



Carnelian-Marine-St. Croix Watershed District

Scandia Plaza II • 21150 Ozark Avenue • P.O. Box 188 • Scandia, MN 55073 • Tel 651.433.2150

February 9, 2009

Scandia City Council
14727 209th St. N
Scandia, MN 55073



Re: Zavoral/Tiller Gravel EAW

Dear Council Members:

Thank you for the invitation to comment on the Environment Assessment Worksheet for the proposed re-opening of the gravel operation on the Zavoral Property. I have asked our District Engineer, Dan Fabian, to prepare comments and questions which I have enclosed. To those, I would like to add some additional comments and concerns.

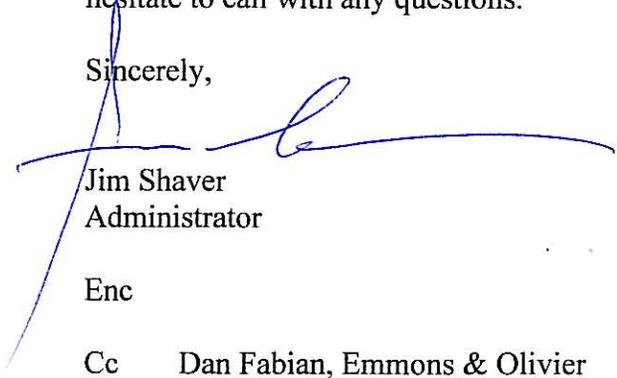
1. The District, its predecessor in this area, the Marine on St. Croix Watershed Management Organization, and New Scandia Township devoted a significant amount of resources to develop its Lower St. Croix Spring Creek Study and involved a comprehensive citizen involvement process to reach its conclusions and recommendations for suggested management strategies of these unique water resources and their surrounding, dependant natural communities.
2. Our Engineer clearly expresses our concern about Storm water management, erosion control, and ground water appropriations and their potential effects on the Spring Creek known as Zavoral's Creek. By implication, these concerns are also concerns for its destination, the St. Croix River.
3. The District also has concerns about the effects of airborne particulate matter and its effect on increase in sedimentation to these water bodies and the potential resulting degradation of both water quality and bio-diversity in these waters.
4. The interdependent nature of ground water, spring creeks and the specialized flora and fauna that they support makes it difficult to estimate the extent of potential damage if even one of the variables changes; variability in ground water flow or the quality of that flow, sedimentation from surface water, or an increase in airborne sedimentation.

The Watershed District recommends that additional data be gathered and reviewed in advance of a decision regarding acceptability of this Environmental Assessment Worksheet and the viability of this project to more adequately protect the valuable natural

resources in or adjacent to the site. Additionally, we would suggest that additional monitoring protocols be established with this project for groundwater, surface water, and the St. Croix River to adequately alert the City to any adverse effects attributable to this project so that restorative action may be taken quickly and effectively.

Thank you for the opportunity to provide comments on this project and please do not hesitate to call with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Shaver', is written over a horizontal line. The signature is fluid and cursive.

Jim Shaver
Administrator

Enc

Cc Dan Fabian, Emmons & Olivier
Sherri Buss, TKDA
file

Date	February 5, 2009
To	Jim Shaver, CMSCWD Administrator
CC	
From	Daniel A. Fabian, P.E.
Regarding	Comments on Environmental Assessment Worksheet for Zavoral Property Mining and Reclamation Project. Project Located in Zavoral's Creek Subwatershed Management Area. CMSCWD Comment No. C-09-001

Background:

Project is being proposed by the Tiller Corporation and is identified as the Zavoral Site in Scandia Minnesota. The Tiller Corporation currently operates one other Mining Operation in the Carnelian Marine St. Croix Watershed District (District) which is also located in Scandia. Proposed project involves re-opening a currently dormant mining operation on the Zavoral property, mining the property and restoring the property, including currently un-restored portions of the site that had previously been mined by others. Proposed project will increase the mining area by an additional 8-acres and to an additional depth of about 15-ft.

Portions of the project site are located within the St. Croix River District and scenic easement area. No new mining is proposed within that area but approximately 4-acres of previously disturbed area will eventually be restored when mining is completed.

The project site is located in the subwatershed of Zavoral's Creek which is tributary to the St. Croix River. This area of the District contains significant, unique high value resources both within and adjacent to the parcel boundaries as well as nearby. The District is very concerned about the protection of these resources. Refer to the attached maps which identify the creek, topography, wetlands and natural resources of the project site and adjacent properties.

Comments:

There are several potential environmental impacts that concern us that are either not addressed or are inadequately addressed in the EAW. These are identified in the comments below:

1. The requirement for a District permit is noted in the Item 8 of the EAW.
2. The parcel boundaries contain very sensitive resources including the ephemeral and perennial reaches of Zavoral's stream which is a highly sensitive trout stream flowing through the property and then entering the St. Croix River just downstream from this property. No mention of this stream is made in the EAW. The 2003 Lower St. Croix River Spring Creek Stewardship Plan contains a great deal of information on Zavoral's stream (please refer to the

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Stewardship Plan excerpt attached). The EAW needs to address the multitude of sensitive resource information contained in the 2003 Lower St. Croix River Spring Creek Stewardship Plan such as:

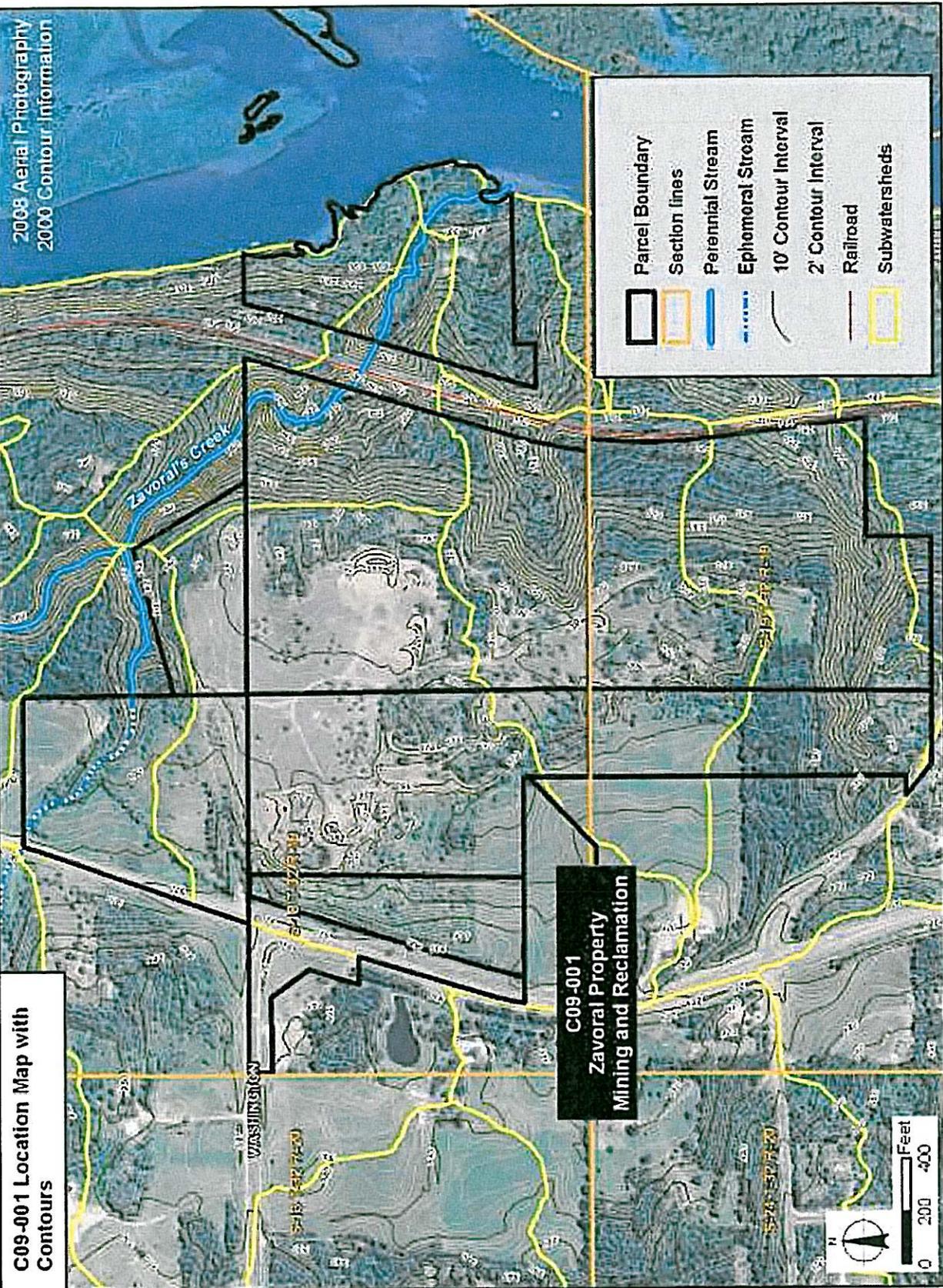
- a. Zavoral's stream is identified as having naturally reproducing brook trout.
 - b. Many high natural communities were identified as existing along Zavoral's stream, some within the parcel boundaries, and more just adjacent to the property.
 - c. There are very sensitive seepage wetlands along Zavoral's stream that begin within the property and extend beyond the property downstream. These very high quality seepage wetlands need to be protected as they will not sustain any amount of change to water quantity or water quality entering the wetland/stream system.
3. The EAW does not address the specifics of the very high quality and highly sensitive natural resources associated with Zavoral's stream, and needs to contain much more information and documentation regarding these resources. (Please refer to the attached map of identifying those natural resources and their high qualities rankings).
 4. The EAW includes a printout from the Request for Natural Heritage information from the MN DNR. Over 65 occurrences of rare features have been documented within a 1 mile radius of proposed project. There is little or no evidence to suggest that focused surveys were ever conducted by the MN DNR or other qualified scientists for rare elements within the property boundaries. The natural heritage information system (NHIS) database will only return rare element records for lands that the Minnesota DNR and others have had access to survey. This high concentration of rare elements within one mile of the project site suggests that the presence likelihood of rare features with the subject property is high. Furthermore, the presence/absence of potential rare elements within the subject property is unknown, in the absence of focused surveys. These facts should require that applicant hire a DNR pre-qualified surveyor to conduct a Protected Species Survey to look for and inventory rare elements. State protected species are those that are listed as Endangered or Threatened under Minnesota Rules, [Chapter 6134](#). Results of the survey should be provided with the EAW. This protected species survey should take place onsite with the initial survey completed prior to start of mining operations. If protected species or rare and protected natural communities or features are detected during the survey, the applicant will be required to demonstrate avoidance of these features in the mining plan. If protected species or features cannot be avoided, then the applicant will be required to apply for and obtain a protected species taking permit from the Minnesota DNR prior to implementing the mining plan. Follow-up (monitoring) surveys should then be conducted multiple times per year during the operation of the gravel pit to identify any impacts to the protected species, if identified. The data included in the printout from the Natural Heritage Information System contains records that are mostly over 10 years old. Furthermore, this list is not an all-inclusive list of rare elements that could potentially occur within and/or adjacent to the proposed project.
 5. The EAW states that direct impacts from the mining operation should not affect the resources within, adjacent to and downstream from the property. However, there are many potential secondary impacts that need to be considered and addressed. The sensitive natural resources

located within and along Zavoral's stream will not be able to sustain even a temporary impact such as sedimentation, dewatering, or any other changes to water quality or water quantity. More information needs to be provided to support the statement that project will not affect those resources.

6. The EAW contains information that states that NO WETLANDS are located on the property. Furthermore the wetland investigation took place on November 11, 2003 which is outside of the growing season. Data from the MN DNR Minnesota Land Cover Classification System (MLCCS) along with data from the 2003 Lower St. Croix River Spring Creek Stewardship Plan have documented more than one wetland located on the property. The EAW needs to verify or revise its statement claiming that no wetlands are located on the property. The area(s) identified as wetland in the Minnesota Land Cover Classification System data and the Spring Creek Stewardship Plan should be investigated, and delineated (if necessary) during the growing season (April 15 through October 15 of most years in Minnesota).
7. The EAW states that applicant will be applying for a DNR Water Appropriations Permit but does not give any additional information on where and when they will be conducting dewatering activities. More information needs to be provided as to what uses they are proposing for the DNR Water Appropriations permit. Where would they be drawing water from? How much water, etc.?
8. The EAW needs to provide more information on the existing and proposed on-site wells (where they are located, how and where they will be screened, etc.).
9. The applicant states that the treatment of wash-water will be on-site through a series of sedimentation ponds. The applicant needs to expand upon this treatment and should prove that none of the wash-water or anything else will be directed to or otherwise impact Zavoral's stream. Potential thermal impacts to the stream need to also be considered. Further that infiltrated wash water will not impact groundwater quality (i.e. wash water from crushing of recycle material).
10. EAW needs to include that this property is tributary to the St. Croix River and Lake St. Croix which is an impaired water.
11. EAW identifies grading in the drainage are of Zavoral Creek including ditch and culvert work along Highway 95. Potential impacts to the creek need to be evaluated.

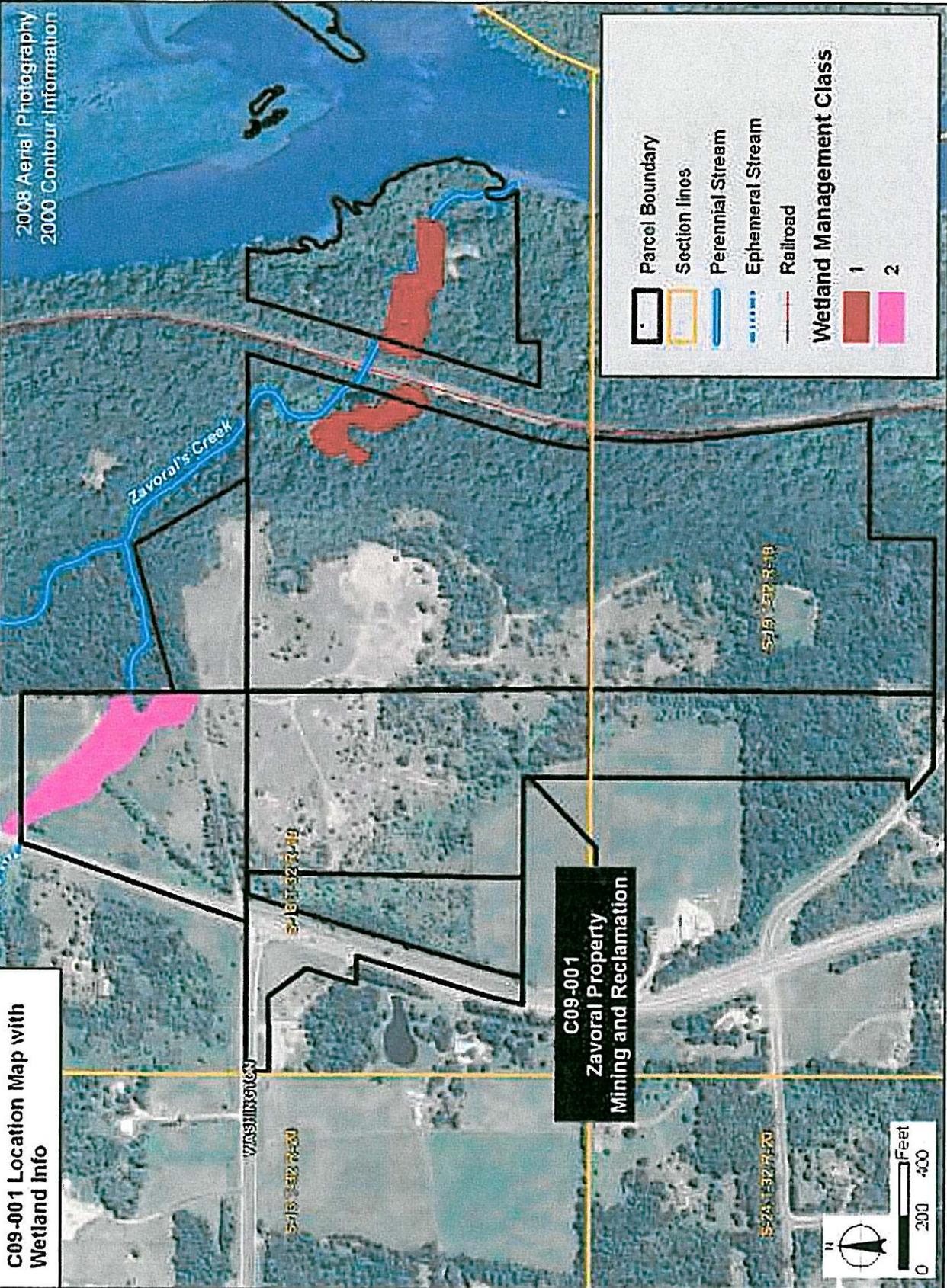
Attachments

- **CMSCWD: C09-001 Location Map with Contours (1-page)**
- **CMSCWD: C09-001 Location Map with Wetland Info (1-page)**
- **CMSCWD: C09-001 Location Map with NRI Info. (1-page)**
- **Fact Sheet for Zavoral's Stream 5U from 2003 Lower St. Croix River Spring Creek Stewardship Plan (3-pages)**



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Sources: CMSC550, Washington County, Mn DOT, Met Council

C09-001 Location Map with Wetland Info



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Sources: CMSC920, Washington County, MnDOT, Aet Counsel

Spring Creek Name : Zavoral's Stream 5U

General Watershed Description

Zavoral's Stream starts as a ditch draining a portion of a large agricultural field. This drainage system crosses Highway 95 just north of Highway 97. In the lower portion of Zavoral's Stream, below Highway 95, it flows through a deep, rocky, canyon-like reach with several waterfalls. It is within this lower reach that the perennial flows occur. Near its confluence with the St. Croix River, Zavoral's Stream disappears (infiltrates into the ground) into a mixed hardwood seepage swamp approximately 200 to 300 feet before reaching the St. Croix River. Within this area, the single channel becomes a braided channel as it seeps across and through the seepage swamp. For this reason, there is no visible channel when viewed from the St. Croix River.

Significant Features

Zavoral's Stream is one of the better quality streams evaluated as part of this study. The hydrology is complex in that the stream appears to lose and then gain flows within a relatively short distance. Flows just downstream of the railroad tracks are probably at least double what they are at the monitoring station (upstream of the railroad tracks). Moving downstream from the railroad tracks, flows largely disappear before the stream reaches the St. Croix River. Although no formal fisheries survey has been completed for this stream, based on numerous sightings during field surveys, a healthy, naturally reproducing population of brook trout appears to be present. This stream is also unique in that it contains some short reaches of excellent habitat, with deep pools, cut banks, woody debris and a good distribution of riffles, runs and pools.

Plant communities include an excellent quality (A-rank) maple-basswood forest, bedrock bluff prairie, mixed hardwood seepage swamp and an exceptionally beautiful area of moist to wet cliff and talus slope with bryophyte communities. South-facing areas of this ravine contain undisturbed dry cliff grading into bedrock bluff prairie. There are no known DNR MCBS Records for the lower reaches of Zavoral's Stream.

Key Management Recommendations

1. The driveway crossing the stream (located approximately 300 feet upstream of the St. Croix River) has a partially collapsed culvert. If this culvert is replaced, it should be placed to ensure that fish movement through the culvert is maintained.
2. Activity within the gravel pit, located near the intersection of Hwy 95 and Hwy 97, should be closely monitored to ensure that sediment does not wash into Zavoral's Stream. Additionally, any dewatering of gravel pit ponds should be evaluated to assess potential impacts to groundwater flows.

Key Policy Recommendations

1. Retain overall groundwater recharge.
2. Maintain stormwater volume for the 2-year event at predevelopment levels.
3. Maintain stormwater peak flow rates for the 2-year event at predevelopment levels.
4. Require phosphorus concentration standard of 50 µg/L for stormwater discharges to tributaries of the St. Croix River.
5. Require an erosion control plan, consistent with the specifications of the MPCA manual "*Protecting Water Quality in Urban Areas*" for all projects that result in 43,560 ft² of disturbance.
6. Ditches, tiles, storm sewers and roadway surfaces should not collect and concentrate stormwater into drainage systems tributary to spring creeks.
7. Identify stream and/or wetland restoration sites that improve and/or protect other important groundwater-dependent resources.
8. Establish protective riparian corridors along streams, and buffers around wetlands.
9. Initiate a citizen monitoring program.

Spring Creek Name : Zavoral's Stream 5U

Watershed Size 815.96 acres
Total Stream Length 0.58 miles
Stream Type
 Low sinuosity, gravel and sand dominated, gently graded channel with very low width to depth ratio. This stream is relatively stable and will likely remain so as long as stream banks are not disturbed.

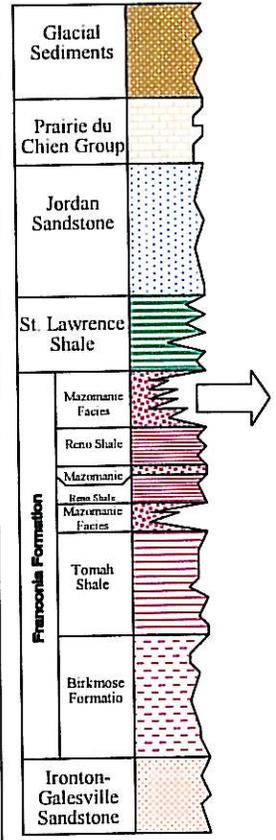
Land Cover Category	%
Grassland	16.4
Agricultural Land	25.2
Forest and Woodlands	30.8
Lakes and Open Water Wetlands	0.1
Maintained Natural Areas	0
Wetlands	6.8
0%-10% Impervious Cover	4.2
11%-25% Impervious Cover	13.7
26%- 50% Impervious Cover	0.04
51%-75% Impervious Cover	0
76%-100% Impervious Cover	2.8

Macroinvertebrate Data

Metric	Score	Among Springs Mean ^c
Chironomidae Species Richness	19	21
Invertebrate Taxa Richness	36	31.75
HBI	3.92	4.4
%EPT	41.97	36.9
% Dominance	45.77	35.5
Most Common Families	Midges, Small Minnow Mayfly, Nemourid Broadback	

Hydrology
 Base flow 0.34 cfs
 Estimated Bank full flow 4.08 cfs

Groundwater source



Springs emanate from the upper Mazomanie Member of the Franconia Formation.

Chloride to bromide ratios of about 1000/1 indicate some influence from human sources of chloride close to the spring. Eskers (glacial rivers) carved holes in the Superior Lobe till less than two miles to the west. These till holes could provide a pathway for recently recharged groundwater to enter lower aquifers. A buried bedrock valley that cuts through the Prairie du Chien Group and into the Jordan Sandstone also leads to the spring. Potential human sources of chloride include gravel operations in the esker deposits as well as road salt from Highway 96

Water Chemistry

Parameter	Site Mean	Site σ	MPCA NCHF Benchmark MIS ^a /St. Croix River ^b		Among Springs Mean ^c
TP [µg/L]	40.93	8.02	90	55	42.47
NO ₂ +NO ₃ [mg/L]	1.99	0.38	0.1	0.203	2.15
TSS [mg/L]	12.50	10.15	8.8	7.5	15.96
Temperature [C]	10.58	3.86	13.0	10.3	9.95

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Anne Hurlburt

From: Please Do Not Click Reply [support@govoffice.com]
Sent: Tuesday, February 10, 2009 6:38 PM
To: mail@ci.scandia.mn.us
Subject: Feedback Form (form) has been filled out on your site.

Your Site has received new information through an online form.
Online Form: Feedback Form
Site URL: www.ci.scandia.mn.us

First Name: Cornelia
Last Name: Eberhart
Address: 20455 Quinnell Ave.
Scandia, MN
Zip Code: 55073
E-Mail: cornelia.eberhart@gmail.com

Comments: We just received news of the proposed development of the gravel pit on Quinnell Ave. We are writing to request that an environmental impact statement be required and in support of the letter from Edmund Summersby, We too are property owners on Quinnell ave. and question the impact of this project on the protected environment that we are privileged to experience...We feel that this project violates the intent of the federal law that protects this fragile and pristine area.

Do Not Click Reply - This e-mail has been generated from an online form.

Anne Hurlburt

From: Piers Lewis [pierslewis@gmail.com]
Sent: Tuesday, February 10, 2009 7:12 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: Zavoral Mining and Reclamation Project

To whom it may concern:

I am writing you as a member of a family that owns and has spent a large part of each year on their property (20453 Quinnell Ave. North, Scandia) about half a mile south of the Zavoral property, for almost a hundred years. We have enjoyed having the Zavorals as neighbors and they have generously let us and others take walks on their property. We understand and appreciate their desire to make the land formerly mined by the Barton Company more attractive and useable.

I have read over the Environmental Assessment Worksheet and attended the meeting held in Scandia on February 3, 2009 about the project discussed therein. I feel that there are a number of issues which have not been sufficiently addressed so far.

I remember the noise of the mining operation which was there in the 70s and 80s and how wonderful it was when that finally ended. We and others along the St. Croix River had had to sell scenic easement rights to the Federal Government as part of their effort to keep the river valley a quiet, peaceful place. Since then we have seen a great increase in kayakers enjoying the quiet of the river. The proposed Mining and Reclamation Project says nothing that would convince me that as presently planned there would be much if any mitigation of the noise of diggers, crushers and trucks, which would be much louder and more disruptive than before. In addition to the many people who live in the vicinity of the proposed project are the many others who use the St. Croix as a recreational resource.

Other concerns of mine include water washing into the St. Croix despite their efforts to control it, increase in silt in the river, erosion of the bank, as occurred in the last mining operation, where there is still a gravel shoal sticking out into the river; dust and dirt, which I am not convinced would be sufficiently controlled by wetting down the roads and machines; the incredible racket of large crushing machines for 6 to 14 weeks at least once a year, if not more, to include the crushing of asphalt as mentioned at the Feb. 3rd meeting; the enormous increase in truck traffic at the intersection of 95 and 97; the impact of this truck traffic and the very likely reduction of tourists looking for a pleasant day in the country on the city of Scandia; the possibility of damage to residential groundwater in the surrounding areas. 10 years, 12 hours a day, is an enormous length of time to intrude on an area which, through a partnership project, was established to preserve the nature of the St. Croix and its wildlife before it could be subjected to development, mining, deforestation etc.

I am not convinced by the Environmental Assessment Worksheet that the environmental impact of this project and its impact can be properly assessed and the many concerns addressed. I would hope that the EIS would be done by an independent entity, in order to have a neutral assessment.

Please send any response to:

Thank you very much for your attention

Katherine Lewis
657 Fairmount Ave.
St. Paul, Mn, 55105
Tel: 651/291/0777

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Anne Hurlburt

From: gingy molacek [gingymolacek@hotmail.com]
Sent: Tuesday, February 10, 2009 9:44 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: Zavoral mine

Dear Ms. Hurlburt.

I also am a family member of the property just south of the old house landing, a family that has owned this property since the early 1900's, (our house having been finished in 1911). Like many other members of our family (ingersoll, Lewis, Summersby, Anderson), I currently reside outside of the state. However, as a property owner, I do pay property taxes and other expenses associated with home ownership in the valley. This is my family's historic home, we return several times a year, and eventually hope to be able to move back permanently.

You know the allure of this place. I should not have to describe the potential impacts that this gravel operation could have; however, by law, a thorough environmental assessment must be conducted. Despite the cost, it would be less than it would be if ordered by the court under a lawsuit. My cousins, brothers, and uncles have all articulated their concerns well. For the record, I add mine and those of my husband, a civil engineer and hydrologist with ample qualifications to challenge any poorly done environmental assessment.

Please add our names to those opposed to the project and demanding a thorough review of the potential impacts.

Sincerely

Gingy Molacek
Robert Molacek
35123 Hanson Mesa Road
Hotchkiss, CO 81419
970-872-3914

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DEIDRE POPE
ROBYN DOCHTERMAN
16277 Quality Trail North
Scandia, MN 55073
651-433-1118
deidre@frontiernet.net



February 8, 2009

Anne Hurlburt, City Administrator
City of Scandia
14727 209th St. N.
Scandia, MN 55073

Dear Anne Hurlburt:

We are writing to express our concerns about the proposed opening of the Zavoral mining and gravel pit. While we believe that private citizens should be able to do what they like with their land, we also believe that when the result of those activities impacts the community as powerfully and gravely as this request, that every precaution and reasonable avenue should be explored prior to granting that permission.

Our concerns are several-fold:

Environmental Issues

First, it does not seem that the Environmental Assessment Worksheet is sufficient to determine the impact of this operation on the St. Croix river and surrounding land, both private and public.

Though suggesting that the mining company will assume the expense for replacement of "compromised" wells seems to address that issue, it only raises further concerns about the safety of the families living near or downhill from the mine. We need to know that the procedures will not in any way affect these household wells and we need to know that based on something more impartial and objective than the Tiller Corporation's assertion.

Additionally, replacing a compromised well is only one part of the expense. Is the Tiller Corporation also prepared to pay for hotel stays for families who are without water; medical bills for those who have drunk or washed in toxic well-water; loss of income to that family; and increased living expenses due to being forced off-site during the days of having no water?

Secondly, bringing in pavement to be washed and processed at the mine, is a very different activity than the original plan suggests. This is a very toxic process, adding another level of risk to the citizens of Scandia and the scenic river, not to mention that it doubles the heavy-load traffic that was originally proposed. (120 of the daily trips will be with full loads, rather than 60 full, 60 empty.)

We realize that performing an Environmental Impact Study is extremely costly. However, we do not believe that the cost should eliminate it from the list of absolute requirements before this project is approved. The burden of this expense should, perhaps, belong to the landowner, rather than the City of Scandia and its residents. It seems more than reasonable that it be incumbent upon the individuals wishing to pursue the task in question to fund and present this crucial piece of information.

It is not acceptable to us to approve this project without the EIS, and we believe it is irresponsible and dangerous to proceed without it.

Noise Pollution and Safety

Though the noise of the actual mining operation has been addressed with explanations of berms and other noise-reducing strategies, we have not heard adequate discussion about the noise pollution created by 120 truck-trips, each day, for 12 hours a day. Truck noise cannot be addressed by any of the measures in the existing plan, and will have a tremendous impact on the livability of the areas subjected to the heaviest truck traffic.

The truck traffic will also create a safety issue, not only for the residents in the immediate 95/97 intersection area, but those on Quinnell and all along 97, as well. What plans will be in place *before* this operation is due to open, that will increase the safety of our residents?

Trucks full of gravel will have decreased ability to slow and stop. The 95/97 intersection is already very heavily used daily by commuters, and by guests and tourists on the weekends. We are concerned also about people who use the recreational bike trail and travel along Quinnell to reach the river access.

A plan that takes these serious safety issues needs to be in place before this project is approved.

Financial Impact on Scandia Residents

In the information that was provided to the community, we are not seeing an upside to the residents of Scandia. This project will not create jobs for people in Scandia, as local Scandia contractors are not part of the plan.

Additionally, the moving of heavy equipment and 120 truck trips, daily for more than half the year for 10 years, will create abnormal wear and tear on the roads. Who will pay for that? Will that come from tax-payers' pockets? It does not seem fair that the burden

of all expenses for the impact on our community will come not from the single family who is benefiting from this operation, but from the families who will receive no benefit in terms of financial opportunity or improved quality of living.

Futhermore, not only will the residents of Scandia not receive any apparent financial benefit from the mining, we fear that we may actually suffer financially, as well. Tourism in our community is very important. The noise and traffic are part of what city people are trying to leave behind when they visit – and spend – in our community. The negative affect on tourism should not be underestimated, when considering visitors who come for things such as St Croix River access, biking, hiking, camping, canoeing, kayaking and skiing, not to mention peace. They spend in our grocery store and cafe, our gas station and hardware store, and make purchases from residents for things such as firewood and fresh produce.

It seems that this operation will create innumerable financial issues for the community of Scandia – and our neighboring communities – while providing financial benefit to only one family and an outside business entity. It does not seem reasonable that the tax paying residents should have to foot so much of the bill for this enterprise.

Looking at the big picture

Another concern involves how this operation fits into the overall visioning and planning that the City of Scandia and its residents have been working on, together, to ensure that our main concerns – including maintaining our rural character, having green space and protection for our natural resources – are actualized in the next decade. How does this business plan intersect with the Scandia Comprehensive Plan and Comprehensive Parks, Trails, Open Space and Recreation Plan?

We believe that these activities should be compatible, not incompatible with those plans. The discussion about the benefit of reclaiming that land does not seem entirely relevant to this concern, as any reclamation will benefit the family who owns the land. Once reclaimed, that land can be developed or sold for development. Since it is also possible to reclaim land without additionally mining it, the promise of reclamation seems irrelevant in the discussion of community, versus individual, benefit.

Compliance

Finally – we do not completely understand how compliance with environmental and safety standards or road requirements is maintained. What entity oversees compliance? How frequent are inspections or monitoring and who is responsible for them? What happens if the economic climate changes, and the plan suddenly becomes more ambitious and with an even greater impact on the community? Is there a system of checks and balances – or does that not really exist once permission is given for the project to occur?

How favorably we would feel about the project going forward, after our other concerns were addressed, would hinge on the answers to these questions.

In Summary

We feel that given the serious implications of the mining project on our community, it would be irresponsible to rush a decision without full exploring the relevant issues to our financial health, safety and quality of life.

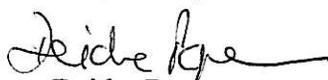
We believe that the following issues must be addressed in a substantive, planned manner – that is to say, not simply with verbal assurances – before a single truck be allowed to enter the mine:

- * An EIS must be undertaken. Expense is not an acceptable reason to allow the inadequate worksheet in lieu of the EIS. Thinking creatively about sources of funding for that process is both appropriate and necessary.
- * A plan for addressing serious health and road safety issues needs to be in place before this project is approved.
- * While we may not be in a position to expect financial gain from a private project, the Scandia community must not be required to foot the bill in the form of increased taxes for road maintenance and other direct results of this mining operation. We need to see a plan for how those new costs and expenses will be equitably distributed.
- * How does this business plan intersect with the Scandia Comprehensive Plan and Comprehensive Parks, Trails, Open Space and Recreation Plan? It is crucial to answer this question and to ensure that we are not working against ourselves for our vision of our community.
- * What entity oversees compliance? How frequent are inspections and who is responsible for them? The community will need to be apprised of this process and be reassured by concrete actions and plans, rather than assurances that all will be well.

Thank you for taking the time to read such a lengthy piece. We realize that this is not an easy thing for the city administrators to grapple with, and we appreciate you thinking creatively, pro-actively and with the input of the community about the best way to address these serious concerns.

We look forward to learning what the next steps in the process will be.

Respectfully,


Deidre Pope


Robyn Dochterman

February 10, 2009



Mark and Dawn McGinley
14600 Ostrum Trail North
Marine on St. Croix, MN 55047

To the Scandia Town Board,

As property owners with a cabin on the St. Croix River just north of the Zavoral property, we would like to express our support of the proposed Zavoral property mining and reclamation project. We are fortunate to have gravel pits in the area and understand just how important gravel is to our everyday lives.

During the February 3 public meeting, several good comments were made regarding the project. We are not concerned with a possible noise issue, but we do want to make sure that highway safety is considered.

It is our understanding that the Zavoral family will place this property into a land trust once the project is completed. In the long-run, we believe that a land trust is a far better solution for the property than the risk of a new housing development! For generations to come, we hope our children and grandchildren, residents and visitors alike, will all be able to enjoy the scenic and preserved St. Croix River and all that it offers.

The Zavoral family are not only good neighbors, but they have been and we're confident will continue to be, good stewards of their property. We trust the City of Scandia will carefully review the many aspects of this request, working cooperatively with the local and state agencies as well as the residents of the Scandia, keeping an open mind toward the future.

Sincerely,

Mark and Dawn McGinley

c: James Zavoral

FEB 10, 2009



DEAR CITY OF SCANDIA,
 I AM A FORMER RESIDENT OF MARINE, 38
 YEARS TO BE EXACT, NOW LIVING IN OSCEOLA,
 WELFARE OF THE ST. CROIX VALLEY REMAINS OF
 CONCERN FOR ME.

THE NEWS OF THIS GRAVEL PIT PROJECT HAS ME
 FRUSTRATED AND FEARFUL ABOUT THE IMPACT AND
 DESTRUCTION, INTERFERENCE AND DISRESPECT IT
 REPRESENTS TO US, THE RESIDENTS.

THIS IS NOT AN EXPRESSION OF ANY HARD FEELINGS
 TOWARDS THE ZAVORALS, THEY ARE GENTLE KIND PEOPLE,
 FOLKS ONE CAN ONLY FEEL PLEASED TO KNOW.

HOWEVER AFTER ATTENDING THE MEETING FEB 3rd
 AND OBSERVING THE BEHAVIOR OF THE TWO REPRESENTATIVES
 FROM TILLER CORP, I AM WONDERING IF THEY ARE BEING
 HONEST OR TELLING THE WHOLE STORY OF THEIR INTENTIONS,

THE WOMAN WAS WELL PREPARED AND DELIVERED
 INFORMATION IN A STEADY FLOW. A FLOW WHICH SPEEDED
 UP QUITE QUICKLY WHEN SHE MADE MENTION OF "ASPHALT
 AND CONCRETE BEING BROUGHT IN TO BE GROUND UP WITH
 MATERIAL FROM THE SITE."

THE GENTLEMAN WHEN ASKED WHICH DIRECTION THE
 TRUCKS WOULD HEAD, HE STATED, "THEY ALL TURN SOUTH,"

IN 3 YEARS IN OSCEOLA I HAVE ENCOUNTERED
 THOSE TRUCKS DOZENS OF TIMES. A GOOD MANY OF
 THEM HAVE TURNED NORTH, SOMETHING I SAW WITH MY
 OWN EYES.

PERHAPS HE WAS MISINFORMED OR ILLPREPARED,
 I'LL GIVE HIM THE BENEFIT OF THE DOUBT NOW
 BUT IT HAS RAISED SUSPICION TOWARDS TILLER CORP'S
 INTENTIONS AND PRACTICES,

AFTER ALL, THEY DON'T LIVE IN THIS VALLEY,
 THEY HAVEN'T PUT ANY TIME INTO PROTECTING IT
 FROM THE DESTRUCTION WE CONSTANTLY HAVE TO
 KEEP VIGILANT ABOUT. THERE DOESN'T APPEAR TO BE ANY
 CONCERN FOR THE POLLUTION IT WOULD REEK UPON SO
 MANY SYSTEMS, SO MANY PEOPLE, WILD-LIFE AND THE
 VISUAL BEAUTY OF OUR VALLEY.

THEY ARE HERE TO MAKE A PROFIT AT THE PRICE OF CHANGING SOMETHING THAT THEN WOULD BE GONE FOREVER,

THEIR CLAIM THAT RESTORATION IS PART OF THEIR "DEAL" HOLDS NOTHING BUT THREAT. LOOK AT THEIR OTHER SITES, IT'S DETESTABLE AND INEXCUSABLE. WHY LET THEM DO THE SAME TO ANOTHER SPOT ALONG THE ST. CROIX?

TO ADD ANOTHER ENTRANCE AT THE JUNCTION OF HWY'S 95 AND 97 IS A TERRIBLE RISK, IT IS BAD AS IT STANDS NOW. THEIR 60 TRUCKS A DAY WOULD BE AN OVERLOAD,

AND FINALLY, THE LOCATION THEY ARE ASKING FOR HAPPENS TO BE ONE OF THE FINEST LOOKOUTS ACROSS THE VALLEY INTO WISCONSIN. TOURISTS COME FOR THESE VIEWS. WHAT WILL HAPPEN WHEN IT IS TO TRY TO LOOK BEYOND ENORMOUS PILES OF GRAVEL, LIGHTING AND MACHINERY AND WHAT'S WORSE CONCRETE AND ASPHALT, SOMEONE ELSE'S POLLUTANT TRASH HAULED IN TO BE BROKEN DOWN? THE NOISE WILL BE UNBEARABLE, THE GROUND POLLUTION DEVASTATING! THE AESTHETICS WE ALL ENJOY RUINED FOR SOME COMPANY'S PROFITS!

I CAST A VOTE TO SUGGEST THEY GO ELSE WHERE, AND I REQUEST A FULL EIS THAT ANYONE WHO WANTS CAN LOOK AT.

THANK YOU AND MOST SINCERELY,
JAMES WILCOX DIMMERS
James Wilcox Dimmers

P.O. Box 366
Osceola WI 54020-0366

12521 Mayberry Trail North
Scandia, MN 55073

February 11, 2009

Scandia City Council
Scandia, MN 55073



Dear Scandia City Council Members,

I am writing in favor of requiring an Environmental Impact Statement (EIS) for the proposed Zavoral Mining pit. While recognizing that an EIS is costly and usually reserved for multi-company ventures, I feel that the unique situation of the Zavoral property calls for an above-the-ordinary response from the city.

The Zavoral property is in a unique and critical position within the city of Scandia.

- The property is nestled between a designated Scenic Byway - our river road Highway 95, and a federally designated Wild and Scenic River - the St. Croix River.
- The property abuts the protected St. Croix River corridor.
- It is at the visual point of entrance into the city and the visual point of leaving the city. The place of the Zavoral property makes either a first impression or the last memory of Scandia for our citizens and visitors.
- It provides the best, and some might argue the only, vista of the river valley with its view across to Wisconsin, that we, a river city, can claim.

The situation surrounding any discussion of the Zavoral property's activation as a mining site is complex and worthy of the extensive study afforded by an EIS. Our comprehensive planning process, with which numerous Scandia residents have been deeply engaged for over the past year and a half, purposefully excluded the Zavoral property as a potential mining site. The Comprehensive Plan has as its core vision, the preservation and enhancement of the extraordinary natural resources of Scandia including the beauty and wilderness of the St. Croix River, the wildlife that finds refuge in and along the river, the river road Scenic Byway, and the vistas of the river valley and neighboring Wisconsin that contribute so to our rural character. The visual, ecological and noise pollution afforded by a mining venture at that site was counter to that vision for the future. Further, the closeness of the property to the river and the potential ecological impact on the river itself is of great concern. The Comprehensive Plan Committee, supported by the Scandia Planning Commission and the City Council, did not include the Zavoral property as a mining site.

Keeping in mind history and what we now know, an EIS is needed to fully address key issues:

- Impact on wildlife around the river
- Impact on wildlife in the river
- Impact on water quality of the river
- Impact on water quality of the river if an unexpected, but not unprecedented, sand runoff, such as that of the late 1960's, occurs
- Impact on streams running into the river – and
- How many streams are there?
- Noise impact on people using the river to experience its beauty and wilderness

- Visual impact on people using the river road to experience its beauty
- Traffic impact, including accident potential, on a critical city corner
- Traffic impact on Highways 95 and 97 as increased demand resulting from the federal economic stimulus package, with its focus on repairing the infrastructure of roads and bridges, means that gravel from the two nearby mines in Franconia and Wisconsin will be needed **in addition** to that available through a new mining venture at the Zavoral site
- Nuisance impact on Scandia residents from the above increase in activity
- Economic impact on Scandia businesses as people, especially in the key tourist times of summer and fall, may seek to avoid Scandia highways, in particular the Highway 95/97 truck heavy junction
- Inconsistencies and/or inaccuracies in the Environmental Assessment Survey already done
- Additional issues that have been brought forward by other Scandia residents and visitors to our city.

In doing research around the noise issue, I was taken by the following May, 2007 quote from Les Blomberg, an acoustician at an organization called the Noise Pollution Clearinghouse. He said, "...Noise pollution goes beyond annoyance. Unnatural noise... can actually disrupt ecosystems and threaten animals' lives. It interrupts frogs singing in sync... When they sing out of sync, they're pretty much saying 'eat me, eat me, here I am.'" That led me to further wonder about impacts we have not yet realized.

The more people have learned about the impact of man induced ventures on the physical and human environment, the more cautious they have become about the where and how of those ventures. Only an EIS will afford us the surety that, as a city of the thoughtful, responsible citizens that we are, we have done all we possibly can to assure the quality, and preservation of our natural resources and residents' lifestyle for the both the present and the future.

Sincerely,

Christine Maefsky
Scandia Planning Commission

Ann Bancroft
 Pamela Arnold
 16560 220th Street North Scandia MN 55073
 651 433-4937
pam.arnold@iphouse.com



11 February, 2009

Anne Hurlburt, City Administrator
 Scandia City Council
 City of Scandia
 14727 209th St. N.
 Scandia, MN 55073

Re: proposed Conditional Use Permit: Zavoral Quarry/Tiller Mining Project

Dear Ms. Hurlburt:

We write to express our concerns, and repeat our questions, regarding the proposed mining of the Zavoral gravel pit located to the south of our property. We also want to open by expressing our gratitude for the open space of the currently inactive mine, and the Zavoral's hospitality. We have enjoyed our walks across their land, to and from the river. This is a walk that we fondly call "the quarry loop".

National Wild and Scenic River

We would like to express our strong support of requiring an EIS before any permits are issued. Our experience living on the river-show that without an in depth Environment Impact analysis, none of the conditions and anticipated outcomes of the Zavoral-Tiller proposal can be adequately predicted. In fact, some of the conditions describing water filtration, impact on aquifers and neighboring wells, as well as run-off to the river are conjecture based on best-case scenarios. These best cases are described in a manner that does not account for potential impacts that an EIS would objectively question. Given the permeable nature of the grounds within and surrounding the site, effects of holding ponds and water use are unknown. There is not an adequate projection of impact on farming, household wells, nor the Scenic River itself. To describe the impact of the mine in terms of its project boundary is not taking into account that there is no impervious boundary to such a project. Water, air, noise, light, pollution, animal life and all of our expectations for a quality of life on a nationally protected scenic river are impacted without restriction to a survey boundary.

We have had experience in getting building permits for our house, well and improvements to our property from Washington County, DNR, the Scenic River authorities, and Scandia. We were required to present detailed blue prints to demonstrate

the visible and invisible impacts of our planning vis a vis the Scenic River easement restrictions. We are terribly concerned that the Zavoral-Tiller proposal to construct berms, and to rely on existing trees along the river to block views of the mining is superficial at best. Shouldn't this project include a visual elevation of the proposed mine?

Aquifer Impact, Water Quality

Our property lies on and within the National Scenic River. Since we began living here in 1990 we have observed that there are many streams that flow from the bluffs along the river. Some are seasonal and appear when there is rain, others are continuous and flow into the McCloud Slew along the river. Our neighbors along the river are among 3-4 generations of families who have watched and experienced changes to the river. One change is that the stream water to the river is no longer potable, where it once was. The fecal bacteria in the water make it undrinkable, and that is a recent change within the last 20 years. Although there are few animal farms in the neighboring area, we could attribute the change to septic systems from households built since the Scenic River designation. Given that we have all built our septics to code, code is not enough to prevent this unintentional run-off.

The contiguous nature of the river bluff, and water table, create a community wide concern and responsibility for water use. We cannot contain our wastewater to our property alone; we are part of a contiguous community of shared water and we all impact the river, unintentionally. Our septics are well above the water table. The Zavoral-Tiller plan indicates holding ponds that will impact permeable layers of soil, and excavation that will be much close to the aquifer than our wells or septic tanks. The plan must project impacts to water tables, and to the river itself. Before any permit is issued, the potential for chemical spills, and leaching from the lower holding pond into household wells and the river should be predicted. Sink holes have appear on our property probably due to the number of under ground streams. We believe that the pressures of mining and water needs will affect the entire bluff.

We have participated in a study conducted by US Department of the Interior/Geological Survey. Our well has been measured twice for decreasing water levels. There are many possibilities for why our well water levels have decreased since 1995. The purpose of the study is to simply measure well water levels. Impervious surfaces (asphalt roads), household and commercial water demands in shared water tables, drought, are all impacts. The point is our well water levels have decreased 190 feet since construction. We would like to know how much water the Zavoral quarry plans to draw. Neighbors need to be reassured that Zavoral-Tiller will not challenge us if our wells run dry, or if our water becomes undrinkable. Who will pay for legal fees resulting from such a challenge? Who will monitor and pay for monitoring our drinking water? An EIS would look at the overall plan without limitation to the project boundary. We live in an ecosystem. A systemic impact study would allay many of our fears.

Property Use and Devaluation

We have felt proud to live in Scandia. We appreciate the recent Strategic Planning process. It does seem ironic that with regards to retaining Scandia's rural agricultural quality that the Zavoral-Tiller mine is proposed within the agricultural zone. Would Scandia entertain a proposal to build a factory in the same spot? We strongly doubt it. How ironic that a mine would be a tolerable exception to the classification of agricultural when in fact its tenuous link is that it "uses" the land. In fact it is closer to a factory than a farm with regards to its impact on the community, the natural surrounding, and its neighbors.

Our home is our life investment. We are zoned agricultural and hope to retain the open space and rural character of our property. Recently the access road to our property, 220th Street, was paved. This was not our decision. The fees associated with the paving fell heavily on us, ostensibly because the paved road is considered an improvement. From our standpoint it simply increases our liability and reduces our ability to retain the agricultural land rather than develop it. The mine would absolutely impact the value of our land. It may impact the farmland itself. We feel caught between our love and value for growing, and living as responsible stewards, and the increasing threats to our ability to practice our ethic. The mine, in our opinion, would challenge Scandia's commitment to its strategic plan, and it would simply impact our life in such a tragic way that we honestly feel desperately confused. Isn't our investment worthy of an EIS? We certainly have invested as much or more than the proposed \$500,000 cost of such a study. Collectively, aren't we deserving of a study? And aren't we also responsible to the Scenic River and all the citizens now and in the future who expect us to be the first line of defense to protect the intent of setting aside a protected wilderness area?

Noise, and Road Safety

We have read that Tiller predicts truck traffic along Hwy 95 would not increase, but rather would be redirected to serve the new quarry mine. The issue of truck noise does not seem to include "jake-breaking"; although it is illegal to use this engine breaking practice, the gravel trucks and diesel semis that run south on Hwy 95 along our property practice jake-breaking dozens of times per day. There is no legal enforcement now. Is there a plan to increase oversight of truck traffic to ensure that this form of illegal noise pollution is controlled? When Hwy 95 was repaved in 1995 to reroute truck traffic from Hwy 8 south along the river the reasons then were that the number of traffic fatalities between gravel and other load vehicles, and cars on Hwy 8 were insupportable. Can we anticipate that the same issues will reappear on Hwy 95? Tragically we lost a neighbor who was hit and killed by a large gravel dump truck on 95. The truck couldn't stop to avoid hitting her. I often drive home by looping on Olinda and then east on 220th avoiding the stretch of 95 between 97 and 220th Street. Trucks driving south on 95 along the curve that defines the Zrock farm move too fast, and there's nowhere for a car to go to avoid a collision. 95 was completed the summer after we built our house. The traffic noise level increased so greatly that we investigated options to challenge the traffic. After

many hours with DOT, and our legal advisor, we determined that we couldn't afford to challenge the noise, even though it changed our life, and the quality of peace we loved here greatly. We had invested in a home in the country. The current traffic noise is on a level that we associate with the city near the MSP airport where we lived previously.

Oversight

If any portion of the proposal to mine is approved we are concerned that there will not be oversight, nor compliance. The consequences might be vast or minimal but it will likely be the responsibility of surrounding residents to monitor noise, water quality, light pollution, and other consequences. There isn't enough staff on either side of the river to enforce rules and practices to adequately protect the St. Croix. There are not enough Washington County law enforcement officers to adequately serve us now, we are told when we call an officer for help with issues concerning noise, vandalized camp sites, or trespassers.

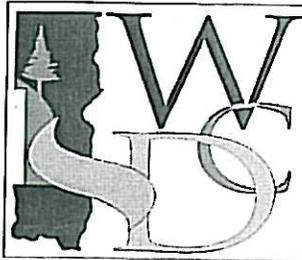
The reclamation plan seems almost irrelevant to this discussion. The quarry is a hole today, it will be a hole when the mining is completed. The Zavoral-Tiller proposal is for land in the wrong place.

Thank you for your consideration of our concerns. Our heartfelt hope is that Scandia City Council will consider itself among a group of passionate stewards who are challenged to protect our natural resources, even while facing the desires of individual property owners. It is a tough battle to argue in favor of preservation, when the economic incentive for developers is so great. The fulcrum is simply the value for a natural resource whose impact is quiet, and sustaining, and open to the experiences of people for generations to come.

Sincerely,

Ann E. Bancroft

Pamela Arnold

	<p>WASHINGTON CONSERVATION DISTRICT</p>	<p>1380 W FRONTAGE RD HIGHWAY 36 STILLWATER, MN 55082</p> <hr/> <p>651-275-1136 PHONE 651-275-1254 FAX WWW.MNWCD.ORG</p>
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February 11, 2009

Anne Hurlburt, Administrator
City of Scandia
PO Box 128
Scandia, MN 55073



RE: Zavoral Property mining EAW

Dear Ms. Hurlburt:

The Washington Conservation District (WCD) has reviewed the Environmental Assessment Worksheet (EAW) for the Zavoral Property Mining and Reclamation Project and offers the following comments:

1. Section 6 (b): The project description notes that the previously mined area within the scenic easement will be restored during the final phase of the project, which is expected to be in no more than 10 years from now. We encourage restoration of this area sooner than that, and suggest that reclamation efforts be started concurrently with the cessation of mining activities, as is proposed in the last paragraphs of this section. We further suggest that more attention be given to the design of the restoration plan, including micro-topography (1-foot contours and spot elevations) and proposed plant communities.
2. Section 10: The submittal identified no wetlands on the site, based on the delineation report submitted as an attachment. This delineation report was prepared in 2003, and has not been reviewed and/or approved by the WCD (as is the usual practice for wetland delineations in Scandia). Therefore, we recommend that a current delineation be completed during the growing season, and submitted for our review. In particular, attention should be given to the areas identified by the MLCCS inventory as being riparian corridors or black ash swamp. **If seepage wetlands are identified on or near the site, that finding could significantly alter the allowed activities.**
3. Section 11 (a): This section claims that the proposal to eventually restore the vegetation will have a beneficial impact on the St Croix River. We are concerned that the interim activities could have a greater, or cumulative impact that is greater than that of the current state of the land. Erosion and sediment control during the proposed mining activity must be specifically addressed in the Stormwater Pollution Prevention Plan (SWPPP) for the site. Best Management Practice (BMP) selection, implementation, and maintenance will be critical at this environmentally sensitive site. WCD would like the opportunity to review the SWPPP after it is prepared. It is noted that the NPDES permit and SWPPP requirements are also mentioned in sections 11 (b), 17 (a), and 18.
4. Section 11 (b): The MnDNR Natural Heritage database report indicates the presence of species and plant communities of concern near the site. Many of the same communities are present on this site (maple-basswood forest; oak forest; black ash seepage swamp), but not identified during the DNR's earlier inventories. We recommend that the intact natural areas be surveyed for the presence of significant species, by a qualified ecologist, to ensure compliance with regulations pertaining to species of concern. In particular, the 4.5 acres of white pine-mixed hardwood forest and maple-basswood forest should be protected and not disturbed.

5. Section 12: As noted above, the wetland delineation should be reassessed during the growing season, and reviewed by a qualified wetland scientist. The discrepancy between the NWI-mapped basin and the findings presented in the delineation report will need to be explained. Other inventories of natural resources have identified black ash swamps, seepage springs, and cliff-face plant communities on this site. These communities are sensitive to indirect impacts, and will need buffer zones greater than customary to prevent degradation. Unpermitted impacts to wetlands may be subject to enforcement actions. In addition to Zavoral's Stream along the northern portion of the site, there is a similar ravine complex along the south end, and a shorter stream in the east central portion of the site. These last two were not monitored during the Spring Creek Study of 2003, but appear to be similar to Zavoral's Stream.
6. Section 14: This section presents the reclamation concept for after mining has ceased. The proposal includes a rough grading plan, but no information on soil amendments or description of revegetation efforts. A more detailed plan should be submitted, indicating conformance to the natural contours of the bluffs overlooking the river, as well as information on soil correction or additions (type, depth, and source) and detailed information on the target plant communities (type, description, installation methods and management plan).
7. Section 16: This section (and Section 17) of the EAW outlines erosion and sediment control requirements for the site. In addition to typical NPDES construction site requirements, the EAW should specifically address additional requirements contained within the NPDES construction stormwater permit because the St. Croix River is listed as a "special water" in Appendix A of this permit. According to Appendix A, Section C, the following additional BMP requirement is applicable to this site:
 - a. Appendix A, Section C.1: All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased.
8. Section 17 (b): The effect of the added infiltration on seeps should be analyzed and limited, to ensure that fine sediment does not infiltrate and reach seep areas. Due to the presence of rock outcroppings or cliff-face plant communities along the ravines, additional borings should document the depth to bedrock, to allow adequate coverage with soil to support the proposed vegetation.
9. Section 19: The assessment proposes a minimum of 3 feet separation between the bottom of the excavation and the groundwater table, but does not account for the potential shallow groundwater flows that feed area seeps. Additional borings should be done, to identify location and depth of the sub-surface flows, and the activity limits adjusted accordingly.

Please contact WCD if you have any questions regarding these comments.

Sincerely,


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