

MEMORANDUM

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| To: | <u>City Council and Planning Commission</u> <u>Anne Hurlburt, City Administrator</u> | Reference: | <u>Tiller Corporation - EAW/EIS</u> <u>Application for Zavoral Mine</u> |
| Copies To: | <u>Mike Caron, Tiller Corporation</u> <u>Kirsten Pauly, Sunde Engineering</u> | | <u>City of Scandia, Minnesota</u> |
| From: | <u>Sherri Buss, R.L.A.</u> | Proj. No.: | <u>14305.001</u> |
| Date: | <u>April 2, 2009</u> | Routing: | <u></u> |

SUBJECT: Tiller Corporation, Inc. – Draft Scoping Document for EIS

MEETING DATE: April 7, 2009

LOCATION: Sections 18 and 19, Township 32 North, Range 19 West

APPLICANT: Tiller Corporation
P.O. Box 1480
Maple Grove, Minnesota 55311

120-DAY PERIOD: N/A

ZONING: Agricultural District

ITEMS REVIEWED: EAW and Related Submittals, EAW Comments,
Outline for Additional Studies

LEGAL REFERENCE: Minnesota Statutes 116 (particularly 116D.04); Minnesota Rules 4410
City of Scandia Mining Ordinance No. 103

BACKGROUND

On March 3, the City Council adopted the Findings of Fact and Record of Decision for the Zavoral Mine and Reclamation Project EAW. The Council found that an Environmental Impact Statement is needed for this project, and adopted a resolution requiring an EIS. The Findings of Fact and Resolution were published in the EQB Monitor.

Next steps in this process include the following:

- Determine the scope of the EIS, under the process described in *Minnesota Rules 4410.2100*:
 - *The project proposer must submit a scoping cost payment to the City.* Tiller Corporation has submitted the requested payment to the City.
 - *A public scoping meeting will be held by the City.* The public meeting was noticed and will be held on April 7.
 - *Within 15 days of the public scoping meeting, the City shall issue its final decision regarding the scope of the EIS. The decision must be made at the next regularly scheduled meeting of the body following the scoping meeting, but not more than 45 days after the positive declaration is published in the EQB Monitor.* A Draft Scoping Document is attached, and the final decision on the project scope is scheduled to be made at the April 21 Council meeting.
 - *Government agencies and the public were notified of the scoping meeting and may submit comments and participate in the scoping meeting and process.* The City has sent the draft scope for the EIS to the agencies that commented on the EAW, and has offered to meet with the agencies to discuss the Draft Scoping Document. The agencies may also attend the public meeting on April 7 to provide comments on the Draft Scoping Document.

- Based on the Final Scoping Document, the City will develop a Request for Proposals (RFP) to identify a consultant team to complete the EIS.

TILLER CORPORATION COMMENTS ON DRAFT SCOPING DOCUMENT

A Draft of the Scoping Document was provided to Tiller Corporation, and City staff met with Tiller representatives on March 30 to discuss the Draft. These issues related to the Alternatives were discussed at the meeting:

1. Tiller requested that Alternatives 4 and 5 be added to the Draft Scope. Those alternatives have been included in the Draft.
2. The Tiller representatives indicated that they may request that the City revise Alternative #1 to begin reclamation at the start of the project, and complete reclamation within the first five years of the project. If accepted, this modification to Alternative #1 would make Alternative #6 unnecessary. As a part of the proposed revisions to Alternative #1, the City may require that activities within the Riverway District consist of “restoration” of natural communities rather than “reclamation,” and that the restoration plan be developed in cooperation with the Minnesota DNR and National Park Service, and approved by the City.
3. Tiller Corporation may request that Concrete Recycling be removed from the processing activities at the site. In that case, the City may consider modifying Alternative #1 or #3 to remove recycling.

City staff have requested that Tiller Corporation make any requests for the changes identified in #2 and #3 in writing at or before the April 7 public hearing.

ACTION REQUESTED:

Staff request that the Planning Commission and Council review the Draft Scoping Document, receive comments at the public hearing, and provide comments for the Final Scoping Document by April 10, 2009.