August 10, 2012

Ms. Anne Hurlburt, City Administrator
Mayor Simonson and City Councilmembers
City of Scandia
14727 209th Street
Scandia, MN 55073

Re: Zavoral Mining Project Final Environmental Impact Statement

Dear Ms. Hurlburt, Mayor Simonson and City Councilmembers

I write to share my view that the Final Environmental Impact Statement for the Zavoral/Tiller Mining Proposal is inadequate in both procedure and completeness (coherently answering and resolving the conflicts between citizen questions, expert testimonies, and statement/positions within the earlier DEIS and EIS.)

Procedurally, I am deeply concerned that the Planning Commission, a body whose job is to "review land development applications for conformance to the City's Comprehensive Plan and Development Code, and **make recommendations to the Council**," has not, to my knowledge, been asked to make a recommendation about the Zavoral/Tiller Mining Proposal – or has the Commission been asked not to make a recommendation on this most important issue?

The Commission routinely votes on - and passes recommendation along to the City Council on issues ranging from maximum lot coverage of proposed projects and garage setbacks, to the Comprehensive Plan and Guidelines for Protection of Scandia's Important Scenic Vistas.

I cannot find that the City Council has officially asked for, or received in any official manner, the Planning Commission's advice and recommendation about the Zavoral/Tiller FEIS, in spite of the fact that the Commission has spent three years diligently holding hearings, going through data and hearing community and expert testimony on issues raised by the proposal. Where is the Planning Commission's recorded vote, or transmittal document, of their recommendations about the Zavoral/Tiller FEIS? What is the Planning Commission's recommendation to the City Council? If this procedural step has been forgone in considering this clearly important project proposal, it seems, to me, to be a malfeasant oversight.

As to completeness, the FEIS might seem to many to be very methodical, and I would be the first to say it's voluminous, but being voluminous doesn't necessary make it thorough or complete. I feel that many questions from citizens and experts brought forward during the EIS process have not been fully or adequately answered. Especially where experts opposed earlier statement in the EIS process supported their testimony with facts and figures, the FEIS often holds fast with generalizations, or restating previous arguments, or doesn't get the research done to address the question thoroughly with facts and figures, or resolve the issue.

One case in point. The FEIS still misses a critical issue about mining depth and water resource impact on Crystal Spring/Zavoral Creek trout steam. The FEIS has still not adequately addressed the question about the proposed mine's effect on the springs, seeps and trout steam. The proposed depth of the mining will reach into and below the depth of the seeps that gives life to Crystal Spring and the seeps that flow out of the southern mesic cliff that wraps the north and east side of the proposed mine.

Under 4.10, Surface Water Quality and Quantity, Separation from Ground Water response on page 44, the FEIS states:

> *Depth of Mining*
> *As stated in the DEIS, Tillers mining plan shows depths of mining ranging from approximately 10 to 70 feet depth. Tiller does not propose to excavate below the groundwater table… In fact, the depth from the maximum full base of the mining excavation to ground water would range from approximately 25 to 50 feet.*

But back on page 40, under Surface Water and Quality, General, the FEIS states:

> *Data provided in the DEIS and through site observations indicate that Zavoral Creek is fed by* ***seeps*** *(*emphasis added*). Infiltration of surface water that feeds seeps has the potential to alter the current environment of the stream.*

It is critically important to understand, that Crystal Spring/Zavoral Creek does NOT arise from a "ground water table" as commonly defined, but is given birth and sustained by seeps that emanate from all around the north and east sides of the proposed mine. These seeps are above the ground water table. Though I have repeatedly asked that a survey be done to determine the level of the springs that give life to the trout steam, relative to the proposed mining depth, this data has not been forthcoming as part of the EIS or FEIS. Stating that mining of "10 to 70" feet … [and that a] full base of mining excavation to ground water would range from approximately 25 to 50," IN NO WAY answers the specific question of whether the proposed mining operations would adversely impact or kill the trout stream. The seeps are geologically/topographically significantly higher than the ground water depth.

What happens to the trout stream when the water source for Crystal Spring and the seeps that give the trout stream life are laid open or polluted by close proximity to such a wound as the proposed gravel mine? What happens to the unique ecosystem of the mesic (cool damp) cliff/ravine?

Another area I don't feel has been adequately answered is the cost/benefit question. City Council, in its fiscal responsibility, must have a hard lock on the cost/benefit figures to inform your decision; where is the spreadsheet? Though the process has quantified the potential tax income to Scandia, should the proposed mine become operational, I still don't believe that it has adequately identified and quantified all the costs of the project that must be borne by Scandia – or someone; e.g. additional traffic and/or warning signage, moving or terminating the bikeway adjacent to the proposed mine, road repair necessitated by the truck traffic and gravel debris (of note as bids were recently requested for the 2012

Scandia Seal Coat and Bituminous Patching Project), and loss of tax valuation in the area (there has been expert testimony calling into question the draft EIS's finding of only a modest drop in adjacent property values. (Imagine living next to the gravel pit for 10 years – or on the hauling route. The drop in value is most certainly more than 5%.)

Certainly the soft costs/benefits are harder to quantify – but ultimately part of your decision must be based on quality of life issues for residents, wildlife and flora in the adjacent area, noise effect on quiet river traffic, the scenic quality of Scandia's approach to the St. Croix (at best a raised mound – proposed to try and mask mine operations from view and deaden some of the sound, but really obliterating the view of the scenic valley from HW 97, the gateway to the St Croix Wild and Scenic River valley and HW 95 Scenic Byway.

The "Final" Environmental Impact Statement is inadequate as currently written, and needs significantly more work – unless you believe, as I do, that it already shows that this propose project should not proceed.

Thank you for your time and careful consideration of this critical issue.

Gregory Page

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