

12

Kristina Handt

From: dwyer.kieran@dorsey.com
Sent: Wednesday, December 19, 2012 1:52 PM
To: k.handt@ci.scandia.mn.us
Cc: Brown.Andrew@dorsey.com; ketuenge@frontiernet.net
Subject: Zavoral Mining and Reclamation Project - TA-COS Proposed Findings of Fact and Recommendations
Attachments: TA-COS Proposed Finding of Fact.pdf

Dear Ms. Handt,

On behalf of our client Take Action – Conserve Our Scandia, I submit the attached Proposed Findings of Fact and Recommendations to the Scandia City Planning Commission in the matter of Tiller Corporation’s Application for a Conditional Use Permit for the Zavoral Mining and Reclamation Project.

Sincerely,

Kieran P. Dwyer
Associate

.....
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Suite 1500, 50 South Sixth Street
Minneapolis, MN 55402-1498
P: 612.492.6536 F: 612.677.3254
.....

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CITY OF SCANDIA

CITY PLANNING COMMISSION

**IN THE MATTER OF TILLER
CORPORATION'S APPLICATION
FOR A CONDITIONAL USE PERMIT
FOR THE ZAVORAL MINING AND
RECLAMATION PROJECT
SCANDIA, MINNESOTA**

**PROPOSED FINDINGS OF
FACT AND
RECOMMENDATIONS**

PROPOSED FINDINGS OF FACT

1. The Tiller Corporation, Inc. (Tiller) proposes to operate a sand and gravel mine (Project) on the Zavoral Site, a 114-acre site located along St. Croix Trail North (State Trunk Highway [TH] 95), a State Scenic Byway, near the intersection with TH 97. Tiller proposes to mine and reclaim 64 acres of the Zavoral Site, including 55 acres which were previously disturbed by mining and a previously undisturbed 9-acre area. The proposed Project site is located adjacent to the Lower St. Croix National Scenic Riverway as designated by the Wild and Scenic Rivers Act (16 U.S.C. §§ 1271-1287). Tiller proposes to extract sand and gravel at the Zavoral Site, load it into trucks and transport it to other locations for use and/or processing.
2. Tiller submitted an application for a Conditional Use Permit (CUP) to the City on November 25, 2008 for the Project. The City suspended review of the CUP for preparation and review of an Environmental Assessment Worksheet (EAW).
3. On March 3, 2009, after reviewing the EAW, the City of Scandia concluded the project had potential for significant impacts and an Environmental Impact Statement (EIS) was needed. The City approved the final Scoping Decision Document for the EIS in April 2009 and a revised Scoping Decision Document in January 2010.
4. The City and its consultants completed the Draft EIS and published its availability in March, 2012. The City received comments on the Draft EIS and revised the draft based on the comments to produce the Final EIS. The City determined the Final EIS was complete on September 25, 2012. Tiller Corporation revised its CUP application based on the Final EIS and submitted the application and required submittals to the City on October 9, 2012. The City determined the revised CUP application was complete for review on October 23, 2012.
5. To receive a CUP, Tiller must demonstrate that the Project will comply with the requirements of the City's Mining Ordinance and Development Code. The City's Development Code sets forth seven criteria Tiller must satisfy to receive its CUP. Scandia Development Code, Chapter 1, Section 8.4. These criteria are:
 - (1) The conditional use will be in compliance with and shall not have a negative effect upon the Comprehensive Plan, including public facilities and capital improvement plans.

- (2) The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
 - (3) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values or scenic views.
 - (4) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - (5) Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 - (6) The conditional use shall conform to the applicable regulations of the district in which it is located and all other applicable standards of this Chapter.
 - (7) The conditional use complies with the general and specific performance standards as specified by this Section and this Chapter.
6. With respect to the first criterion, Tiller has not demonstrated that the Project “will be in compliance with and shall not have a negative effect upon the Comprehensive Plan.” Tiller’s Project is not in compliance with and will have a negative impact on both the 2030 Comprehensive Plan currently in effect and the 2020 Comprehensive Plan (adopted October 20, 1998) in effect at the time Tiller submitted its application in 2008.

The Project does not comply with and will have a negative impact on the 2030 Comprehensive Plan. The 2030 Comprehensive Plan prohibits mining at the Zavoral Site. The Project will be in direct conflict with the prohibition on mining. The Project would also negatively impact the 2030 Comprehensive Plan’s goal to limit mining to existing sites, which does not include the Zavoral Site.

The Project will have a negative impact on the 2020 Comprehensive Plan. The 2020 Comprehensive Plan established a goal to limit development of rural areas, including the Zavoral Site, to agricultural and residential uses. *See* 2020 Comp. Plan at 43, 52. Because the 2020 Comprehensive Plan considers mining a commercial use, the Project will negatively impact the 2020 Comprehensive Plan’s goal of restricting development to preserve the City’s rural character. *See* 2020 Comp. Plan at 17. In addition, the 2020 Comprehensive Plan determined Scandia’s natural landscape, in particular, the St. Croix Valley, was its “most precious asset” and gravel sites should be reclaimed rather than mined. *See* 2020 Comp. Plan at 27. Because the Project will disturb previously un-mined forest along the St. Croix River, will mine land which Washington County determined has already been reclaimed, and will further disturb Scandia’s natural landscape, the Project will have a negative impact on the 2020 Comprehensive Plan. The Project’s proposed mitigations, including the proposed reclamation, are not sufficient to mitigate the harm to the 2020 Comprehensive Plan because the mine is incompatible with the

agricultural and residential uses determined by the 2020 Comprehensive Plan to be consistent with the rural character of the area.

7. With respect to the second criterion, Tiller has not established that the Project's traffic impacts "will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort." Based on the EIS, expert testimony presented to the Planning Commission, and public comments on traffic safety, the Project will have a negative impact on public safety. Tiller has proposed an entrance for the Project located at the TH95/TH97 intersection. The EIS determined the Project will result in 334 to 696 trucks passing through this intersection per day on average and up to 736 trucks per day passing through the intersection during peak operations. EIS at 4-63. As a result, the EIS determined traffic would become unstable at the TH95/TH97 intersection during rush hour. EIS at 4-66-67. In addition, testimony from a professional traffic engineer established that the Project will result in a 350% increase in the threat of severe or fatal traffic collisions at the TH95/TH97 intersection. Comments from numerous Scandia residents also show that the TH95/TH97 intersection already suffers from significant safety concerns that should not be aggravated by the addition of the Project's high-traffic access. Therefore, the Project will be detrimental to public safety. The Project's proposed traffic mitigations are not sufficient to eliminate this threat.
8. With respect to the third criterion, Tiller has not established that the Project "will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted." The EIS determined that the Project will result in industrial mining noise being audible on the St. Croix River. The National Park Service has determined the predicted level of noise on the St. Croix River will exceed the National Park Service's standards for acceptable noise levels on the St. Croix River and the Project will have an unacceptable impact to the nationally protected river. The National Park Service, as the federal agency responsible for preserving the St. Croix Riverway as part of the National Park System under the Wild and Scenic Rivers Act, is the expert on acceptable impacts to the St. Croix Riverway. Therefore, the Project will injure the use and enjoyment of the St. Croix River in the immediate vicinity by creating industrial noise audible on the river in violation of the federal noise standards. The proposed noise mitigation measures are not sufficient to eliminate the injury to the enjoyment of the St. Croix that will result from the Project.
9. With respect to the third criterion, Tiller cannot demonstrate that the Project will not "substantially diminish and impair property values." The EIS determined the Project mine will cause homes within ¼ mile of the mine to lose 2-5% of their value. *See* EIS at 4-11-13. The loss in property values will result from dust, noise, truck traffic, and impairment of scenic views caused by the Project. *See* EIS at ES-10-30. The EIS determined these impacts affecting home values cannot be mitigated. ES-10-30. To an individual homeowner, the 2-5% loss in home value is a significant personal financial loss if the homeowner sells his or her home. Therefore, the Project will substantially diminish and impair home values. The proposed dust, traffic, and noise mitigations are not sufficient to prevent the harm to home values.

10. Tiller has failed to demonstrate the Project will comply with the requirements of the City's Mining Ordinance and Development Code. The Project, even with mitigation measures, cannot meet the criteria in Chapter 1, Section 8.4 of the Development Code and is contrary to the best interests of the City and the community. Therefore, Tiller is not entitled to receive a CUP for the Project.

PROPOSED RECOMMENDATIONS

For the reasons set forth in the foregoing findings of fact, the City Planning Commission recommends Tiller Corporation, Inc.'s application for a Conditional Use Permit for the Zavoral Mining and Reclamation Project be denied.

Planning Commission Chair
Christine Maefsky

ATTEST:

City Clerk/Administrator

**Joint Submission to the
City of Scandia Planning Commission
December 19, 2012**

This document is submitted as part of the public record in the matter of the proposed conditional use permit (CUP) requested by applicant Tiller Corporation to re-open and extract gravel from the Zavoral mine located near the intersection of State Highways 95 and 97 in Scandia, Minnesota.

The entities submitting this document are the Friends of Scandia Parks and Trails (the Friends), , National Parks Conservation Association (NPCA), the St Croix River Association (SCRA), and Take Action – Conserve our Scandia (TA-COS). Each of these entities separately presented to and submitted its own documents at or prior to the Commission’s public forums on December 4 and 12, 2012. This document does not supersede those prior submissions. Instead, this is intended as a summary listing of the shared positions on the CUP held by the four.

For the following reasons the Friends, SCRA, TA-COS, and NPCA together urge the Planning Commission and the Scandia City Council to deny applicant Tiller’s request for a CUP:

1. The applicant has not met the burdens imposed on it by the City of Scandia Development Code. Most specifically, applicant has failed to demonstrate that the mine will “promote and enhance the general public welfare” of the City of Scandia. To the contrary, the evidence and testimony submitted clearly demonstrate that the mine will “be detrimental to or endanger the public health, safety, morals or comfort” of citizens of Scandia and the natural environment. *Development Code Chapter 1, Section 8.4(2). Other Code standards not met include those contained in Chapter 1, Sections 8.1, 8.4(1), (3) and (4); 8.5 (1), (4), (6), (7), and (10); and Section 5.9 (the mining ordinance’s section on surface water protection).*
2. The acceptance by the Scandia City Council of the Environmental Impact Statement does not require that the Council later approve the proposed CUP. The Minnesota Environmental Policy Act states that after acceptance of the EIS “the permit decision shall include the reasons for the decision, including any conditions under which the permit is issued, together with a final order granting **or denying** the permit.” *Minnesota Statutes, Section 116D.04, Subd 3a.*
3. The adoption and amendment of the city’s Development Code and related zoning and other ordinances are **legislative** actions of the city. As such, they can be amended by the city and applied retroactively to pending matters such as this CUP application. *Kraemer Mining and Minerals, vs. City of Sauk Rapids, et al., Minnesota Court of Appeals, July 5, 2011.* Under the city’s most recent Comprehensive Plan (“2030”) any mining use on the affected property is absolutely prohibited.
4. Even under the prior Comprehensive Plan (“2020”), the proposed mining activities violate the Development Code sections referenced in #1 above because the proposed activities do not “promote and enhance the general public welfare,” and they will “be detrimental to or endanger the public health, safety, morals or comfort.” Finally, the proposed mining activities are not consistent with both comprehensive plans’ emphases on preserving the city’s rural character and preservation of natural and scenic area. *See the record of the public hearings of the Planning Commission for December 4 and 12, 2012, the 2020 and 2030 comprehensive plans, and the following paragraphs.*

5. The proposed mining location abuts the St Croix National Scenic Riverway, a unit of the national park system. Projected noise levels for the mining activity will adversely affect the experience of users of the Riverway and would violate applicable federal noise standards. Because the proposed mine will damage the recreational use and enjoyment of the River, it violates the city's Development Code, Ch. 1, Section 8.4(3) *Testimony at the December 4 hearing by National Park Service representatives, and relevant federal noise standards for national parks.*

6. Given its location and scale, the proposed mine will threaten and impinge upon ecological systems, native species and habitats of local to international significance. Nine acres of woodland will be damaged, which the Minnesota DNR describes as "a native plant community rare in the St Croix Valley," and "a loss of biodiversity value." Vulnerable and rare features known to occur on and near the mine site include but are not limited to: a native brook trout stream that meets standards for state designation, documented occurrences of Louisiana water thrush and butternut trees (both special concern species), and federally endangered mussel species 2000 feet downstream in the St Croix River. The proposed mine is located in a landscape that contains several other designations of significant value, including a MnDNR-designated Regionally Significant Ecological Area, the Rustrum Wildlife Management Area, and St. Croix Bluffs Important Bird Area. Such threats or destruction will not "promote and enhance the general public welfare" as required for a CUP. *Testimony at both the December 4 and 12 hearings, MnDNR statements, and Chapter 1, Section 8.4(2) of the Development Code.*

7. The use of a single well to establish critical groundwater data is contrary to basic principles of hydrogeology, especially when there is not a well in the "paleo-channel" identified as a major contributor to the blow-out at the site in years past. This defect is compounded by reliance in the EIS of outdated and imprecise maps and hydrogeologic data. These risks are magnified by the "very real expectation of a 10 inch storm event during the period of mining operations at the Zavoral site" and the strong possibility that "increased recharge on the Zavoral site could reactivate the prior blow-out area by raising the local water table, saturating the surficial sediments and weakening their cohesive strength." *Recent research by Scott C. Alexander of the Department of Earth Sciences, University of Minnesota, dated and submitted to the planning commission on December 12, 2012; Chapter 1, Section 5.9 of the Development Code (the mining ordinance), and the Minnesota Environmental Policy Act.*

8. Increased truck activity generated by the mine will adversely affect public safety along state Highways 95 and 97, and Lofton and Manning county roads. While the actual number of trucks using these roadways will depend on the approved period of mining, and they may be partially offset by promised traffic reduction from other Tiller sites, there is no question that the number of heavy trucks using the roadways will increase the likelihood of auto and pedestrian accidents. A March 2011 survey of Scandia Elementary School parents (46% response rate) cited speed of traffic (#1 ranking 77%), amount of traffic along route (#3 ranking 72%), and safety of intersections and crossings (#4 ranking 56%) as major traffic safety issues at the school. These concerns related to **then current** conditions; they obviously do not reflect the increased traffic to be generated by the mine. This survey rebuts the assertions of the Scandia city planner alleging that there are no safety concerns at the school about the increased truck traffic. *Scandia Elementary PTO survey, expert testimony presented on December 4, and statements by an abutting landowner.*

9. The Scandia city council and planning commission need not determine that every one of the above points would separately justify a denial of the CUP. Instead, the council and commission may use a **cumulative** standard. Taking together the cumulative potential effects of all the threats summarized in

this document, the applicant has not met its burden of establishing that the mining will “promote and enhance the general public welfare.” Instead the law and evidence suggest that the proposed mining activity “will be detrimental to or endanger the public health and safety” of the community, its citizens and the natural environment and will be “injurious to the use and enjoyment of other property in the immediate vicinity.” *The Development Code, Ch. 1, Secs. 8.4 (2) and (3), the Minnesota Environmental Policy Act, MN Administrative Rules Chapter 4410 implementing the Act; and 2010 MNEQB Guidelines.*

Based on all of the above, the undersigned as representatives of the four entities and the other individuals listed below respectfully contend that ***the applicant has not met its burdens under Chapter 1 of the Scandia Development Code. The risks are too great, and the consequences too severe. The conditional use permit must be denied.***

Friends of Scandia Parks and Trails, by
/s/ Sonia Borg, Scandia MN, Board Chair
/s/ Tom Triplett, Scandia MN, Board member

National Parks Conservation Association, by
/s/ Christine R. Goepfert, Upper Midwest Program Manager, St. Paul, MN

St Croix River Association, by
/s/ Peter Gove, North Oaks MN and Osceola WI, Board Chair
/s/ Bill Clapp, St Paul and Scandia MN, Board member
/s/ Randy Ferrin, Scandia MN, Board member
/s/ Sally Leider, Scandia MN, Board member

Take Action – Conserve our Scandia, by
/s/ Kristin Tuenge, Scandia MN, Board Chair
/s/ Pamela Arnold, Scandia MN, Board member
/s/ Lisa Schlingerman, Scandia MN, Board member

Other persons who contributed to and support this document:
/s/ Laurie Allmann, CMSCWD resident, May Township MN
/s/ John Herman and Diane Herman, Minneapolis and Scandia MN
/s/ Susan Rodsjo and Paul Rodsjo, Scandia MN

Please Submit as
"initial handwritten draft"
due time / schedule constraint

To:

City of Scandia

Purpose:

inclusion to public record
testimony for the

Tiller ~ Zavoral

C.A.R. mining application

December 19th 2012



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Mi Ahrudt

21770 Olinda Lane

Scandia, Minnesota

55073

December 19th 2012

To: City of Scandia, Minnesota
Planning Commission Board

In regards to

Subject:

Matters surrounding the Tiller / Zavoral
Conditional Use Permit for mining operation

Dear Planning Commission Members,

Who I am is really very unimportant.

I, just a citizen whom has entered into a fifth decade
of residency within this community.

It is what I bring forth, as follows, which is
most imperative.

Thereby, I provide to you, for public record
"this declaration", as deep personal concernment
over any consideration of this proposal.

I, as well, am including for public record, a further
declaration from the capacity of my lifes work, as
itancauka pejuta aglaya (Leader and Caregiver)
to the indigen nations, as this is
intricately relative to this matter.

In unified posture, the coalescent message of the countless numbers of souls which shall be directly effected in the very deepest of ways, is something which shall be incredibly difficult to express by use of the english language. perhaps indiscernible to most in our main stream society.

Yet, it is extremely critical to the future for all of us.

However, not a single one of which have been given allowance to be heard --- ~~the voice~~ ~~of the~~ --- afforded no opportunity to exercise the God given right of expression --- A voice to speak out against that which poses harm to ones wellness

I pray for Divine aide and guidance, that I may successfully fulfill this given responsibility to their collective satisfaction.

tehiX WAS tekila Mitakuye Oyasin



Throughout the discourse of these proceedings --
I/we have listened intently & respectfully to
each and every participant.

I/we have been given the postural reports from
all levels of government entities.

We have received very comprehensive complex data
reported from a multitude of highly credentialed
experts --- expressing "real" - "perceived" and
"highly potentialled possible result" due this
specific activity @ this specific location, ---
which "shall" - ~~or~~ "perhaps" ~~or~~ "quite possibly"
occur ~~is~~ speculation (?), yet educated opinion
has to be valued.

base upon
fact - experience - history

We have been given the position and promises
of a ^{non-resident} business applicant who is wishing to use
our community for its source for primarily
great personal monetary gain.

Mind You, a very typical & primary goal
of business philosophy.

We have also witnessed a huge outpouring of personal emotion shared from throughout our small community, and beyond, by friends - neighbors - & others whom love & cherish the very special spirit of this river 

Additionally, I have interviewed other citizens from around our area, who have not presently been heard from pertaining the personal impact this shall have upon their lives & wellbeing.

Although we have received our governmental instructions that we must examine & conclude our dilemma by fact alone, --- and by that same governmental decree "common sense" and accompanying accumulative negative impact, --- shall have no accounting in this matter !!!

I beseech you to please allow this,

In broad conclusion, it must certainly be agreeable that we have numerous points of contention. ^{predominantly}

and that nearly all are subject to the inevitable influences of interpretation ~ opinion of degree/s ~ speculative beliefs regarding occurrence and levels of impact, and etc, and etc, and etc.

However - Let us be perfectly sound in thinking and cognizant of reality ---

that any advocacy for C.U.P. approval which pushes aside all these accompanying factors as "subjectivity" ---

Does not in anyway dismiss their reality, nor the fact that they will have impact!!

^{Activities} Certain ~~activities~~ ^{Producing} conditions ^{environmental} producing
4) Enormous potential for catastrophic event including
^{creating} irreparable damage to Critical ^{water} habitat and ^{A National} scenic wild river
irreparable
engaging activity certain to ~~produce~~ ^{create} conditions ripe ^{for} ~~the~~ ^{potential}
for cause of enormous catastrophic environmental event

This water quality susceptibility and volatility

The volatility of ground water conditions, particularly
at this location, ~~is~~ ^{likely} greatly elevating ~~the~~

Water Quality susceptibility ~~is~~ has been
^{well} ^{documented} ^{in a report} ^{by} ^{Dr. Scott C. Alexander, Dept of Earth} ^{Sciences}
U of Mn.

5) Imposition of this Industrial activity will have
adverse impact to tourism ~~desirability~~ ^{by} ~~lessened~~ ^{to} travel this route
or visit the greater community.
as outlined in Marine ^{and} ^{Coastal} Business experiences testimony.
Any loss of revenue ~~causes~~ ^{causes} risk to business sustainability

6) Accumulative impact will have ~~certain~~ ^{surely} diminishing effects
on marketability - saleability & therefore property value.
~~Private source~~ ^{Real Property} experts ~~from~~ ^{from} a multitude of real Property
~~have run~~ ^{have run} numerous models based upon existing history ~~from~~ ^{from} an already Soft
~~base~~ ^{interior} ^{Projected Data} ~~from~~ ^{from} an already Soft Scandinavian Market



The BASILICA LANDMARK

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→ has shown model calculations

~~shows calculation models~~ 2008

reflecting in many cases 20%

to some rising 30%

reduction in value.

May be \$279,000 of property

likely demand a sale in certain instances of \$195,300

as per model data. Example expressing 30% loss in value.

→ what might be the fallout of affected levels be on tax base?

on City Services?

on business livelihood, etc

What of the quality of life we have come to know in this community?

How much shall we jeopardize for the monetary gain of a sole recipient and any isolated business?

8
If the aforementioned were not reason enough
to immediately abandon such a preposterous notion
let us visit ~~quite perhaps~~ more thoroughly
~~the "beyond all doubt"~~ ^{quite possible} ~~most important~~ factor
of "all". The magnificent ^{the most weighty} St. Croix Riverway!
So extraordinary --

It has a spirit of its own.
Majestic and powerful yet tranquil, welcoming
even mesmerizing in the ways it ^{profoundly} captures the soul.

Most, if not all, our citizenry have touched
upon ^{their deep personal connection to} this magical treasure!

But It can not be claimed by Scandia as a
treasure of its own. ^{nor} ~~It~~ is it ~~not~~ ^{over} the treasure
of ~~the entire~~ ^{River valley} Community's to ^{pick & choose} parcel ~~& portion~~
^{for any} ~~of the~~ ^{coalescent} into convenient little segments ^{as their exclusive claim} of ~~their choosing~~ ^{to claim}.

It is ^{an} absolutely "Divine Creation", gifted
to "all".

These Communities nestled within its ^{wondrous} aura,
have the immense fortune, ~~and~~ as well as the
enormous - inescapable responsibility ^{for its}
deserved excellence of Stewardship. 1/18
10/18



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City of Scandia, you do not own
this river to treat as you please!

The Soul of this river owns you!

allow impairment of this magnificent creation
in any way & you shall bring enormous harm
upon yourself.

Quite likely irrevocably in degree.

She is priceless & irreplaceable. ~~undisputed~~

excrutiatingly careful measurement of this ^{most} risky notion
Must be weighed against your primary, perhaps even
sole responsibility, ~~of~~ ^{that} the Well-being - wellbeing to your
constituency & the greater ~~public~~ ^{viewing} ~~public~~ ^{from far off lands} ~~who~~ ^{are} ~~are~~ ^{focused} ~~here~~
upon this issue in Scandia Minnesota.

Failure in this ^{monumental} responsibility ~~shall not be appealing~~
→ Can be argued in Minneapolis, MN 55405. PHONE 612.371.3421. FAX 612.371.9776
~~www.thebasilicalandmark.org~~
~~in our region~~

One of our most prominent and enormously respected citizens spoke ^{very} profoundly near the end of December 12, 2012 public hearing session with words ~~at~~ pointing to global accountability and the requirement of moral excellence of behavior.

There is no gray matter to be looked upon here.

The righteous choice must be ~~the~~ selected in order that we ensure our children and grandbabies and those yet unborn, ~~the~~ experiences at least as wondrous as those which have blessed us, by this ~~Riverway~~ Sacred?

Our illustrious resident went on to speak with a

~~highly~~ Kindred understanding describing the spiritual energies of ~~the~~ ground along this holy riverway.

And so ^{Dear Scandia friends} here is the pathway to ~~the~~ extraordinary resolve of this massive contentious problem ---

It is here & now upon this exclusive righteous path that your City ~~and~~ your community --- your region --- your state will find great wellness.

As preparations are underway for a broader announcement, the demands of your scheduling ~~and~~ the overall desires of our organization's to extend complete respect -- consideration -- and caring to the River Valley Community, as an

9/19B
over



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friends - neighbors & allies, ---
~~It~~ has necessitated that we provide
just a little glimpse in pre-view
of what is "in-store" for this new cycle

directly before us.

If I may beseech the undivided attention
of the community of Scandia Minnesota ---
~~as~~ as well as all those beyond who may
feel the authenticity in my words and may
wish to catch a brief glimpse into the
unfolding of sanctity --- as destiny continues
its manifestation.

To begin, we must start with the unshakable foundation. ~~that~~

Please completely - thoroughly - & profoundly recognize that this ~~land~~ ^{land} we speak of, is absolutely hallowed ground to the indigenous peoples!

→ ~~this sacred fact was established, long-long before America was~~ ^{even a thought.}
~~an~~ fact that is inherently obvious to

all our ~~for~~ respectful & caring friends - allies - and relations whom continue to connect with it.

- For all those who function solely within a self perspective field, --- Hear Me Well. -

Hear Me Now! 

--- every old growth tree,
--- every rooted relation,
--- every earth bound creature,

receives the nourishment of life sustenance

from the very dust of our ancestors whom have

~~chosen~~ ^{of final rest,} chosen this most sacred ~~place~~ ^{place} to return their physicalness to our earth mother, and return home to the real world.

 The grave sites of those relatives are ^{most} sacred!
perhaps they were a ~~great~~ ^{great} many
certainly they were too numerous to count,
and there ~~was~~ ^{has} been ~~SAP~~ too much carelessness for that concern or
calculation,
and of little ^{to no} necessity where monetary gain
is to take ^{the} place.

And so, complete devastation was the result
--- desecration beyond belief
--- absolute atrocity -- which is totally
unbearable for many of us to even imagine.

Scordia,

You have previously participated
in the defiling of "sanctimonious ground"
@ this very same site!!!

Is there a possibility which ^{actually} exists ... some distorted
belief
that further desecration might somehow be acceptable?
I beg you to awaken 

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That very notion of conduct, would clearly represent a continued mentality of this states self perceived leadership ~~of~~ long ago, ^{with} ~~conduct~~ that ~~is~~ ^{sestred} right here where we live now, in what ~~had~~ ^{come to be} then known as "The Wisconsin Territory"

(This area was ~~the~~ Wisconsin Territory at the DAKOTA Treaty Signing of 1837)

This ^{general} immorality in ~~the~~ behavior ~~led~~ eventually led to a horrific war of 1862.

My family, on both, ~~the~~ Euro settlers & ^{indigenous} Dakota Native Peoples sides of my ancestry, yet to this very day pays an enormous price for this most foolish authority.

I / we must draw "the line of total resistance" here & now upon the boundaries of this most holy ground.

Respectfully I ask - what else ~~can~~ ^{any of} can we do? what would you ^{of} do in the some circumstance? what ^{else} do you leave us with for ^{alternative}?

13

~~It~~ there is to be re-ignition of conflict...

it shall be continued over virtuous ground
& upon GODS terms... as our ^{Divinity} Ally
~~great~~ absolute wisdom is our guide ---
Confidence ours!

You are wondering how this mining topic
can be relative to those historical events...?

They, along with other higher relationships,
contextually encircle one-another as
the body of a single tree has many limbs and
~~branches~~ branches.

Here is your window people...

Reclamation is a term used quite frequently
in these situations.
Can you not recognize its foul ~~connotation~~ connotation?

There is specific vileness to its use.

We will speak only of ~~renewal~~ re-newing
for when an important thing is broken beyond repair
- we must return to the beginning & start over,
with knowledge of a better way, "re ~ new"
which yet remains desirable and necessary

13

There is but one way to achieve this desirable thing...
"LAKATAI PAKHUKH WAKAH" ~

There lies the complete resolution to your ^{perceived} dilemma
--- the healing antidote
--- a great medicine, manifesting derivation of ^{welfare} benefit
to this entire Sacred river valley! 

I speak of jobs --- careers --- opportunity abounding.

~~not a single scoop of sand --- not a single truck~~

not a single ~~trucking~~ truck --- hauling a single
scoop of sand shall be necessary  

--- as an acorn becomes a forest ---

the drop of rain an ocean ---

& A first step ~ A Life's Journey

So shall December 27th 2012

become an amazing rebirth ~~and~~

a new beginning ---

re - a new all which was broken 

Sincerely & Respectfully

Makota

XXXXXX

I+XHXHX

XHXHXHX YAXXHXHXHX YXHX XHXHX

Scandia ~ Maine ~ Copsewog ~ Doctah
Mni'sota

copy: World O Wellness Foundation
Manjipila Oyate Wakan Ministry
Sacred St. Croix River Leadership Alliance
Washington County Commissioner
Office of Governor ~ State of Min.