

Mayor Simonson and Scandia City Councilmembers,

As a resident of the St. Croix Valley for 30+ years and a landowner who resides in the Carnelian Marine St. Croix Watershed District, I would like to offer my comments to the Draft EIS prepared for the proposed Tiller/Zavoral gravel mine. Our children were fortunate to attend Scandia Elementary School, and our family has been enthusiastic in our support of the school and civic groups in Scandia. I offer these comments out of a deep appreciation for both the people of this community and the natural assets of the St. Croix Valley region, in hopes that tomorrow's kids have the benefit of living in such a remarkable place. Although issues such as this can be framed as "pro" and "anti" business, I truly believe that protection of these assets is also in the long-term economic interests of the community, as such places become increasingly rare and in demand.

As a professional environmental writer whose clients have included many of the state's natural resource agencies and leading nonprofits, I have a fair amount of experience relevant to review of an EIS. I was initially encouraged that the City called for an EIS on the proposed mine. But after careful review of this document, I can only urge the City to order that its many inadequacies be remedied, so that you have what you asked for: a thorough understanding of the potential impacts to guide your decision. There is plenty of information in this DEIS, but many of the conclusions made regarding "No Significant Impact" are simply not justified by the evidence presented. Please consider my comments the tip of the iceberg.

Laurie Allmann  
Resident, May Township

### **Noncompliance with EIS content requirements**

#### **1. Insufficient justification is provided for failure to provide reasonable alternatives to the proposed project, including alternative site and reduced scale. (Table 1, G)**

Other local sources of comparable aggregate exist in less environmentally sensitive areas. It is the applicant's premise that these other sites would not meet the two identified primary "needs" of the project which are, in effect: (1) to use the gravel resource at the Zavoral site and (2) reclamation of the Zavoral site. As preparers of the EIS accountable to the City of Scandia, AECOM should evaluate the validity of these stated "needs." Tiller has not made the case that there is a current need for the gravel at the Zavoral site, since there is abundant gravel to meet current demand at Tiller's other mines and they will actually suspend hauling from these mines while the Zavoral mine would be in operation. The fact that Tiller Corp will save money by hauling a shorter distance may be of interest to Tiller's bottom line, but does not meet the standard of a "need." There is also no "need" to operate the mine in order to reclaim it. The site can be reclaimed without mining it first: with a far better end result that does not include the topographic scar of a large pit. Given the level of community interest in this site and its many special

designations, it is reasonable to assume that a funding source could be identified for such a reclamation. Similarly, financial implications for Tiller are not sufficient reason to eliminate from possibility a reduction in scale of the project by excluding the previously unmined 9 acres (which have high ecological value) from the project.

## **2. Failure to adequately investigate and present sociological impacts (Table 1, H)**

Overall, the DEIS lacks investigation and presentation of results assessing the sociological impacts of the proposed mine: quantitatively or qualitatively. While various user groups are mentioned (neighboring landowners, boaters, bikers, drivers on the scenic roadway) AECOM's team did not include appropriately credentialed experts using professional methodology to assess likely sociological impacts *from the unique perspective of these users* in such areas as noise, health affects of air pollution, public safety issues, value of recreational experience and property enjoyment, reliance on the protection of shared community assets as embodied in the comprehensive plan, or overall quality of life over the duration of the mining operation. At minimum, a reasonable good faith effort could have included surveys/interviews of owners of pontoon boats who dock in marinas at Osceola or Marine; bike touring clubs who routinely host events on local roads; landowners whose property borders the proposed site; and the average 1500 people who rent canoes/kayaks each year from Taylor's Falls Recreation, the primary vendor supplying boats for people who paddle from Taylor's Falls to William O'Brien, and would therefore be directly exposed to mine noise. Sociological values can and should be measured, with methodology no less sophisticated than that applied to other parameters.

## **3. Lack of objective language.**

**(Reference Table 1: EIS Content Requirements: "An EIS shall be written in plain and objective language.")**

Bias favoring the proposed mine permeates this DEIS, exemplified in summary statements that downplay negative impacts while overstating benefits, by nonsensical and obtuse reasoning not justified by evidence, and by significant potential impacts that have been excluded from the document despite having been brought to the attention of AECOM during preparation of the document. Selected examples include:

(p. 26 and p. 31) The No-Build Alternative is said to GENERATE TRAFFIC of over 500 truck trips per day, with projections of 20 to 30+ years attributed to this alternative. In fact, the No-build Alternative is not GENERATING anything. This traffic already exists due to Tiller's other business activity.

(p. 29) Re. Impact Summary Table: cover types. The table indicates a change from 1.80 acres of "Dry Prairie" pre-mine to 40.44 acres of Dry Prairie post-mine. The language suggests that the net result of the mine would be an increase in acreage of native plant communities. In fact, there would be a serious loss in native plant communities; namely the 5+ acres of maple-basswood forest and white pine-hardwood forest that would be destroyed in the mining operation. Under the Minnesota Land Cover Classification System, a planting of selected native grasses and forbs does not constitute a "Dry Prairie". Without qualifying language, this table is misleading.

(p. 34) DEIS states: "No significant impacts to nearby public natural and recreational resources have been identified." This statement is unsubstantiated. AECOM

essentially pulled descriptions of nearby sites from agency websites, but did not engage in a reasonable effort to identify and assess potential impacts, including but not limited to: impacts on rare mussels (given Tiller's past and recent history of contaminating the St. Croix with sediment from mining operations due to failed Best Management Practices); impacts on habitat for rare species in Farmington Bottoms SNA (.2 miles east of the proposed mine) whose range may include the Zavoral property; potential for thermal pollution of a trout stream (Zavoral's Creek, also known as Crystal Springs Creek); impacts of disturbance on known nests of bald eagles; the impacts of the edge effect created by the mine on nesting success of neo-tropical migrant birds on property held in easement by the National Park Service; and the degrading influence of mine noise on the value of the St. Croix Scenic Riverway as a recreational resource *as defined by its users*.

(p. 33) DEIS states: "The site can be seen from some limited viewpoints but does not attract attention because most activities are screened." Statement is nonsensical: if something can be seen, it can attract one's attention.

(p. 54) DEIS states: "It is unlikely that fugitive dust would adversely affect the water quality in the St. Croix River under either uncontrolled or mitigated conditions, given (that) a high degree of variability exists in the sediment loading in the St. Croix River." Statement defies reason: the existing variability of sediment loading in the St. Croix River has nothing to do with the potential for a new source of sediment loading to adversely affect the water quality in the river.

(p. 41) DEIS states: Although the proposed mining would involve the loss of some wildlife habitat, approximately 86% (55 acres) of the impact would occur in previously mined areas... ." Impact is not measured solely in acres but in the nature and function of the habitat present. This phrasing has the affect of minimizing the true significance of the mine's impact, namely along its boundary with Scenic Riverway easement land, and the destruction of 5+ acres of native forest land. The DEIS should detail the ecological values and contributions and impacts to the "14%."

#### **4. Arbitrarily narrow definition of affected environment and inadequate representation of topic included in scope: Impacts to Fish, Wildlife and Ecologically Sensitive Resources and Threatened and Endangered Species**

State guidelines for preparation of this section of an EIS have not been followed, as the Biological Survey upon which it relies was narrowly prescribed, largely focused on state-listed rare species on the Zavoral property. In fact, by law, this section is to include "ecologically sensitive resources" which may not necessarily be rare species. The "affected area" is not limited to the Zavoral property. This section does not include reference to readily available and more up-to-date natural features data from agencies such as the National Park Service and DNR. While the natural features data reported from the Critical Connections survey is no doubt accurate, it is incomplete. As such, there is not sufficient data to make the conclusions being made.

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## Additional Comments

The following insufficiencies and inadequacies in the DEIS require attention:

- Traffic data and related impacts to noise and public safety need to be adjusted to account for the increased DURATION of the mine-related traffic. Tiller would decrease hauling from Osceola/Franconia while hauling from the Zavoral pit, but every day of hauling from the Zavoral pit over the life of the mine (up to ten years) would be in addition to Tiller's other mine activity, given that Tiller would simply resume operation at the other mines following their work at the Zavoral mine.
- Greater focus in the DEIS should be given to Zavoral's Creek, also known as Crystal Springs Creek, which is under active DNR consideration for designation as a state-designated trout stream. Field studies have confirmed that the stream meets the qualitative criteria for state designation. According to Brian Nerbonne, Stream Habitat Program Consultant in the Fish and Wildlife Division of DNR (quoted with permission): "Throughout the environmental review process of the proposed gravel mine we've maintained that Zavoral's Creek should be considered a trout stream, and should receive all protections that a formally designated stream would have. We found water temperature and habitat conditions to be suitable, and a health population of trout in the stream. All of these support the conclusion that Zavoral's would meet the conditions necessary to be considered a trout stream. Of course, any formal designation would have to follow landowner notification and public comment requirements, as well as a DNR rule-making process." Consideration should be given in the DEIS to how the proposed project would be designed so meet the protection standards afforded to the state's finest trout streams.
- Tiller has previously gone on record stating that there would be no on-site fuel storage at the site. This should be affirmed in the DEIS. See minutes from November 11 PAC meeting:  
<http://www.ci.scandia.mn.us/vertical/Sites/%7B2F1D9A41-1D4D-4195-A3E4-159328E3F399%7D/uploads/%7B2601B4FE-E205-4FE5-BFFA-F627EAC7F3A6%7D.PDF>
- Throughout the document, the No-Build Alternative gets short shrift, when it should receive the same analysis of values (projected over time) as the other alternatives. The current cryptic treatment of the No-Build Alternative supports the impression of bias in the document, in that it favors the proposed mine. To state "no change from current conditions" is inadequate. Before the EIS is considered complete, AECOM should be directed to remedy this inadequacy. For

example, values of the No-Build Alternative for the next 10 years would include but are not limited to: 1) No mine-related loss of 5+ acres of native woodland, 2) No mine-related increased exposure of neighbors to airborne particulates, 3) No noise of mine operation heard by boaters on the St. Croix, 4) No post-reclamation topographic scar on the landscape from a pit remaining after excavation of 1.2 million tons of aggregate, 5) No risk of future variance requests by Tiller to expand or extend an existing mine, 6) Affirmation of the City Council's responsibility to uphold the rights of Scandia residents to have their community governed by their own current approved Comprehensive Plan, 7) No mine-related warming and thermal pollution of waters feeding Crystal Springs, a high quality trout stream, 7) No additional conflict points affecting public safety at the intersection of Highways 97 and 95, 8) Ecological benefits from preservation of contiguous forest cover and buffering of the forest communities along the bluff line, 9) Reduced risk for another catastrophic event depositing a load of sediment in the St. Croix and potentially harming Federally Endangered mussels, 10) Opportunity for neighboring landowners to take solace and enjoyment from time spent in nature, without the noise of a mine operating for up to 18 weeks out of the year for up to ten years.

Please submit into the record as well this feature article posted to the website St. Croix 360, which includes my additional comments related to the proposed mine and Draft EIS:

<http://www.stcroix360.com/2012/04/guest-post-a-gravel-mine-on-the-st-croix-river-bluff-at-scandia/>

Thank you for your consideration.

L.A.