

Comments on Draft Environmental Impact Statement for the Proposed Zavoral Mine and Reclamation Plan, City of Scandia

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Our family owns property on the St. Croix River in Wisconsin within the boundary of the St. Croix National Scenic Riverway, less than 2 river miles north of the proposed Zavoral mine.

Our land is subject to development conditions in a scenic easement negotiated between the previous owner and the National Park Service. The Park Service compensated that owner -- and more than a thousand other property owners along the Riverway -- who agreed to development constraints in perpetuity as part of a congressional mandate to set aside the St. Croix River for the enjoyment of future generations. The negotiation of these easements, plus the acquisition of thousands of acres in fee, were the building blocks to protect land, scenic views and other natural resources of the St. Croix river valley, consistent with the Wild and Scenic Rivers Act. I understand this federal land protection investment was in excess of \$40M in mid-1970's dollars.

From a review of land ownership maps in the area around the proposed mining site, there are properties similar to ours where the federal government, on behalf of all citizens and future rivers users, protected significant portions of river front and bluff acres. It is this investment in landscape protection that the City of Scandia must keep in mind in reviewing this proposed project and draft EIS. Your city, as does Osceola and many other river towns, benefits in terms of property values and tourism by the federal investment in the St. Croix National Scenic Riverway.

I believe you must weight the value of your community's proximity to this unit of the National Park System in evaluating this project, along with other factors in the EIS. Scandia's decision on this proposal will have far-ranging impacts beyond your boundaries and the financial interests of this particular owner and the permit applicant. I urge you to keep the broader community in mind; this is much more than a local decision.

Our family and neighbors along 50th Ave. will be impacted by this mining operation, regardless of the duration of the gravel extraction if the City of Scandia decides to issue a conditional use permit. I defer to the comments of the TA-COS group, St. Croix River Association and the National Park Service on the specifics of the EIS. From my reading of the draft EIS, it is inadequate as a decision document on this project of local, regional and bi-state significance.

One of our 50th Ave. neighbors lived near the river when the property was previously mined. He clearly recalls the dust and noise from the operation. As you deliberate on this matter in the months ahead, the impact of the proposed mining and reclamation project on adjacent property owners in both Minnesota and Wisconsin should be considered, along with the tens of thousands of surface water users of this stretch of the river as they enjoy the relative peace in their canoe, kayak or boat.

I am the current chair of the St. Croix River Association. Our board of directors supports the comments submitted on the draft EIS by Bill Clapp and Randy Ferrin. I underscore the point made in those comments by Messrs. Clapp and Ferrin that the proposed site is just adjacent to and will substantially impact the St. Croix National Scenic Riverway.

As stated above, the elected leaders of Scandia need to consider the potential impacts on this nationally designated area. Our Association is the watershed advocate for the St. Croix River. Land protection is one of our priorities. We recognize that the geology of the St. Croix watershed includes substantial mineable gravel and sand resources. And in fact, considerable gravel mining occurs at present with multiple environmental impacts including extensive road traffic impacts.

As citizens focused on the protection of the St. Croix River and supporting our National Park in the St. Croix Valley - the St. Croix National Scenic Riverway - we are particularly sensitive to mining operations immediately adjacent to the boundary of this unit of the National Park system. As the elected leaders in a community adjoining this protected area, this sensitivity extends to you and your stewardship responsibilities to future generations.

I am also the current vice chair of The Trust for Public Land's Minnesota Advisory Board. The Trust for Public Land (TPL) is a national land conservation organization that works to protect key parcels of land for subsequent sale to a local, state or federal agency for public use and enjoyment. Minnesota and Wisconsin are fortunate to have both The Trust for Public Land and The Conservation Fund (TCF) active in protecting land in this region. TPL and TCF have acquired over the years private properties adjacent to the St. Croix, its tributaries and throughout the large St. Croix watershed. These parcels are now managed for public use by city or county park departments, the MN or WI DNRs and agencies of the federal government.

In addition, the Minnesota Land Trust has worked to protect on behalf of Minnesota landowners tens of thousands of acres of land. MLT uses innovative conservation tools that protect natural and scenic land in cooperation with willing communities and landowners. We donated a conservation easement to the West Wisconsin Land Trust a number of years ago to ensure our St. Croix riverfront land is conserved forever.

In 2008, Minnesotans by a wide margin approved the Clean Water Land Legacy program where sales tax revenue are dedicated for the next 22 years to protect and restore habitat and water quality, and, support parks and trails and cultural resources. The CWLLA funds are in addition to funds available for natural resources projects from the MN Lottery, as recommended to the Legislature by the Legislative Citizens Commission on Minnesota's Resources (LCCMR). Few states have the benefit of similar programs to assist local units of government and community organizations in protecting our natural and cultural heritage.

It has been my view for several years that there can be an alternative solution to the Zavoral property instead of additional mining and the substantial environmental impacts during and after extraction – whatever the length of a conditional use permit - of this sensitive, high value parcel adjacent to the St. Croix National Scenic Riverway.

I propose that the EIS applicant, with the support of the Zavoral family, withdraw their application to mine this property once the draft EIS process is complete. During this hiatus, the City of Scandia would work with the Trust for Public Land, the Minnesota Land Trust and the St. Croix River Association to define a project to protect this parcel, owned and managed by Scandia, Washington County or the MN DNR, perhaps in cooperation with the National Park Service.

Under this scenario TPL would acquire an option to purchase the property at fair market value, with the assumption of subsequent public funding. The new park or natural area could be configured with some parking, trails to the river, river overlook, other park amenities and interpretive signage. Financing sources for the project include both the habitat and park funds of the CWLLA, LCCMR, the 2013-4 bonding bills, Scandia, Washington County and private funds raised by TPL or another land management entity. A portion of the property could be subject to a conservation easement and the owner would receive a tax deduction against income from the sale of the property.

The other parcels the Zavoral family owns in this area, including within the NPS boundary, could be included in this project, providing additional income to the family. It is possible given the proximity of the 114-acre mine site to the NPS Riverway boundary, that the Park Service would consider adjusting the Riverway boundary to include all or part of this parcel. As a result, the acquisition costs would be eligible for federal funds from the Land and Water Conservation Fund (LAWCON), with the assistance of the Minnesota congressional delegation.

I realize there are several complications with this idea at this late date in the city's consideration of this permit application. I understand the property owner has a contract with Tiller Corporation and Tiller has expended considerable funds on this project, including the development of the EIS.

If Tiller Corporation and the property owner agreed to grant the city time to work with the aforementioned groups to define a land protection project for this site - - versus proceeding with the conditional use permit process and likely litigation if a permit is approved - - it would be my view that all parties benefit: Tiller, the land owner, the city of Scandia, adjacent property owners in Minnesota and Wisconsin and the general public.

At this juncture in this long-standing and controversial project, it appears that Tiller does not need this gravel for its supply system for the foreseeable future. The City would be well served given the considerable opposition to this project by its own citizens, to explore this alternative with the talented and experienced land protection organizations in this state that have demonstrated their capability to access public funds for similar projects. Given Tiller's mixed operating record, the company's reputation would also benefit by supporting the exploration of this alternative.

And, for the Zavoral family, who have a long history in this area and profess an affection for this river, this potential solution not only provides them income, but preserves their reputation with neighbors and the community. They are not absentee owners, rather members of the Scandia community.

I am not privy to the potential revenue the family will receive from Tiller for the extraction of the gravel. From my view, that revenue stream needs to be evaluated against the potential revenue of a project I have outlined plus -- and while difficult to quantify but more important in my view -- the enmity Dr. Zavoral and his family will endure for decades to come from the consequences to the natural environment, Riverway users and his neighbors if this project goes forward under any of the alternatives outlined in the draft EIS. Included in that calculation for this family would be an accident during the extraction phase, or, more likely from the massive increase in truck traffic on highways 97 and 95.

Perhaps this option should have been put forward at any earlier date. I know there have been conversations with Dr. Zavoral about alternatives to mining the site but sense he and his family feel constrained by their contractual obligations to Tiller Corporation. The solution proposed in this option would reasonably compensate Tiller for their project costs and provide the opportunity to resolve the Zavoral's obligations to Tiller. In addition, my observation from watching this project from a distance is that all parties are looking for an alternative to the continued, contentious battle between the project proposers, neighbors and local officials over a reopened gravel mine in a special, sensitive place.

I urge the City of Scandia to declare a moratorium on reviewing a permit for this project until the end of 2013 to allow the previously mentioned land protection organizations to work with city staff, the permit applicant and land owner to define a win-win solution for all concerned, from both public and private funding sources. The draft EIS process could be completed, the EIS accepted by the City and then put in hiatus. Hopefully the project applicant would cooperate in this process.

In the interim, the gravel is still on site, Tiller apparently does not need the supply at this time and the focus could be on finding a solution that protects this special property, and makes it available for public use while providing just compensation for both the land owner and permit applicant. This outcome I believe would be accepted by a large majority in Scandia instead of the continued contentious debate in this community.

I believe this piece of property so close to a nationally designated and protected river deserves a fair evaluation of this alternative.

Thank you for your consideration.

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