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Anne Hurlburt

From: wanda20516@aol.com
Sent: Thursday, January 22, 2009 9:00 AM
To: a.hurlburt@ci.scandia.mn.us
Subject: mining

January 22, 2009

Anne Hurlburt
City Administrator
City of Scandia

Dear Ms. Hurlburt,

My husband Rich and I are in Florida for a couple months, but we try to stay informed of community happenings in Scandia. I read on the Pioneer Press web site of the interest of the Tiller Corp. in re-opening the mine at the intersection of Hwys. 95 and 97. We are opposed to any mining operations being allowed in that area.

We believe that allowing the mine to operate for ten years would definitely have a huge negative impact on the city of Scandia and on the nearby St. Croix River.

The noise of the operation and the run-off into the river are obvious detriments to the natural beauty of the scenic St. Croix River.

The noise from the mining operation and the increased heavy truck traffic that the mining operation would generate do not fit with the designation of St. Croix Trail as a scenic byway.

That corner is an area that is thought of as the gateway to the city of Scandia. The mining operation does not fit with the image of Scandia that the citizens and city administration wish to project.

Mr. Zavoral may tell us that the impact of his mining operation will be minimal to our quality of life, but don't let him fool us. We are very certain that he would object to having the same operation in his Edina neighborhood.

We are unable to attend the upcoming public hearing on this matter, but we want to go on record as being very much opposed to this proposed mining operation.

Sincerely,

Richard and Wanda Nelson
20516 St. Croix Trail
Scandia, Minnesota

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1/22/2009



City of Scandia
Input on the Environmental Assessment Worksheet
Zavoral Property Mining and Reclamation Project
From Don Mitchell
1/22/09

As a 32-year resident of Copas and neighbor of the subject property, I would like to enter the following comments into the public record regarding the proposed projects at the Zavoral's gravel pit.

First, I do not wish any harm to Dr. Zavoral or his family, who have been good and kind neighbors for many years. I respect their ownership of the subject property and their right to use that property as they see fit. My concerns are limited to the protection of the St. Croix River, a priceless resource that belongs to all citizens and has been designated for careful protection by all levels of government.

Anyone familiar with the segment of the river between Lighthouse Landing and Cedar Bend is aware of a substantial delta of sand and gravel that was washed into the St. Croix in the 1970s, from the pit in question, following a breach in stormwater control. This delta has altered the main channel of the river by pushing it eastward, where it has eroded and continues to erode the northern portion of the "island" property at the confluence of the Minnesota and Wisconsin channels. The instantaneous deposition of so much sand and small-particle gravel is exactly the kind of event that greatly increases siltation, to the detriment of the river and many of its wild inhabitants (not just the mussels). Specifically, the DNR's requirement that the project "not be allowed to negatively affect the water quality of the St. Croix River" would be seriously breached by any event similar to the washout of the 1970s. I see nothing in the present documentation that would guarantee this would not happen again. In fact, I find several statements that give serious concern:

1. The restoration of the previously mined area, which is not to be mined in the present project in part because it lies within the protected St. Croix River District, is apparently not to be undertaken until the final year of the project, whenever that might be. This means there would be a substantial (enhanced) risk of another washout event, at least until that time.
2. There being no buffer between the protected St. Croix River District and the edge of the site to be mined, there is no margin of error—a single mistake or miscalculation (or a single unanticipated major rainfall event) could bring yet another damaging washout. Very few human operations are free of error. For example, consider the statement on page 5: "The portion of the site that will not be disturbed as a result of mining includes 50 acres of woods situated predominantly on the bluff of the MN river and along the very southern portion of

the property.” One wonders just how far south and west this property extends! Given this obvious error, one wonders: Is the text of this EAW just boilerplate language that could be lifted and copied out of some other document, or has a serious author considered each word and phrase? Here is a simple error of words on a page—presumably no harm done. But is there any assurance, any guarantee, that a “small” error by someone at an engineer’s drawing table, or on a caterpillar tractor, will not send more tons of unwanted and harmful sand and gravel into a river that is supposed to have the strictest protection we can provide? I do not find any such assurance in this document. Such an error, and more importantly its harmful result, will never be undone.

3. I am not sure of the meaning of the statement on page 9: “Washwater will be managed in an on-site recycling basin where washwater and fines will be recycled.” If “fines” are small particles, as may be the intent, won’t they be separated and recovered? What will be done with them?
4. Several of us who live in the area draw our water from artesian springs, pursuant to agreements reached and formalized into contracts as far back as the 1930s. If this project destroys these springs or renders our water sources useless, we face well-drilling and water access problems that may cost many thousands of dollars. There is no assurance in this document that we will be compensated or made whole if such problems are caused by this project, yet the project specifically discusses operations within three feet of the water table.
5. On page 8, in the last paragraph of section 14, the document states that the reclamation and restoration aspects of the project are conditional, and *will not* happen until after reviews are completed by the National Park Service and Scandia. Further, the language does not specify who determines, following these reviews, whether reclamation and restoration will occur. This provision must be insisted upon—it cannot be conditional and then left to the discretion of the mining company or property owners.
6. Finally, as neighbors we will be subjected to the inevitable noise and dust of this project, no matter how carefully it is managed. The noise will certainly be audible on the river. I would like to see the hours of operation limited to weekdays, 7AM to 5PM, so evenings and weekends could at least provide respite from these constant annoyances.

Thank you for your consideration.

-Don Mitchell
20233 Quinnell Avenue North
Scandia, MN 55073
rivernotes26@gmail.com
651 433-3284



Minnesota Department of Transportation

Metropolitan District
Waters Edge
1500 West County Road B-2
Roseville, MN 55113-3174



January 22, 2009

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

SUBJECT: Zavoral Mining, Mn/DOT Review #EAW09-001
East of TH 95 at TH 97 Intersection
Scandia, Washington County
Control Section: 8210

Dear Ms Hurlburt:

Thank you for the opportunity to review the Zavoral Mining EAW. Please note that Mn/DOT's review of this EAW does not constitute approval of a regional traffic analysis and is not a specific approval for access or new roadway improvements. As plans are refined, we would like the opportunity to meet with our partners and to review the updated information. Mn/DOT's staff has reviewed the document and has the following comments:

A north bound full right turn lane will need to be constructed (300' RTL 180' taper) as part of the proposed use. The entrance into the site needs to be 32 feet wide. Additionally, as indicated in the EAW, the site access will need to be reconfigured to line up with TH 97 on the west side of TH 95. For questions concerning these comments, please contact Wayne Lemaniak, Mn/DOT Traffic Section, at (651) 234-7830.

To ensure the safety of the intersection, a Mn/DOT Level 3 Geometric Layout will need to be prepared before a permit can be issued for construction of the access and right turn lane. For further information concerning the criteria for a Level 3 layout, please go to the following website: <http://www.dot.state.mn.us/tecsup/xyz/plu/hpdp/book2sg/geo/geoapp2.html> Refer to the discussion about Level 3 layout and Table 1 at the bottom of the page for the information concerning this layout. Information regarding the alignments, profiles, typicals, soil boring and cross sections are essential in planning for the proposed roadway change. For questions regarding design, please contact Ed Boytim, at (651) 234-7646.

The City/Developer may choose to pay Mn/DOT for the required improvements so that they can be coordinated and included with the Mn/DOT projects in the area. Mn/DOT will require payment for the work to be conducted by the City/Developer prior to any work by Mn/DOT. For questions concerning agreements please contact Jan Ekern, Partnership Coordinator, Mn/DOT Maintenance Office at (651) 366-3548

Any use of or work within or affecting Mn/DOT right of way requires a permit. Permit forms are available from MnDOT's utility website at www.dot.state.mn.us/tecsup/utility . Please include one 11 x 17 plan set and one full size plan set with each permit application. Please direct any

questions regarding permit requirements to Buck Craig (651-234-7911) of MnDOT's Metro Permits Section.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

Development Review Coordinator
Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require either:

1. One (1) electronic pdf. version of the plans (the electronic version of the plan needs to be developed for 11" x 17" printable format with sufficient detail so that all features are legible);
2. Seven (7) sets of full size plans.

If submitting the plans electronically, please use the pdf. format. Mn/DOT can accept the plans via e-mail at metrodevreviews@dot.state.mn.us provided that each separate e-mail is less than 20 megabytes. Otherwise, the plans can be submitted on a compact disk.

If you have any additional questions regarding this review please call me at (651) 234-7792.

Sincerely,

Jon P. Solberg
Senior Planner

Copy send via Groupwise:

Tod Sherman
Wayne Lemaniak
Jan Ekern
Todd Clarkowski
Buck Craig
Nancy Jacobson
Sulmaan Kahn
Ann Braden / Metropolitan Council

File Copy:

Mn/DOT Division File CS 8210
Mn/DOT LGL File Scandia



COMMENTS ON THE ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE ZAVORAL PROPERTY MINING AND RECLAMATION PROJECT—January 28, 2009

Presented jointly by the St. Croix River Association and the St. Croix Scenic Coalition

INTRODUCTION

The St. Croix River Association and the St. Croix Scenic Coalition share a goal of preserving the scenery and natural resources of the St. Croix River and its environs. Together they work to promote understanding of the social and economic value of protecting the St. Croix valley's outstanding natural character. The Association advocates for resource protection throughout the entire watershed. The Association has 310 paid members, 14 of whom have zip codes in Scandia (and others have homes in Scandia). The Coalition has a broad interest in promoting land uses that respect the protective intent of the United States Congress when it designated the St. Croix River as one of eight original rivers under the Wild and Scenic Rivers Act of 1968. In its work with St. Croix valley communities, the Coalition encourages use of careful inventory procedures to correctly identify locations in a community where it is most appropriate to develop and locations where it is in the public interest to protect and preserve.

ISSUE

The question before the City of Scandia is not, yet, the permit applied for, but rather whether the proposed gravel project has the potential for significant environmental effects. The EAW, and comments submitted regarding it, form the basis for that determination. The City may decide either that:

- there is no potential for significant environmental effects - a negative declaration, or
- it does have such potential - a positive declaration - in which case the City orders that an EIS be prepared, or
- the EAW needs more information, and direct that the lacking information be developed.

See Minnesota Statutes section 116D.04, and Minnesota Rules part 4410.1700

The St. Croix River Association and the St. Croix Scenic Coalition believe that beyond doubt the proposed mining operation has the potential for significant environmental effects and will require an EIS. Second, they believe that the potential significant environmental effects conflict with a majority public perception, see recent Comprehensive Plan, that reopening the inoperative pit would be inconsistent with City of Scandia environmental protection goals that, when applied, would better favor restoration of the site from its present condition. Third, they believe that the City of Scandia and its residents should not be exposed to the significant potential for more environmental effects based on an argument that the pit should be permitted because it was once operational.

There are four areas in particular that present a potential for significant environmental effects. One is location, another traffic, the third noise, and the fourth water quality impacts.

LOCATION

The site is sandwiched between the St. Croix National Scenic Riverway and the Minnesota St. Croix Scenic Byway. It abuts each. One would be hard pressed to conjure a worse place to put a gravel operation, which by its nature is one of the unsightliest and noisiest industrial operations one can imagine. The City has already ruled out the Zavoral site for gravel mining, in its new Comprehensive Plan, which awaits only Met Council approval for it to go into effect.

Accordingly the City should give the project, being proposed now just under the wire of the new Plan, its closest scrutiny. The EAW fails to provide the information that would make such scrutiny possible. An EIS would provide adequate information and a full analysis of alternatives, and should be ordered.

TRAFFIC

The EAW, in paragraph 22, states that the operation will generate 120 truck trips daily from April through November. Sixty trucks outbound, 95 % of them going west on Highway 97 right through the Scandia village. Sixty fully loaded big gravel hauling trucks pulling out onto highway 95, turning to highway 97, and grinding up the long incline to the village. The EAW provides zero analysis of the environmental impacts of such an addition to the highway's traffic. This volume will increase the existing heavy commercial traffic of 360 trucks per day, by one-third, to 480. It is commonly recognized that the road already suffers a lot of gravel hauling, including from the Tiller pit on highway 95 abutting the west side of the highway north of the Osceola turn-off. This sort of activity is utterly out of character for the village center, and for the rural character of the City which its citizens have said so strongly must be preserved. One-hundred and twenty times a day these big trucks will stop at the intersection of highway 97 and County road 3, and work their way up through their gears as they pull away. Half of those will be loaded, so will gain speed only slowly and laboriously. If Scandia is looking for quietude, this is no way to achieve it.

NOISE

The EAW provides no information from which one can conclude that noise will not be a problem. Indisputably gravel operations are very noisy. That noise will project on to the immediately abutting National Scenic Riverway. The riverway is a national park. The tranquility of the riverway - the land within its boundaries as well as the water surface itself - is a major element of the character which caused it be designated one of the first eight wild and scenic rivers in the entire nation, when the original federal law was passed in 1968. All of the river which the City abuts, is designated a slow speed zone. This was done to conserve the quiet pastoral character of the river.

The river is already invaded by the noise of truck traffic on highway 95. It is particularly evident in McLeod's Slough, the part of the river most immediate to the proposed gravel operation. Exacerbating that noise would constitute a significant environmental effect.

And there are the homes within noise reach of the proposed operation. PCA rules require that they not be impacted by more than 60 decibels of noise for more than 30 minutes in any hour,

and not more than 65 decibels for more than 10 minutes in any hour. Minnesota rules chapter 7030. There is no data in the EAW demonstrating that these limits will not be exceeded. Some of these homes have been designated historic by the Minnesota Historical Society, per an attachment to the EAW.

WATER QUALITY IMPACTS

The St. Croix River is classified as an “Outstanding Resource Value Water-Restricted” in Minnesota and as an “Outstanding Resource Water” in Wisconsin. These classifications represent the highest level of protection possible for both states and seek to prevent any degradation in water quality in the Riverway. For Minnesota, the classification requires that all “prudent and feasible alternatives” be tried prior to allowing any new or increased discharge. The proposed reopening of the Zavoral gravel operation will amount to a new or increased discharge and will pose a significant risk to water quality in the St. Croix due to potential erosion from stormwater runoff, and possibly from gravel washing operations. The size and location of the operation on an area that drains to the river significantly enhances the prospects of eroded material (suspended sediments) reaching the river. Sediment’s impact on water quality and aquatic life is well documented including impacts to freshwater mussels, fish, and aquatic insects. We believe the EAW does not adequately consider the impacts of the proposed project on water quality, nor adequately consider alternatives. The EAW claims water quality will be improved after reclamation of the site, but it does not address impacts during the life of the proposed operation.

RESTORATION

The City must not be lured by the mirage of the restoration proposed. The slopes will be made non-erosive, and the pit sides and bottom will be planted with grass. But the pit will not be filled up. It will not be reintegrated into the landscape. It will be a hole. A bigger hole than now, wider and much deeper. Look at the restored pit between Quinnell Ave. and highway 95. For all the care given it, it is still a hole, plain and simple.

Rather than permit ten years of mining in order to achieve restoration, it would be smarter to restore it now at its present size. It will still be a hole, and but not so large or deep.

ECONOMIC IMPACTS

The recent successful Washington County referendum supporting an integrated land and water legacy program was an expression of the broad public desire to carefully identify parcels that should be protected from further environmental harm. The point of the referendum was that if parcels meet stringent public benefit criteria for protection or restoration, they should be protected from further degradation. The Zavoral pit site meets public benefit criteria for protection and restoration.

If reopened for mining, Scandia residents will certainly experience negative environmental impacts. And if a permit is issued there will be non-compensatable costs to the Scandia community. These costs cannot properly be evaluated in an EAW and will require an EIS.

Pocketbook impacts will be felt by local businesses that rely on visitors for a significant part of their income. The EAW provides no information from which one can conclude local economic impacts would not be substantial if the potential for significant environmental effects is realized by opening the mining operation in this location.

The role of an EAW is to screen a project for a potential for significant environmental effects. When the EAW demonstrates such potential, as it has done, it calls for a positive declaration by the City and order that an EIS be prepared. Only a fully prepared EIS can provide a thorough study of the environmental impacts of a project; comparative environmental, economic, and sociological impacts; reasonable alternatives; and mitigation measures. With this information the City (RGU) will have the information it needs to make a proper decision. The role of the City to balance the project against all environmental, economic and sociological impacts, to evaluate alternatives and mitigation measures is only possible with a fully prepared EIS. The City needs to know which economic impacts might occur as a result of which environmental effects.

When given a choice of where to go and where to spend their money, visitors will not return to places that have permitted significant erosion of community character or significant damage to the environment. It would be far better to capture the tourism potential in Scandia by making the Zavoral parcel into a public park rather than to erode tourism income by permitting a gravel pit that will help to move tourists to enter the St. Croix valley on Highway 8 instead of Highway 97.

The St. Croix Scenic Byway, which follows along Highway 95 through Scandia, was designated by the State of Minnesota in 2004. The purpose of the scenic byway designation is to afford scenic protection to the highway route and to promote local economic benefits by promoting byway communities as important destinations for the traveling public. The Zavoral proposal conflicts with the purpose of the scenic byway and may cause irreparable economic impacts to the local economy.

Protecting the Highway 95 scenic byway corridor from unnecessary expansion of gravel mining and truck traffic serves a number of important environmental and economic purposes. A gravel pit in this location would conflict with Scandia's environmental protection goals. It could not escape notice of residents and tourists that the City is the only entity that could have permitted such an environmental blunder if Highway 97 is permitted to run headlong into an unscreened driveway leading to a gravel pit. Permitting this proposed industrial use with its visual eyesore and increased truck traffic in immediate proximity to a State-designated scenic byway and National Scenic Riverway would be seen by tourists and residents as a real local failure to correctly assess the high potential for significant environmental impacts.

CONCLUSION

The proposed mining operation, because of its nature and its location, has the potential for significant environmental effects. This is an inescapable conclusion. The City should so declare. Then a full-scale EIS can flesh out whether the potential is likely and significant.

At the same time, the City should work with landowner Zavoral to find another way to accomplish what he hopes to achieve. The St. Croix River Association and the St. Croix Scenic Coalition would be happy to volunteer their services to this end.

Respectfully submitted,



Randy Ferrin, president, St. Croix River Association



Bill Neuman, president, St. Croix Scenic Coalition



5.
RECEIVED

JAN 30 2009

January 30, 2009 2:30 pm
CITY OF SCANDIA

To: Ann Hurlburt
Zavoral Gravel Mining Proposal

I have lived in Otisville for 26 years, on land that has been in my family for three generations. This property is situated below the Zavorel gravel mine on the St Croix River. I have enjoyed walking in this abandoned gravel mine with family and friends for 25 years; for this I am grateful to Dr. Zavorel.

The land where the abandoned mine is located has been naturally reclaimed for 35 years with white pines, stands of aspen, oak and many other trees and plants listed in the EAW. It is the home of bobcat, fox, deer and possibly cougars, just to name a few. The "buffer zone" referred to in the EAW is actually Scenic Easement consisting of woods, deep ravines and streams that run directly into the St Croix River.

I am very concerned about the destruction of this land and the repercussions of resuming mining operations. The EAW fails to address issues that will affect the Scandia community, the St Croix Watershed, the wild life of the Valley and visitors to the St Croix Valley and the St Croix River. This proposal is not acceptable to me and here are the main reasons.

1.Noise pollution.

The valley is like an echo chamber. Scandia citizens within a mile radius, including me, will hear the constant noise of trucks and machinery coming from this site. The St Croix is a federally designated Wild and Scenic River. People come to the River for recreation and for peace and solitude. They will not find it on this stretch of River because they will hear gravel mining all day Monday through Friday, spring, summer and fall.

2.Visual pollution.

The EAW states that the mining operation will not be **seen** from the River, but it will be seen and heard from the land. The intersection of highway 97 and 95, a designated Scenic Byway, is a main entrance to the St Croix Valley and to Scandia. The view from 97 is spectacular, especially in the early spring and fall when the Wisconsin hills change colour. Visitors coming into the Valley from the west will see the gravel mining, as well as on the Scenic Byway. It will definitely destroy one of the prime vistas on the Scenic Byway and in the Valley, plus alter Scandia's identity

3.Traffic congestion.

Cars are often backed up on 97 for blocks during the summer months attempting a left turn onto the Scenic Byway. Since there is only one stop sign on highway 97 the intersection is perilous. If the gravel mine is open, there will be gravel trucks, 120 trips a day, coming and going through this substandard crossing. It will be an intersection people will avoid and in doing so will bypass Scandia.

Will this be good for Scandia business? More gravel trucks stopping and starting in the center of town doesn't make for a rural feeling. Do the residents living on highway 97 need more gravel trucks going by their houses destroying the road and spewing up gravel?

4. Environmental impacts.

Number 30 of the EAW states "There are no other known potential environmental impacts" besides noise, smell, dust and slight air pollution. But there are other known environmental impacts. In 1971, my mother, Barbara Schlingerman wrote letters to the head of the EPA, Grant Merritt and Howard R. Albertson, State Representative for Washington County, about "the considerable damage done to the streams and the river" by the Barton Construction Company, which mined the property before Tiller. She was concerned about the tons of sand washing down a stream below the gravel mine into the river. The sand became a giant sand bar in the River and remains to this day. This environmental disaster destroyed a trout stream and impacted the flow of the river. Barton Company did nothing. What will Tiller Company do if something like this happens again?

Also the EAW states "Measures will be taken to reduce the potential for ground water contamination..." The EAW mentions very small quantities of hazardous waste, diesel fuel, and anti-freeze. I live below the gravel mine and use a spring box, as many people do on Quint Av. What will Tiller Company do if our spring boxes become contaminated?

5. The Reclamation Plan.

The EAW states the site will be left in a condition consistent with current local land use rules regulating gravel mining reclamation. According to the EAW, reclamation consists of smoothing out the edges of the 60 foot hole, and throwing grass seed on the earth. How can this kind of restoration "improve the character of the property and increase the stability of the soils"? The character and stability of the property cannot be improved by mining compared to what it is now; 35 year old white pines, stands of aspen and oak and a variety of plant and animals life.

Just because this land has been mined before does not mean it is OK now. It is evident by looking at the trees and land that there has been no active mining here since the 1970's. **An Environmental Impact Study is prudent at this time before any consideration is given to re-opening the Zavorel gravel mine.**

The best decision is to abandon the gravel mining operation entirely and look for ways to acquire the land from Dr Zavorel. I know this land. It is beautiful as a naturally reclaimed gravel mine. The location is valuable for Scandia and its citizens as well as for all the visitors who come up to this Valley to enjoy beautiful open spaces. Re-opening the gravel mine should not be allowed. Aren't we more enlightened than to destroy precious land for money?

Sincerely,



Lisa Schlingerman
20661 Quint Av N, Scandia
lisaschlingerman@gmail.com

6.



City of Scandia
Input on the Environmental Assessment Worksheet
Zavoral Property Mining and Reclamation Project
From Craig Christensen

February 3, 2009

I would like to enter the following comments into the public record in regards to this proposed project.

The Highway 97 approach and decent into the St. Croix River valley is one of the most scenic and beautiful approaches to the Lower St. Croix River from Taylors Falls to Stillwater. Less than one mile east of Highway 97 and Olinda Trail intersection the Zavoral Gravel pit comes into view. Basically this is one mile from Scandia's city center. Community surveys conducted prior to incorporation, overwhelmingly supported Scandia retaining its' rural character. This is also reflected in the comprehensive plan. It is a stretch to infer a gravel pit so close to the center of the city and visible to all who pass through on this road, including southbound traffic on Highway 95, is what the citizens define as "rural character".

The Environmental Assessment lacks specificity and in many instances is inaccurate. I have attempted to list below some of the flaws contained in it.

EAW, p 13, #24

The EAW statement fails to specify in any detail the amount of noise and disruption, extraction, crushing loading, hauling, and washing of gravel will cause. The EAW only refers to mufflers on individual pieces of equipment, not an accumulation of more than one piece operating simultaneously.

Adjacent property owners, property owners within 1/2 mile, property owners within 1mile, recreational users of the St. Croix River, and the Standing Cedars Land Trust adjacent to the site on the Wisconsin side of the river will all be affected by noise levels generated from this operation.

EAW, p 2, #6-b

The EAW incorrectly states that this site was actively mined through the eighties

Loading, hauling, crushing and washing of gravel in this site ceased in the 1970's and was never actively mined in the 80's. Loading and hauling of stockpiled inventory has taken place since. Living within 1 mile of the site then and now I can attest that the noise from simply removing this inventory was ongoing and relentless. It should also be noted that many more homes have been built within a mile radius of the site since and all will be affected.

EAS, P. 5 # 11

EAS, p 9, # 17

The possibility of environmental damage occurring at the site due to gravel mining operations is not without precedent.

In April of 1971 Grant J Merrit, Executive Director, State of Minnesota Pollution Control Agency and Howard R Albertson, 6th District, Washington County State Representative were alerted to an ongoing environmental disaster occurring at the site, then known as the Barton Gravel Pit. Referred to as a "blow out" sand, gravel and water rushed easterly down through a trout stream and into the St. Croix River. The sediment destroyed the stream, which has never recovered. The sediment also significantly and permanently altered the eastern shoreline of the St. Croix River. The trout stream and the shoreline was never restored or reclaimed. The EAS statement outlines procedures to control storm water run off and plans to reclaim and restore the site. Has the proposed mining operation studied the site adequately and do the operators have in place a prevention plan if another such accident occurs? Do they have adequate insurance coverage if it does?

The EAS states that the quality of surface and storm water run off and sedimentation will improve upon completion of mining operations. It provides no measurable statistics to back up this claim. For example, what is the present day quality of the water run off and sedimentation and what will the future goal for improvement be? Exactly what were the original drainage patterns? After completion of mining operations, digging a 64-acre, 60-foot pit, exactly how will these original drainage patterns be restored and improved?

Since the cessation of full-scale mining operations, approximately 30 years, nature has been in the process of reclaiming and restoring this site. The Blandings Turtles have been identified in the site as well as other threatened plant and animal species near and/or surrounding it. As I read the EAS, reclamation and restoration is defined as spreading and seeding a layer of topsoil on a specified slope into a 64-acre, sixty-foot deep pit. Restoration and reclamation of a landscape is a matter of perspective. What is the best fit for Scandia's "rural character" needs to be considered seriously?

EAW, p 13, #25

There has been no comprehensive archeological/historical/cultural review of the site or surrounding area. EAW, attachment 3, State Historic Preservation Office Letter, makes this understood.

For example, the submitted History/Architecture Inventory lists incorrect addresses for eight of nine properties. Our properties as well as many others that are omitted are in some instances historically older and geographically closer to the site. Another glaring

omission is the site of an Indian burial mound located on the "school" property. The St. Croix River Valley is a significant historical area for the Native Americans and the impact of more mining should be thoroughly examined before proceeding.

In conclusion, if the city of Scandia continues to entertain the possibility of a issuing a mining permit, at the very least it must demand an Environmental Impact Study be completed. A comprehensive EIS would help to illuminate many of the above issues and those of other concerned Scandia residents.

Respectfully submitted,

Craig Christensen
20661 Quint Avenue North
Scandia, MN



February 3, 2009

Ann Hurlburt
City Administrator
Scandia

Re: Zavoral Gravel Mining

As residents in the area affected by the proposed mining at the Zavoral pit, and after a detailed review of the EAW, we are left with several concerns.

1) There is no final date by which the project must be completed. While this may depend on when the mined aggregate is needed, it seems all the mining, crushing, etc. could be accomplished in a specified period and materials to be stockpiled for use as required.

2) Mining is planned right up to the precipitous drop of the designated Federal Scenic River area. A reasonable buffer zone, as safeguard to catch silt and other matter during heavy downpours seems reasonable.

3) Importing concrete, asphalt or anything else to this sensitive site should be prohibited.

4) Washing aggregate will require substantial quantities of water which may impact artesian wells and possibly the water level of aquifer serving residential wells. The property owner and/or the mining company should deposit a letter of credit or similar financial instrument to compensate residents who must install new wells. An appropriate firm, selected by the city, is to determine in a timely manner if the mining operation caused the problem, and the cost for this service is also to be paid by Zavoral and/or the mining company.

5) Finally, who will monitor this mining operation on a continual schedule throughout the entire mining period for all the potential problems such as dust, noise, pollution, silt run-off, etc.

6) A fully executed EIS should precede any decision the city makes with respect to this proposed mining operation on the Zavoral property.

Sincerely

Sue and Peter Schwarz
20969 Quadrant Av. N.
Scandia, MN 55073

8

Anne Hurlburt

From: Carol Sundberg [carolrudysun@gmail.com]
Sent: Tuesday, February 03, 2009 11:14 AM
To: a.hurlburt@ci.scandia.mn.us
Cc: Ann Bancroft; Bill Clapp
Subject: Gravel Pit Hearing 2/3/09

Dear Anne Hurlburt,

Please put my husband and me on record as opposing operation of a gravel pit on the Zavoral property until all environmental studies are complete. As neighbors in close proximity to the proposed pit, we are particularly concerned about noise, truck traffic, and runoff into the river. As far as we're concerned, there is no up-side for our community in granting Zavorals permission to open a gravel mining operation on their property.

Sincerely,

Carol and Rudy Sundberg
21715 Quarry Ave N
Scandia MN 55073

8,



Dear Anne,

Here is a "hard copy" of the email we sent to you on February 2, 2009. We want to be sure that our email didn't get lost in cyberspace.

Dear Anne Hurlburt,

Please put my husband and me on record as opposing operation of a gravel pit on the Zavoral property until all environmental studies are complete. As neighbors in close proximity to the proposed pit, we are particularly concerned about noise, truck traffic, and runoff into the river. As far as we're concerned, there is no up-side for our community in granting Zavorals permission to open a gravel mining operation on their property.

Sincerely,

Carol and Rudy Sundberg
21715 Quarry Ave N
Scandia MN 55073

Carol H. Sundberg
Rudy Sundberg



United States Department of the Interior

NATIONAL PARK SERVICE
St. Croix National Scenic Riverway
401 Hamilton Street
St. Croix Falls, Wisconsin 54024-0708

RECEIVED
FEB -3 2009
CITY OF SCANDIA

IN REPLY REFER TO

February 2, 2009

L7615 (SACN)

City of Scandia
Attention: Anne Hurlburt, City Administrator
14717 209th St. N.
Scandia, Minnesota 55073

Dear Ms. Hurlburt:

The National Park Service (NPS) has reviewed the Environmental Assessment Worksheet (EAW) for the proposed Zavoral Property Mining and Reclamation Project in Scandia, Washington County, Minnesota. Mining operations would include stripping, extraction, crushing, washing, hot mix asphalt production, stockpiling, and hauling/trucking from the site. The proposed 114 acre gravel mine is located just east of the T-intersection of Minnesota Highway 97 (Hwy 97) and Minnesota Highway 95 (Hwy 95) between Hwy 95 and the boundary of the St. Croix National Scenic Riverway (Riverway). If approved, it is expected to be in operation for up to 10 years.

The Riverway was established in 1972 under the Wild and Scenic Rivers Act (WSRA) (Public Law 90-542) to protect its scenic, recreational and geologic values for enjoyment by this and future generations. At the time, the WSRA was a new breed of conservation legislation. Rather than protecting areas through Federal acquisition of large tracts of land, the WSRA seeks to protect areas through the cooperative efforts of citizens, businesses, and government at all levels. While the Riverway is a unit of the National Park System managed by the National Park Service (NPS), it can only be protected through the efforts of many partners.

The NPS is very concerned about the impacts of the proposed gravel mine. Our concerns fall into five main areas; 1) noise; 2) traffic conflicts; 3) water quality impacts; 4) visual impacts, and 5) cumulative impacts.

Noise:

The active portion of the gravel mine would be located approximately 1250 feet (or ¼ mile) west of the St. Croix River. Noise from gravel mine operation could easily be heard from the river. A 2002 river management plan, developed with extensive public involvement, provides guidance that this section of river is to be managed to provide a “quiet waters” experience and “consistently low” noise levels. The NPS establishes primitive campsites along this stretch last

year so that visitors could enjoy it in the intended manner. The EAW provides no information on projected noise levels or its impact to visitor enjoyment of the Riverway.

Traffic:

In addition to the noise that would be created by truck hauling at a rate of 60 truck loads per day (120 truck trips), the NPS is concerned about conflicts between recreational traffic and mine traffic. Recreational traffic along Hwy 95 and 97 includes scenic driving, access to the Riverway and adjacent State Parks, commercial and private canoe shuttles, and bicycling. The EAW states that the site will typically operate from 7:00am to 7:00pm, Monday through Friday. While weekends have the heaviest recreational traffic, recreational traffic on weekdays is not insignificant. No analysis of the potential for traffic conflicts is provided in the EAW.

Water Quality:

The St. Croix River is classified as an “Outstanding Resource Value Water-Restricted” by the State of Minnesota and as an “Outstanding Resource Water” by the State of Wisconsin. These classifications represent the highest level of protection possible for both states and seek to prevent any degradation in water quality in the Riverway. It provides habitat for a wide variety of native mussels, including State- and Federally-listed threatened and endangered species. Recent studies on the St. Croix show that a decrease in juvenile mussels is significantly correlated to an increase in fine sediments (sand).

The EAW indicates that erosion and sediment control measures and best management practices would be incorporated into the project. This is standard language that appears in all proposed construction projects, yet sedimentation of the St. Croix River remains a major problem. Despite the best intentions for preventing erosion and sedimentation, in practice control measures often fail or are not properly maintained through the life of a project. Given the location of the proposed mine location on sandy soils and bluff lands bisected by ravines draining towards the St. Croix River, erosion and sediment control would be a challenge.

Visual Impacts:

The EAW states that gravel processing equipment will reach 25 feet in height, with stockpiles up to 50 feet in height, and both will be placed in lower areas of the mining operation. The document goes on to state that they are not expected to be visible from the St. Croix River, but little information is given as to how this was determined. We recommend that a viewshed analysis be performed using GIS technology to determine the extent of visibility. The NPS would be concerned not only about the appearance of the mine from the Riverway, but also from Hwy 95, a Minnesota Scenic Byway, and Hwy 97. Both highways serve as “gateways” to the Riverway, providing panoramic views of the St. Croix Valley. This initial impression is important to the overall visitor experience when visiting the Riverway and enjoying all the recreational opportunities the St. Croix Valley has to offer.

Cumulative Impacts:

The discussion of cumulative impacts in the EAW is cursory. According to the Minnesota Rule cited in the document, the cumulative potential effects of related or anticipated future projects should be considered. The EAW states only that that “there are no future projects, planned or foreseeable, which would involve mining (emphasis added) at this site. The reclamation will

leave the site in a condition ready for ultimate development. However, the parameters of the development have not been established...” The language in the Minnesota rule does not indicate that only future projects of the same type need to be included in the cumulative impacts analysis. If development of any type (residential, commercial etc) is anticipated, its environmental effect should be analyzed in the EAW.

The EAW states that site restoration will include “grading to obtain grades and to establish vegetation consistent with the City of Scandia’s Zoning and Land Use regulations.” No information is given on whether the grades would approximate original contour, whether native species will be planted, or what methods would be used to prevent the spread of exotic plants. Additional information should be developed for the restoration plan.

In summary, the NPS does not believe that the EAW provides sufficient information for the City of Scandia, as the Responsible Government Unit, to reach an environmentally-informed decision. We would further suggest that the proposed gravel mine may not be compatible with the purpose for which the Riverway was established, particularly the protection of its recreational value and water quality.

We look forward to continuing to work with the City of Scandia and others, as intended under the Wild and Scenic Rivers Act, to protect the Riverway. If you have any questions, please call Jill Medland of our staff at 715-483-2284.

Sincerely,

A handwritten signature in black ink that reads "Christopher E. Stein". The signature is written in a cursive style with a prominent loop at the beginning of the first name.

Christopher E. Stein
Superintendent



3 February 2009

Public Commentary for Tiller Corporation and Zavoral Mining

We attended the meeting this evening and want to thank the planning commission and council for the opportunity to learn about this significant project. We wish to submit our questions and concerns.

We heard many negative impacts from this proposed mining operation but nothing about any favorable impacts, if any, for the city of Scandia and its residents. How will the presence of this mining operation benefit the citizens of Scandia? Are there any potential long term costs to the city?

The geologist stated that the land would be mined to within 30 feet of the water table. Is that remaining 30 feet gravel? What are the contaminants from the mining processes and asphalt reprocessing and how quickly will they enter the St Croix River through the many streams we learned are present along the bluff?

How will the presence of a mining operation affect the property values in Scandia?

We were most alarmed learning that the previous mining operation resulted in permanent damage to the St Croix River. We feel this fact alone would recommend that an Environmental Impact Statement (EIS) be completed before consideration is even given to allow resumption of any mining activity.

Our personal feelings are that Scandia, as a community, has a responsibility, to its residents, our heirs as well as all citizens who enjoy the river valley, to protect the health and vitality of the wild and scenic St Croix River Valley. Therefore we strongly recommend that the city request an EIS.

Respectfully submitted,

David Addis & Mary Zink

David Addis and Mary Zink
21670 Oland Ave
Scandia