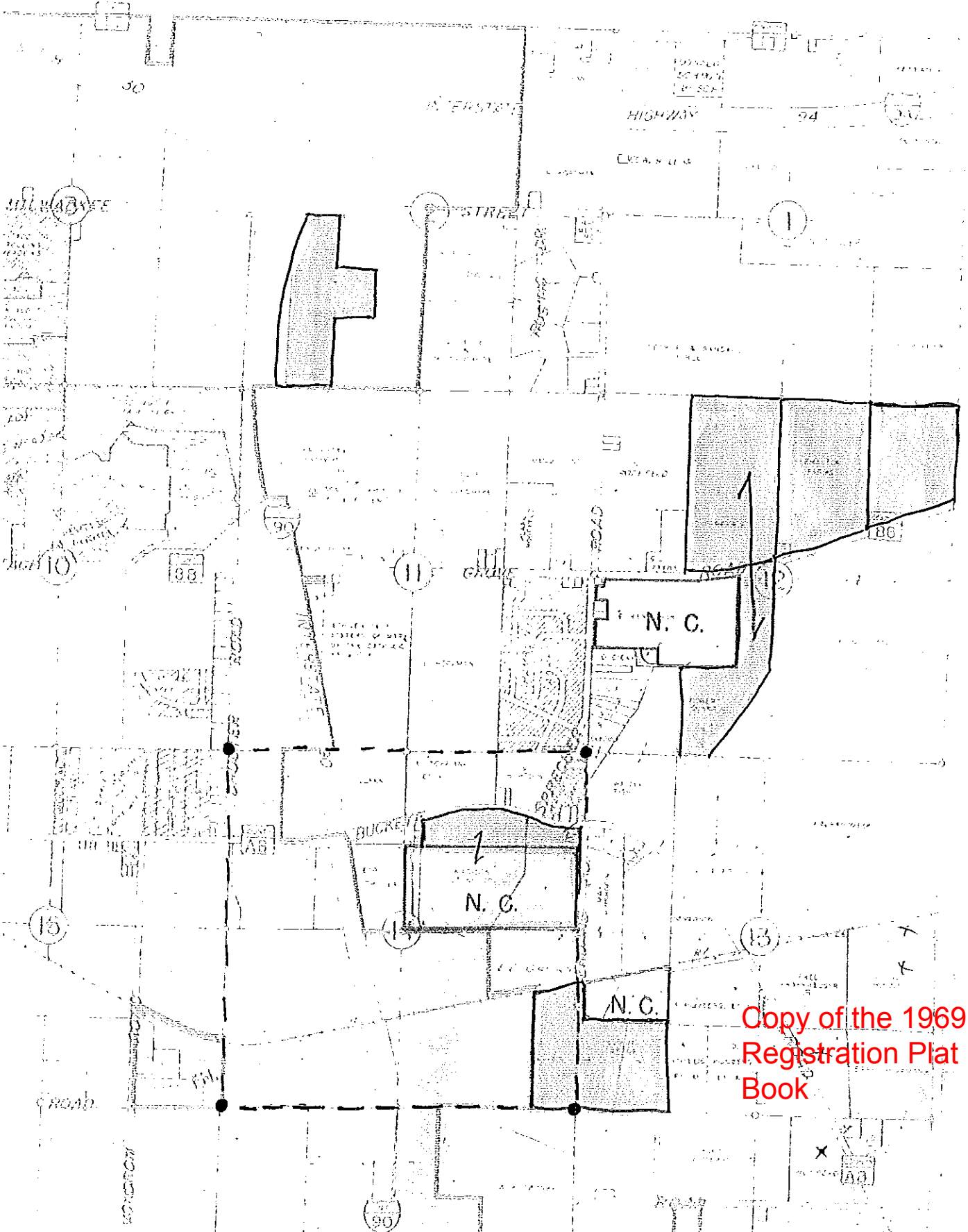
1969 Inspection Report

DANE COUNTY, WIS

1000 1007

NORTH

ADMITTED TO THE OFFICE OF THE REGISTER OF DEEDS  
DANE COUNTY, WISCONSIN  
DAN R. HUBBARD, MAR 4 1969



Copy of the 1969  
Registration Plat  
Book

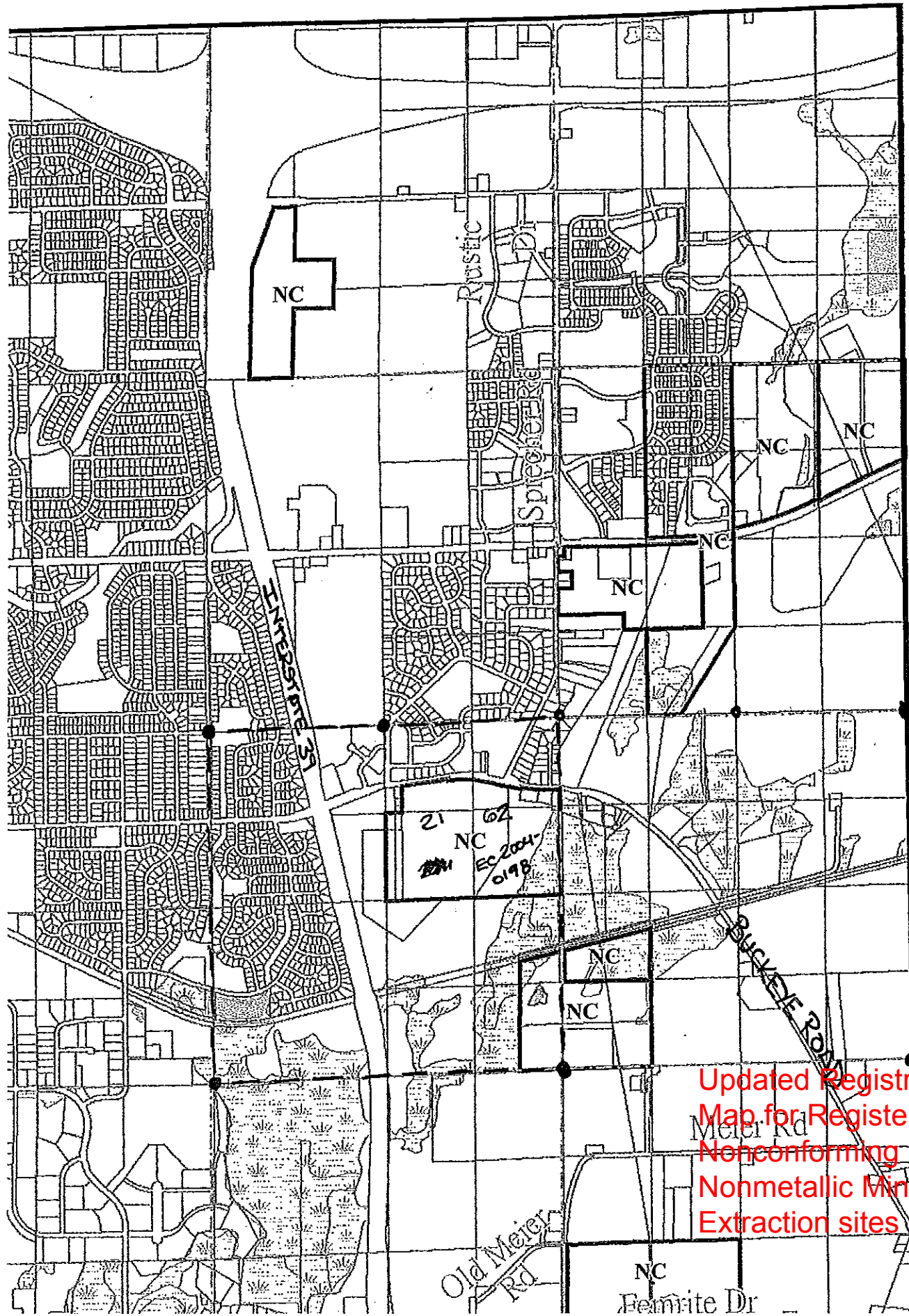
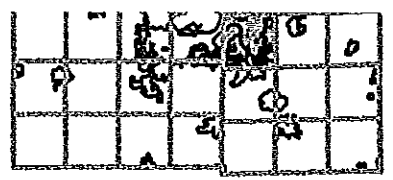
Expired water

1" = 2000ft

Section Line

0 1,000 2,000 4,000 Feet

Right of Way

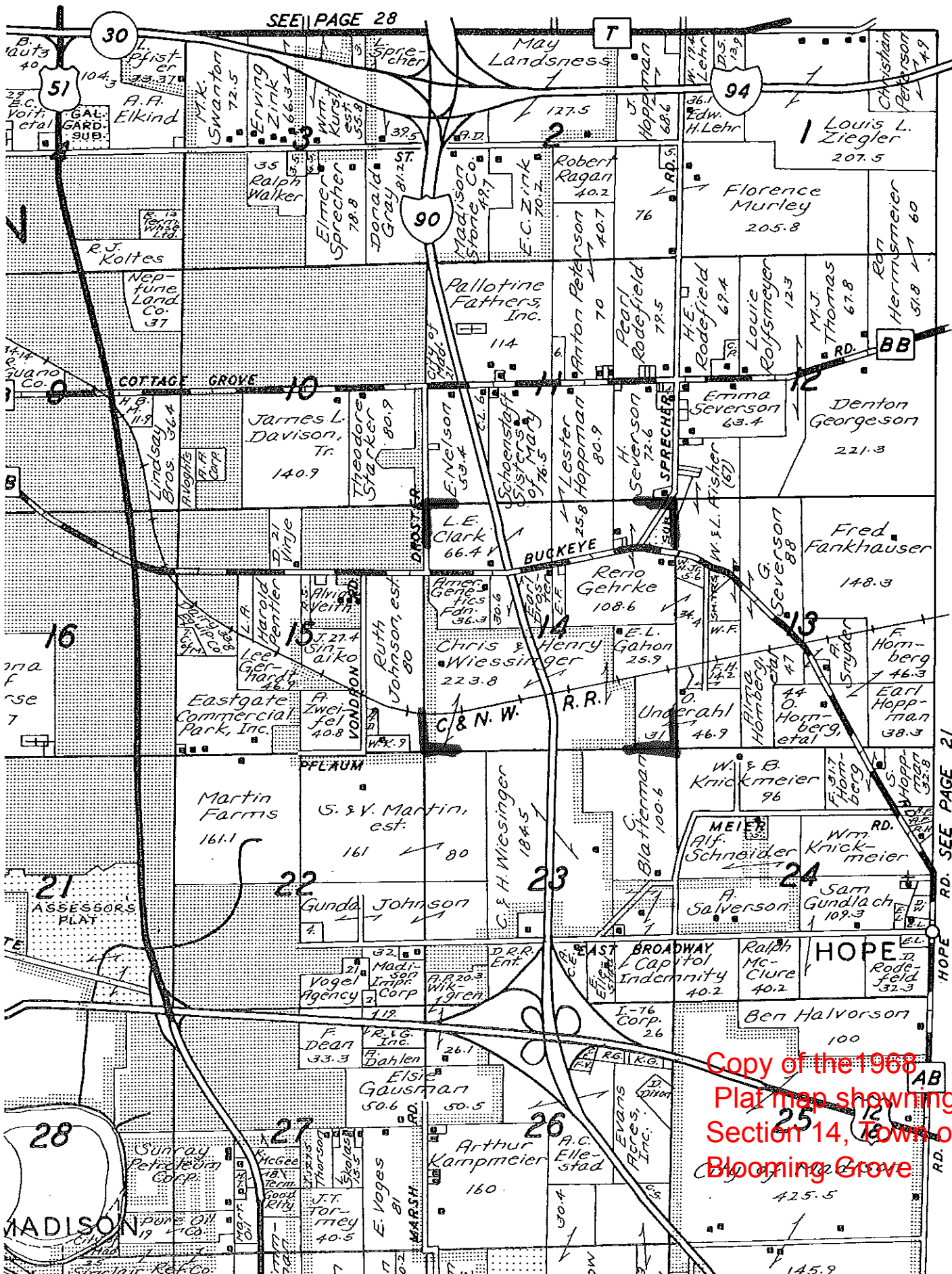


Updated Registration Map for Registered Nonconforming Nonmetallic Mineral Extraction sites

# GROVE

# T. 7 N.-R. 10 E.

SEE PAGE 28



Copy of the 1968  
Plat map showing  
Section 14, Township of  
Blooming Grove

## REGISTRATION OF NONMETALLIC MINERAL DEPOSITS



**Publication WA 825  
Rev. 2000**

**Waste & Materials Management  
P.O. Box 7921  
Madison, WI 53707-7921**

### INTENT OF REGISTRATION

State law provides for the registration of the land, which contains economically viable (marketable) nonmetallic mineral deposits. Registration should encourage the identification, preservation and planning for ultimate development of marketable deposits. Registration of deposits also prevents future land uses such as the erection of permanent structures that would interfere with future mining of the deposit. The registration of a nonmetallic mineral deposit may **not** prevent any land use that was permitted under the current zoning the day before a site was registered.

### CRITERIA FOR REGISTRATION

Land containing a marketable nonmetallic mineral deposit may be registered if two criteria are met. First, a registered professional geologist or a registered engineer must delineate the deposit and certify that it is a "marketable deposit" as defined in the rule, NR 135. Second, if the land is zoned, the existing zoning must allow mining as a permitted use or as a conditional use. If these criteria are not met, then the zoning authority may object to the proposed registration.

### REGISTRATION PROCESS

The land which contains a marketable nonmetallic mineral deposit may be registered by the landowner through the recording of a deed notice in the county registrar of deeds office for the county in which the land is to be registered. The registration must include: 1) a legal description of the property, 2) a certification as to the marketability of the deposit by a registered geologist or engineer, 3) evidence that the existing zoning permits or conditionally permits mining and 4) a statement of intent by the landowner not to undertake any action that would permanently interfere with mining. At least 120 days prior to registration, the landowner must notify all applicable zoning authorities of the intent to register the land. A zoning authority may object to the registration if it determines that the registration criteria are not met.

Note: An optional registration form **Registration of Marketable Nonmetallic Mineral Deposit** is available for your use. You may request it at: [DNRWasteMaterials@Wisconsin.gov](mailto:DNRWasteMaterials@Wisconsin.gov) or by using the **Waste and Materials Management searchable guidance and publications index**.

## **DURATION AND RENEWAL**

Registration lasts for a period of ten years and may be automatically renewed for an additional ten year period. After the expiration of the 20 year period of initial registration and automatic renewal, the land may registered again in accordance with the initial registration process.

## **ZONING AUTHORITY MAY OBJECT TO IMPROPER REGISTRATION**

Zoning officials may object to a proposed registration of land which contains a nonmetallic mineral deposit if it is not marketable, or if the existing zoning prohibits mining. If the zoning officials chose to object they bear the legal burden to provide sufficient evidence to support their objection in court.

## **CONNECTION TO ZONING AND LAND USE PLANNING**

Land use planning, zoning and the registration process are interrelated. When land use plans are prepared, the location and development of registered nonmetallic mineral deposits should be considered. Zoning cannot be changed to prohibit mining of a registered deposit during the registration period. However, if the land owner does not proceed to develop the deposit while the land is registered, the zoning may be changed in accordance with a lawfully adopted land use plan. Such a zoning change becomes effective upon the expiration of the registration.

In conjunction with wise land use planning and zoning, the nonmetallic mineral registration provisions can help to reserve valuable and finite nonmetallic mineral resources for the needs of a future generation. Registration, land use planning and zoning should be used in a coordinated fashion to promote the future orderly development of identified nonmetallic mineral resources.

## **QUESTIONS**

Contact 608/266-2111 or [DNRWasteMaterials@Wisconsin.gov](mailto:DNRWasteMaterials@Wisconsin.gov) for further information.

**Disclaimers:** This document is intended solely as guidance and does not include any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format (large print, Braille, audio tape, etc.) upon request. Please call 608/266-2111 for more information.



## **295.20 Preservation of marketable nonmetallic mineral deposits.**

### **(1) REGISTRATION.**

(a) Beginning on October 14, 1997, a landowner may register land owned by that person under this section if all of the following apply:

1. The land has a marketable nonmetallic mineral deposit, as evidenced by the certification of a professional geologist licensed under ch. 470 or a professional engineer registered under s. 443.04 and by any other information required under sub. (4).

2. The landowner notifies each county, city, village and town that has authority to zone the land of his or her intent to register the marketable nonmetallic mineral deposit. The notification shall include the evidence required under subd. 1.

3. Nonmetallic mining is a permitted or conditional use for the land that is proposed to be registered under any zoning that is in effect on the day on which the landowner makes the notification under subd. 2.

(b) A governmental unit that receives notification under par. (a) 2. may contest registration under this subsection, in the circuit court for a county in which the land is located, on the grounds that there is not a marketable nonmetallic mineral deposit on the land or that par. (a) 3. is not satisfied. The governmental unit has the burden of proving, by a preponderance of the evidence, that one of those grounds exists.

(c) The registration shall delineate the nonmetallic mineral deposit and is valid only if recorded in the office of the register of deeds in each county in which the nonmetallic mineral deposit is located.

(d) Except as provided under sub. (4) (d), a registration under this subsection lasts for 10 years and may be renewed as provided in the rules under sub. (4) (e).

(1m) PREVIOUSLY REGISTERED DEPOSITS. Land registered under sub. (1) before October 14, 1997, shall remain registered for 10 years after the initial date of registration. The registration may be renewed as provided under sub. (4) (f).

### **(2) LIMITATION ON ZONING.**

(a) A county, city, village or town may not by zoning, rezoning, granting a variance, or other official action or inaction, permit the erection of permanent structures upon, or otherwise permit the use of, any land, while a registration under this section is in effect for that land, in a manner that would permanently interfere with the present or future extraction of the nonmetallic mineral deposit that is located on the land.

### **(b)**

1. A county, city, village or town may enact an ordinance changing the zoning of land that is registered under this section if mining has not begun on any portion of the registered land and the ordinance is necessary to implement a master plan, comprehensive plan or land use plan that was adopted at least one year before the rezoning.

2. A zoning change authorized by subd. 1. does not apply to the registered land during the registration period in effect when the zoning ordinance takes effect or during the 10-year renewal period under sub. (4) (e) or (f) if the land is eligible for that renewal.

3. A zoning change authorized by subd. 1. prevents the registration of the land after the period under subd. 2.

### **(3) EXCEPTIONS. Nothing in this section shall be construed to prohibit the following:**

(a) A use of land permissible under a zoning ordinance in effect on the day before a mineral deposit is registered under sub. (1).

(b) Acquisition of a registered nonmetallic mineral deposit or registered buffer area by a county, city, village or town or other governmental unit for a public purpose.

**(4) RULES.** The department shall promulgate rules that contain all of the following:

(a) A definition of "marketable nonmetallic mineral deposit".

(b) Procedures and requirements for registering land containing a marketable nonmetallic mineral deposit under sub. (1).

(c) Procedures and criteria for objecting to the proposed registration of land containing a nonmetallic mineral deposit.

(d) Procedures for terminating the registration of land under this section when there is no longer a marketable nonmetallic mineral deposit on the land.

(e) Procedures and criteria for renewing the registration of land under sub. (1). The rules shall allow renewal for one 10-year period without review of the marketability of the deposit or the zoning of the land, except that, if mining has begun on any portion of the registered land, the rules shall allow the person to renew the registration for an unlimited number of 10-year periods as long as active mining continues.

(f) Procedures and criteria for renewing the registration of land under sub. (1m).

(g) Criteria under which contiguous parcels of land owned by the same person and containing the same marketable nonmetallic mineral deposit may be included in one registration.

**History:** 1995 a. 227 s. 811; 1997 a. 27, 300.





# Dane County Mineral Extraction Activity 2012 Annual Operator Report

6/12/13 ✓

Township Bloomington Grove

Section # 14

Operator Yahara Materials

Address \_\_\_\_\_

Phone 608-849-4162

E-mail (optional) tim@yahara.com

Reclamation Permit # \_\_\_\_\_ 62



- Acreage currently affected by non-metallic mining extraction and not yet reclaimed since August 1, 2001: 6-10
- Amount of acreage that has been reclaimed to date, permanent or interim basis since August 1, 2001: 0
- Highlight these acreages on the plan map provided.

"I certify that this information is true and accurate, and that the non-metallic mining site described herein complies with all conditions of the applicable non-metallic mining reclamation permit and ch NR 135, WI Admin Code."

Timothy J. Deoghe Signature  
8 Jan 2013 Date



# Dane County Mineral Extraction Activity 2011 Annual Operator Report

Reclamation Permit #         62        

Township Blooming Grove

Section # 14

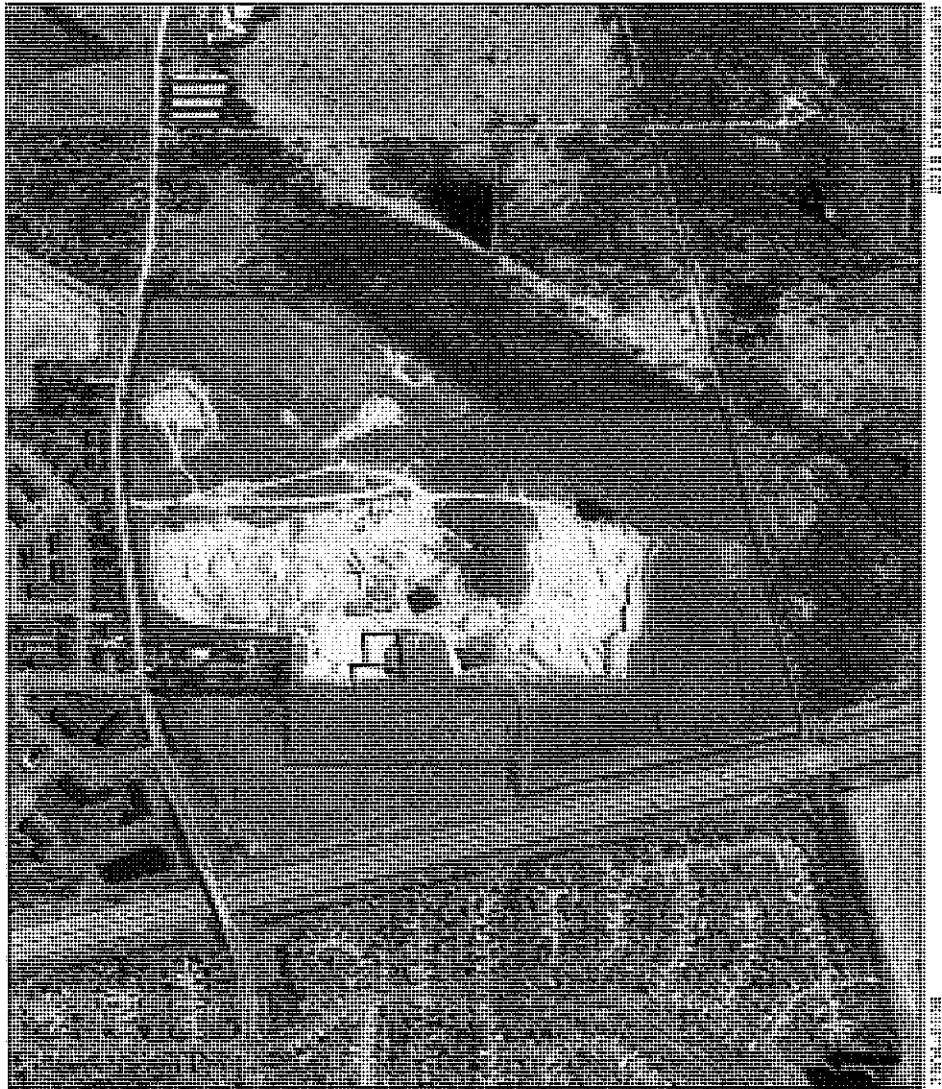
Operator Yahara Materials

Address \_\_\_\_\_

Phone 608 844-4162

E-mail (optional) tim@yahara.com

Type: NC CUP#: 0 Date Expired: \_\_\_\_\_



- Acreage currently affected by non-metallic mining extraction and not yet reclaimed since August 1, 2001: 6-10 775
- Amount of acreage that has been reclaimed to date, permanent or interim basis since August 1, 2001: 0
- Highlight these acreages on the plan map provided.

"I certify that this information is true and accurate, and that the non-metallic mining site described herein complies with all conditions of the applicable non-metallic mining reclamation permit and ch NR 135, WI Admin Code."

Timothy J. Joseph 4 Jan 2012  
Signature Date



# Dane County Mineral Extraction Activity 2010 Annual Operator Report

★ 9/14/11 ACRES 11-15?

Automatic Permit # \_\_\_\_\_ 21 \_\_\_\_\_

Reclamation Permit # \_\_\_\_\_ 62 \_\_\_\_\_

Type: NC

CUP#: 0 Date Expired:



Township Blooming Grove

Section # 14

Operator Yahara Materials

Address \_\_\_\_\_

Phone \_\_\_\_\_

E-mail (optional) \_\_\_\_\_

- Acreage currently affected by non-metallic mining extraction and not yet reclaimed since August 1, 2001: 6-10
- Amount of acreage that has been reclaimed to date, permanent or interim basis since August 1, 2001: 0
- Highlight these acres on the plan map provided. \$ 585

"I certify that this information is true and accurate, and that the non-metallic mining site described herein complies with all conditions of the applicable non-metallic mining reclamation permit and ch NR 135, WI Admin-Code."

Kimberly DeGruy 13 Jan 2011  
 Signature Date



# Dane County Mineral Extraction Activity 2013 Annual Operator Report

Reclamation Permit # 62

Township Blooming Grove/City of Madison

Section # 14

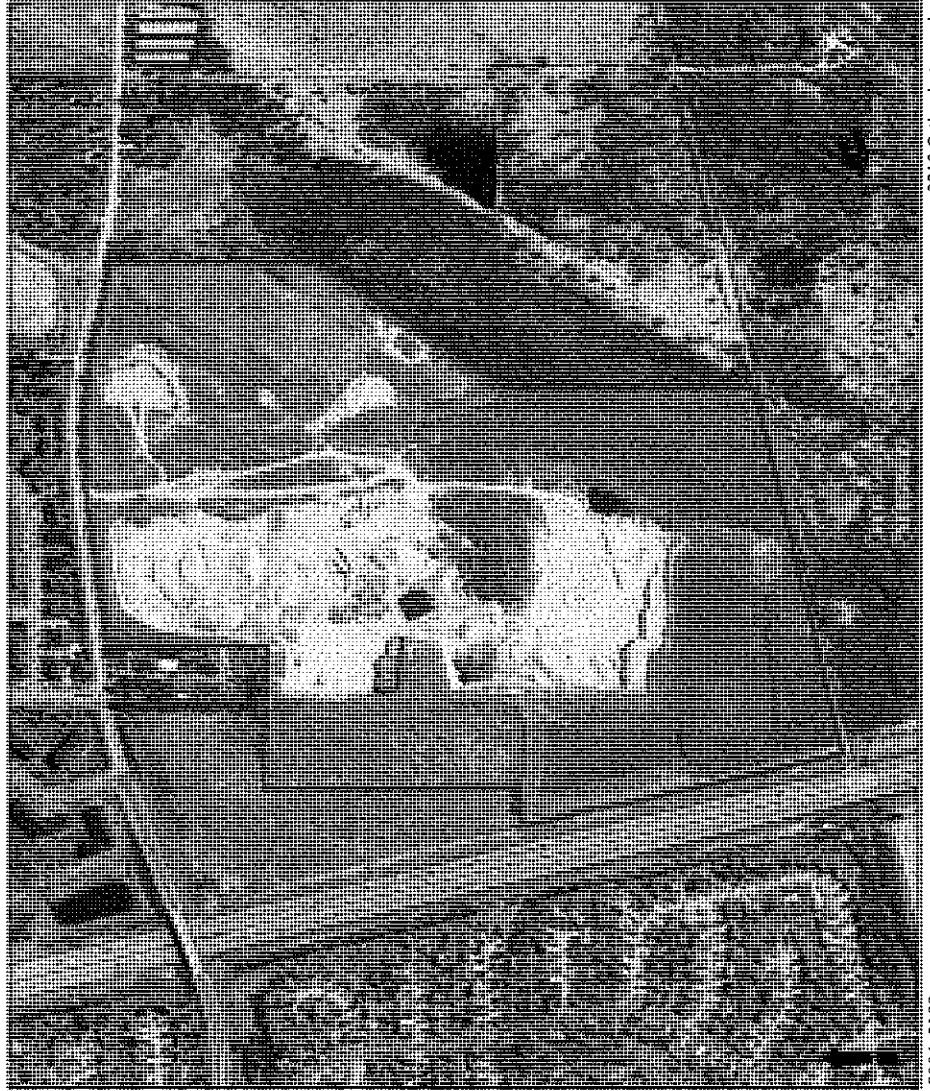
Operator Yahara Materials

Address \_\_\_\_\_

Phone 608-849-4162

E-mail (optional) tim@yahara.com

Type: NC CUP#: 0 Date Expired: \_\_\_\_\_



2010 Orthophotography

- Acreage currently affected by non-metallic mining extraction and not yet reclaimed since August 1, 2001: 6-10
- Amount of acreage that has been reclaimed to date, permanent or interim basis since August 1, 2001: 0
- Highlight these acreages on the plan map provided.

"I certify that this information is true and accurate, and that the non-metallic mining site described herein complies with all conditions of the applicable non-metallic mining reclamation permit and ch NR 135, WI Admin Code."

Timothy D. Goff  
Signature  
2 Jan 2014  
Date