

41.

February 10, 2009

City of Scandia  
Ann Hurlburt, City Administrator  
14717 209<sup>th</sup> St. N.  
Scandia, MN 55073



Sent via e-mail, 3 pages

Thank you for giving us the opportunity to express our concerns about this project and its life-altering affects on Scandia and its surrounding communities. We live at 16101 Scandia Trail N., less than one-half mile east of the Hwys. 95 and 97 intersection. The quality of our daily life will be greatly impacted by this project.

In addition to the obvious concerns of increased road traffic and noise directly in front of our home, we are deeply concerned about our community's safety and the impact on water, land, wild life, and air. Below are some specific questions and concerns we would like addressed:

- The projected traffic estimations are soft. Last summer, 'for fun,' our grandchildren and I counted the number of trucks that went past our home in one hour. That number was 35. What is the highest and lowest number of daily trips we can expect? We understand that 'market' dictates that number. Please use today's market demand for this estimate and then tell us how the market has grown or decreased in the last 10 years. Also, what are Tiller Corporation's business projections for growth?
- We often observe current gravel trucks speeding, not only past our home but the entire distance on Hwy 97 from Hwy 95 to Hwy 61 in Forest Lake. We have called the Washington County Sheriff and Highway Patrol on occasion to address concerns; one example was when two trucks were racing side by side from Pomroy Ave. west to Hwy 95 (less than 1/2 mile). What additional patrols are planned and needed to maintain safe driving practices?
- What are the plans for routine roadside inspections on the trucks? Being part of the trucking industry all of my life (maintenance, trafficking, and management), I'm extremely familiar with the excessive wearing of these vehicles. I am concerned about my family's safety and want to be assured that a truck's condition, tires, brake systems, and the drivers' records are maintained.
- What is the plan for additional traffic signs, e.g., prohibiting Jake brakes, downhill truck speed limit, caution – truck's hauling, rocks on road?
- What are the benefits to the city of Scandia and its' residents to have this mine?
- This is a large-scale project for Scandia that, if approved, will greatly impact our community. Can a 'citizen's group' be formed, maybe a subcommittee of the Planning Commission, to monitor the mine's operations? Or, what sort of reporting is expected from Tiller Corporation?

(continued)

- What additional training or equipment will be needed by Scandia's emergency response team to manage industrial accidents? Will Tiller Corporation be responsible for this initial investment and yearly updates?
- What is Tiller Corporation's OSHA record for their mining operations?
- We expect this to negatively impact the value of our home greatly. What studies have been done on our homes' values? How will our tax base be impacted? What has happened in the mining communities in Franconia and western Wisconsin?
- Has the Sierra Club been notified on this project? If so, what is their response? If not, why?
- In addition to the hazardous wastes addressed in question #20 on the EAW, what additional precautions will be taken about the work being proposed with asphalt? Asphalt is toxic.
- We are extremely concerned about the aesthetics of the intersection. When coming 'down the hill' (from Hwy 3 to Hwy 95), travelers (citizens and well as tourists) enjoy a beautiful, panoramic view of the river valley. Early mornings, the steam rises from the river. If approved, this view will be ruined by bright lights and a dirt haze. How will this be addressed?
- What were the conditions of the mine in the 1980s? What problems and violations were reported and what was done to address them? Were there any lawsuits or permit violations filed; if so, what were they and what was the outcome?
- Will the mines in Franconia and western Wisconsin be closed? This was insinuated in the 2/3/09 presentation; one reason was to minimize additional traffic.
- If approved, we understand mining hours will be 7 a.m. to 7 p.m. What time will trucks be allowed to 'line up' and what will be done to eliminate this? Are there ordinances about noise that will be violated by the trucks idling?
- We are concerned about how the environment will be impacted with the mine is lit after dark. What is being done to address this sort of pollution?
- A few years ago, Dunrovin Christian Brothers Retreat Center was asked not to continue drum ceremonies because the noise travelled and was too intense throughout the river valley. This was a short ceremony, happening rarely. This mining operation is proposed to run 12 hours a day. What will be done to minimize noise throughout the valley?
- The Minnesota Pollution Control Agency has guidelines for noise pollution, emissions, etc. Will efforts be made to surpass these minimal guidelines?
- Will the loads be covered to minimize 'spillage' onto the road? Since this is a driver's responsibility and many choose not to cover their loads to maximize their speed and number of hauls (hence determining their salary), what assurances will Tiller Corporation make to ensure proper load tarping and subsequent road clean up?
- Friday afternoon and evening traffic on Hwy 97, especially during the summer, regularly backs up at the intersection of 95 and 97. With additional truck traffic and the proposed entrance, what will be done to increase safety and help with traffic flow?

(continued)

With all of the unanswered questions and potential for significant environmental harm, we strongly encourage and expect the Planning Commission to obtain an Environmental Impact Statement. This project clearly meets the criteria to obtain an EIS – it will have an extensive environmental impact with questionable reversibility as well as its ability to meet permit requirements.

We moved to Scandia almost 15 years ago after spending time in the area. We moved here to enjoy all aspects of the outdoors and this small, clean community. Re-opening the mine will change that for us – all current residents – and for anyone considering Scandia as their home.

If this project is approved, we would see that decision as irresponsible and inconsistent with other land use requests previously denied. This decision would not support the City's comprehensive plan.

We understand the Planning Commission will address each question and concern in a written response and that we will receive the written responses of all comments submitted. Again, thank you for the opportunity to express our concerns.

Respectfully,

David and Carla Buck  
16101 Scandia Trail N., Scandia, MN 55073  
(651) 433-4086  
dbuck39714@aol.com

Nancy Etwiler  
2323 Northridge Avenue Circle  
Stillwater Minnesota 55082  
February 11, 2009



Ms. Anne Hurlburt  
Scandia City Administrator  
14727 209<sup>th</sup> Street North  
Scandia, MN 55073

Re: Tiller Corporation Quarrying Proposal at Zavoral Site

Dear Ms. Hurlburt:

My family owns a seasonal cabin and property on the St. Croix River in Scandia at 20919 Quint Avenue North, which we purchased thirty-six years ago in 1973. We are very concerned about the unanswered questions raised by the current Tiller Corporation quarrying proposal that suggest a risk of potential human and environmental harm. While Scandia residents expressed many concerns at the Scandia Planning Commission hearing on February 3, 2009 — many of which we share — let me focus on five in particular in this letter.

ASPHALT REPROCESSING

We were stunned to hear in passing at the February 3, 2009 hearing, that the Tiller Corporation intends to process asphalt at the site. Nowhere in the EAW is this mentioned or expressly assessed.

The prospect of asphalt processing is extremely alarming as crude oil is a major component of asphalt. The EAW does not address the stability of the crude oil and other petroleum components in the asphalt and their potential impact on the soil, streams and artisan wells.

Further, while Tiller asserted at the hearing that it plans on average to drill no closer than 30 feet of the water table, in fact the permit proposal itself imposes no such restrictions on Tiller and would permit it to operate within 3 feet of the water table. The impact of reprocessing asphalt so close to the water table creates high potential for water table contamination and subsequent contamination into the St. Croix with unknown potential damage to the fauna and flora. Particularly as small variances in so many factors such as asphalt petroleum release rate, stream temperature, stream acidity, the surface area of the asphalt exposed to water, sunlight exposure and stream water flow contribute to understanding potential harmful environmental impacts, such an operation in an unremarkable site would dictate careful consideration and EIS; such processing in the delicate area here is untenable.

Ms. Hurlburt  
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## NOISE

At the hearing on February 3, 2009, the National Park Service and many others raised their concerns about the impact of the noise on the river. After thirty-six years on the river, we can attest to how easily the noise travels through the river valley, and can confirm that the quarrying noise can be heard on the river – which it was in the 70's when we first owned the property.

Tiller has represented that the decibel levels will be in accordance with MPCA minimum requirements (65 decibels during daytime for 50% of each hour). The MPCA standards are entirely inadequate for residents and users on a federally protected river way, particularly one where, as reported by the National Park Service, the River Management Plan guidance is centered on low noise. In fact, the MPCA cites 20 decibels as typical for “secluded woods”. Tiller is proposing the 65 decibels standard – more than three times the decibels of the secluded woods, and exponentially greater than three times the noise (as decibels increase with the exponential increase of noise).

In short, the MPCA standard proposed by Tiller is wholly inappropriate for wilderness, scenic bike paths, canoeing and a wilderness river. My daughter is seven years old. If the quarrying is permitted, until she leaves for college the sounds of the St. Croix wilderness for her will be inextricably commingled with the unceasing grinding and banging of quarry operations.

## DUST/ AIRBORNE SEDIMENT

The dust and airborne sediment that will be released have already proven to be untenable to property owners in other communities adjacent to such quarrying, such as at the Grey Cloud site in Hastings where neighbors report constant dust-coated windows and dust throughout their homes when windows are open (as they tend to be in the summer months during which Tiller is proposing its operations).

We are concerned not only about the sheer “grit” of it all, but wonder about the risks associated with the inhalation of this by humans, including the eight grandchildren in our family who play outside all summer, elderly people in the vicinity, and those who might have decreased lung capacity.

Asphalt processing adds increased concerns about what is being inhaled. Further the unknown impact of the airborne dust – carried by winds that are predominantly from the west and northwest - into the St. Croix and adjacent streams is of serious concern. We are also concerned about the similar effects on bird and other animals in the vicinity.

None of this has been addressed by the EAW and the issues beg for serious, impartial consideration under an EIS.

#### IMPACT ON ANIMAL LIFE

The EAW provides required comments on threatened species, but there is no analysis of the daily and long-term impact on all animal life, threatened or otherwise. There is extensive nesting birdlife in the immediate area, as well as bald eagles, blue heron and red tail hawks in the river valley. Bears, bobcat, raccoons and other large mammals have been sighted. No professional analysis has been offered in the EAW as to whether these species will stay, return after ten years of noise and airborne sediment, or whether they will reproduce even if they stay.

#### STABILITY OF THE BLUFF/SITE

Other than parroting the "best practices" language of the Minnesota Rules and offering to plan some "vegetation", Tiller Corporation provides no description of how it will mitigate structural damages to the bluff and ensure its stability adjacent to the wild and scenic river way. Ten years of an open pit permits water flow, collection, and freezing that can create cracks and instability in the bluff the effects of which are presently unknown and potentially quite significant. These risks not seriously addressed in the EAW.

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We have always been very appreciative of the Zavoral family as neighbors and stewards of the land and river shoreline. We greatly appreciate their care and concern to ensure that the ultimate restoration of this land to native plantings and its subsequent donation to a land trust.

We hope that the City can help envision paths other than quarrying to achieve this. The decade-long intrusion on the neighbors and visitor's quiet enjoyment of their property and the potential threats to wildlife and the stability of the river valley is sobering. The removal of mining as a permitted use of this property in Scandia's New Comprehensive Plan underscores these concerns.

The City is well armed with within its rights under the Minnesota Rules to require an EIS. The potential for significant environmental effects on so many fronts is documented by both professional commentators and residents. The type, extent and potential irreversibility of the potential effects are serious. The EAW has failed to consider the cumulative potential effects of anticipated future projects (the Rules do not limit this to future Tiller projects in the area). Finally, as illustrated by the existing MPCA noise standards, we do not believe that potential environmental effects in this unusual location can be adequately controlled by regulation.

Ms. Hurlburt  
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We appreciate that an EIS is not necessarily inexpensive or quick, but the sheer breadth of the potential environmental impact of the quarrying and asphalt crushing operations demand this, and the potential extraction of tens of millions of dollars of materials can support such a process.

In close, we echo the sentiments shared at the hearing by the Scandia educator who challenged us all to consider what options might be available for this site. This visioning should be guided by the findings of an EIS.

Thank you.

Sincerely,

Nancy Etwiler, for the Etwiler family  
651-351-9077

Mailing address for any responses (we do not maintain a mailbox at our Scandia address):  
2323 Northridge Avenue Circle, Stillwater, MN 55082

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**Anne Hurlburt**

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**From:** georgeanna lewis [georgeanna.lewis@gmail.com]  
**Sent:** Wednesday, February 11, 2009 3:07 PM  
**To:** a.hurlburt@ci.scandia.mn.us  
**Subject:** Comments regarding Zavoral family/Tiller Mining and Reclamation Project

Ms. Hurlburt:

My cousin Chauncey Anderson sent you a letter detailing his concerns, as a property holder and hydrologist, about the Tiller company's (and Zavoral family's) projected work. I am another owner of the property he mentioned, just downstream of the loghouse landing, held in common by a number of family members. I would just like to weigh in with similar concerns about the noise and the potential for damage to the local environment, including aquifers such as ours, used for drinking water. Although I was a child at the time, I remember the noise associated with the previous gravel mining operation at that site. The prospect of twelve hours a day of that noise, for 10 years, is simply unbearable.

I also want to make it clear that while Chauncey Anderson and a few other cousins associated with this property live out of state, others including myself live here and use the property on a regular basis. Indeed, the property is in constant use during warmer weather, when the project would be producing the most noise.

Thanks for your consideration,  
Georgeanna Lewis

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Anne Hurlburt

From: Suzanne Lundgren [Suzanne.Lundgren@mpls.k12.mn.us]
Sent: Wednesday, February 11, 2009 9:30 PM
To: Suzanne Lundgren
Subject: Re: Zavoral Mining and Reclamation Project

Anne, I left out my last sentence. It's getting late.

I would like to encourage Scandia to request that an Environmental Impact Statement (EIS) be pursued. Considering the location of the proposed project and proximity to the St.Croix River there is great potential for significant impact.

Sincerely, Sue Lundgren and Harriet Lerdal

----- Original Message -----

From: Suzanne Lundgren <Suzanne.Lundgren@mpls.k12.mn.us>
Date: Wednesday, February 11, 2009 9:14 pm
Subject: Zavoral Mining and Reclamation Project

> To: Anne Hurlburt, City of Scandia Administrator

> From: Harriet E. Lerdal
> Suzanne K. Lundgren
> 2215 Xerxes Ave. N.
> Golden Valley, Minn. 55422

> Scandia Residence;
> 21565 St.Croix Trail N.
> Scandia, Minn. 55473 Property ID 18.032.19.13.0003
> Property ID 18.032.19.24.0002

> I/we have been involved with the above properties for 66 and 30 years
> respectively. One parcel of property sits on the river and the other
> parcel is bluffland. These 2 parcels lie approximately 1/4 of a mile
> from the gravel pit.

> During the original mining period ( mid 60's-80's ) I would like to
> bring to your attention the following which occurred approximately 40
> years ago;

> 1. Noise from the mining was excessive especially on the river
> and in the woods. This was due to stripping, extraction, crushing,
> washing, stockpiling, and removal of the materials from the site.
> Traffic noise going through the 95/97 intersection as trucks
> accelerated/decelerated entering and leaving the area was tremendous.
> This was 40 years ago! The traffic in this area is much greater than
> it was 40 years ago making it sometimes very difficult to turn from 97
> onto 95. Adding 60 truckload trips/day to this area seems almost
> excessive/impossible under the present parameters. Perhaps a light
> needs to be considered if this proposal is accepted.

> 2. For safety and liability reasons there were floodlights on
> the property in question at night. In an area that has little/no light
> it was very disruptive and visible from the river.

> 3. The initial mining resulted in the build up of a sandbar
> directly below the Zavoral residence as wash deposited in the river.
> This sandbar was a direct result of the mining activities and during
> low water on the river is difficult to navigate on the Minnesota
> side.

> 4. Since the cessation of mining over the last 40 years the area
> has become habitat for several species, some of which are endangered.
> Hawks, deer, wild turkey, fox, coyote, eagles, and owls, to name a few
> can all be sighted in/around the quarry. Mining in this area again

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> could disrupt wildlife which has already been disrupted by development  
> in other areas.

>  
> We are not opposed to mining operations and the rights of  
> individuals to pursue these interests, but allowing this mine to  
> reopen does not seem to fit with the intentions of the original reason  
> for the development of the St. Croix Scenic Riverway which is the  
> preservation and sustainability of the river corridor. It is not a  
> question of whether to permit reopening of the mine but rather it's  
> location and the affect it will have on the river, habitat, noise  
> levels, pollution, and increased traffic. Ten years is a long time to  
> live with the negative aspects. In addition what will be the impact on  
> property values and on the ability to sell a piece of property so  
> close to an operating mine.

>  
> I encourage the council to visit the Osseo gravel pits that have  
> been reclaimed and ask yourself if you want to have the land at the  
> 97/95 intersection look like Arbor Lakes in terms of land topography?  
> It seems reclaiming it now and looking at some type of use more  
> consistent with the River District would be appropriate. This is a  
> community issue which will affect many people who live in the Scandia  
> area as well as those who travel to the St. Croix River for  
> recreational purposes for years to come. What kind of impressions do  
> we want to leave with others and what kind of stewards of the land do  
> we want to be?

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**Anne Hurlburt**

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**From:** Piers Lewis [pierslewis@gmail.com]  
**Sent:** Wednesday, February 11, 2009 11:06 PM  
**To:** a.hurlburt@ci.scandia.mn.us  
**Subject:** Zavoral Mining and Reclamation Project

My name is Piers Lewis. For almost a century my family has owned a property on the St. Croix River about two thirds of a mile from the Zavoral property, and have enjoyed the quiet of the river. The address is 20453 Quinnell Ave. N. I do remember the years of the Barton mining in the past as very noisy and disruptive, and we were very relieved when it ended. The present proposed project sounds much more disruptive in every way.

I have many concerns about the plan as presented in the Environmental Assessment Worksheet. I would like to suggest that there be a site visit organized in the spring (when snow is gone) for interested parties, to be led by people involved in the planning of the Tiller Mining and Reclamation Project, to allow a better understanding of the site and the proposed work to be done there.

I strongly recommend an Environmental Impact Statement be done on this mining and reclamation project, as there are so many questions which remain unanswered. It sounds antithetical to the original intents of establishing a Wild and Scenic River status for the St. Croix River.

Thank you for your attention to these matters.

Piers Lewis  
Please address any correspondence to the following address: 657 Fairmount Ave., St. Paul, Mn. 55105

46.

**Anne Hurlburt**

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**From:** Sally Leider [sallystcroix@mac.com]  
**Sent:** Wednesday, February 11, 2009 11:28 PM  
**To:** a.hurlburt@ci.scandia.mn.us  
**Subject:** Letter to Scandia City Council

February 11, 2009

To:  
Scandia City Council  
14727 209th St. North  
Scandia, MN 55073

From:  
Sally Leider  
Scandia Citizen

Re: Zavoral Property Mining and Reclamation Project

I am writing to express my opposition to the proposed mining operation which I believe would have devastating effects on the health of the St. Croix Watershed for years to come. I urge the Council to require an Environmental Impact Statement. I also urge the Council to consider that permitting such an operation would be the worst example of watershed stewardship imaginable.

As a career educator, currently focusing on watershed education in Scandia and Marine schools, I look for models of stewardship and bring those examples into my lessons to give youth hope for the future. I also invite steward mentors into the classroom who inspire students to be leaders. I would like the Scandia City Council to be a model for leading with courage in making decisions with the future in mind.

For the last 15 of my 40 year career as an educator, I have been teaching youth about "best practices" to restore and preserve healthy ecosystems. Many local citizens are learning new practices, changing their habits and redefining their priorities for the sake of protecting and improving our local watersheds. I feel very fortunate to live and teach in an area where people of all ages are so involved in caring for their special Place.

By insuring that a complete EIS is prepared, the citizens of Scandia would be able to see if our community and treasured watershed is at risk. Restoring this former mine site now, rather than in ten years, would not only be consistent with our new Comprehensive Plan, but would be consistent with the Wild and Scenic River Act which states:

"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which with their immediate environments, possess outstanding, remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, and or similar values, shall be preserved.....and that they and **their immediate environments shall be protected for the benefit and enjoyment of present and future generations.**"

Respectfully Submitted,

Sally Leider  
23229 St. Croix Trail North  
Scandia, MN 55073

2/12/2009

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47,

Subject: Zavoral/Tiller Gravel Mining

We are writing to support the gravel mining reclamation at the 55 acre site at 95 & 97. There is precedent for this activity since it has previously been used for that purpose. It does not directly impact a residential community because there are only a few houses nearby and we believe they were there when it was previously mined. It is barely visible from the road and fronts on a state highway, not a small, rural road and thus should not impact nearby residents. The noise level could not possibly be any worse than the noise from trucks, motorcycles, and speeding cars that already exists. The St. Croix River should not be affected because of the site's distance from the river. River usage is also heaviest on the weekends when the mining would presumably not be in operation.

There is a need to balance the protection & needs of the public AND the rights of the property owner. With reasonable conditions/restrictions and appropriate monitoring both the protection of the public and the rights of the property owner could hopefully coexist.

Thank you for your consideration.

Judy & Larry Kavanagh  
17600 St. Croix Trail  
Marine on St. Croix, MN

48.  
Postmarked 2-10-09 HI

RECEIVED  
FEB 17 2009  
CITY OF SCANDIA

**THOMAS P. RUMREICH, DDS, MA  
RUTH A. RONNING  
23225 SAINT CROIX TRAIL NORTH  
SCANDIA, MN 55073  
651.433.2098**

Scandia City Council  
14727 209<sup>th</sup> St. North  
Scandia, MN 55073

February 10, 2009

Dear City Council:

It is my fervent request for you to reconsider the Zovoral project.

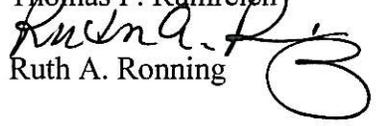
This proposed operation is counterintuitive to the goals and objectives of the Scenic Riverway and the Minnesota Scenic Byway.

There is no question that the quality of this pristine environment will be adversely affected by development of this nature. The project is between two areas dedicated to preserve the waterway and its abutting properties and is destructive to both.

In addition to the deleterious impact of this proposed development, consider that the Hy. 95/97 intersection is already a dangerous situation and to further complicate it with hauling trucks imposes more safety hazards.

At the very least, require an Environmental Impact Study of this proposal before the project moves ahead any further. You owe it to the citizens of this beautiful, scenic, and environmentally important waterway/byway to consider the potential impact.

Sincerely,

  
Thomas P. Rumreich  
  
Ruth A. Ronning

49.

**From:** Gregory Page [mailto:page@riverfrontcorporation.com]  
**Sent:** Monday, February 16, 2009 12:52 PM  
**To:** a.hurlburt@ci.scandia.mn.us  
**Subject:** Tiller Zavoral Proposal



February 16, 2009

Anne Hurlburt  
City Administrator  
14717 209<sup>th</sup> St North  
Scandia, MN 55073

Re: Tiller Corporation's Zavoral Mining and Reclamation Project

Dear Anne,

Though I spoke at the February 3 Planning Commission public hearing, I wanted to put in writing my views on the proposal.

First let me reiterate how glad I am that the Zavorals are planning to reclaim the gravel pit site. We have been good neighbors for about 30 years and the gravel pit has been open all that time. I share with many neighbors and passersby the great pleasure in knowing that the site will be restored as prairie/meadow and woodland as the site is remediated.

In the public hearing I stated two concerns, both of which I understand the Zavorals and Tiller Corporation are addressing.

The first concern is over ground water quality and private wells in the nearby area. I understand that the water table will not be penetrated by the mining activities; that on site water settling ponds will allow significant reuse of water, rather than continually drawing from the aquifer to manage the gravel washing; and that appropriate agencies will monitor ongoing operations to make sure no ground water problems are caused – or that immediate and appropriate action is taken if a problem occurs. These assurances are comforting.

The second concern is that the mining operations will be very noisy and visually disturbing. I hope to begin living year 'round on my property (immediately adjacent to the northern edge of the gravel pit) in 2010 or 2011. I have discussed my concerns with Mr. Zavoral and he has said he will plant trees on the four acres of land on the northern edge of the gravel pit that will not be mined, if the mining permit is granted. This will at least provide some vegetative buffer to grow in as the mining operations move from the southern end of the pit towards the north (my property) over the next 8 to 10 years. If the four acres are planted with a mix of hardwoods and pines, indigenous to the area, I trust that will provide the best natural buffer possible as the Zavorals begin the reforestation of the area to the benefit of all (other near neighbors, wildlife, those who use Highways 95 and 97, etc) as their reclamation plans state.

Thank you for your consideration of these comments.

Sincerely  
Gregory Page

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