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Scandia, MN 55073

18 May 2012

Ms. Anne Hurlburt
City Administrator
14727 209th Street N.
Scandia, MN 55073

Subject: Comments in Opposition to Granting CUP for Tiller/Zavoral Gravel Mine

Dear Anne Hurlburt:

I have reviewed the Draft EIS for the proposed Tiller/Zavoral gravel mine, and I remain convinced that this project has absolutely no redeeming merits or benefits that should lead the City of Scandia to grant approval of the Conditional Use Permit sought by Tiller Corporation. The City authorities have an inherent obligation to serve the public interest, and this proposed project is not in the public interest. In short, the reasons the permit should be denied can be summarized as follows:

1. Outdated Zoning. This entire proposed project is based on the now long-outdated 2020 Comprehensive Plan zoning, which has been replaced by the current 2030 Plan, and under current zoning, mining is not permitted on the Zavoral site. Although Tiller filed the original application while the old zoning was in effect, the time has long-since expired for them to complete the application, and despite granting Tiller unwarranted time extensions, the City has no right to allow such a blatant misapplication of the intentions of the zoning ordinance as this project would be. Essentially, Tiller missed their chance.
2. The City's Conflict of Interest. Due to the potential for increased tax revenues from the project, the City of Scandia has an inherent conflict of interest in the decision whether or not to allow this project to proceed. The City is not in a position to be objective in its decision.
3. Increased Traffic Impacts. The Draft EIS does not adequately address the traffic situation that will result if the project goes ahead. The addition of 600 truck trips per day on hwy 97 is dismissed as "negligible" or words to that effect, but is in fact unacceptable. Evening rush hour traffic at the junction of hwy 97 and hwy 95 even today is heavy, and the addition of a steady stream of trucks exiting the mine site and crossing 95 and accelerating through the gears to head uphill and west on 97 is unthinkable. The potential for serious collisions at that intersection is not "negligible", and the likely resulting addition of a stop light is unwelcome and should be unnecessary.
4. Alternative Routes to Avoid the Intersection. The suggestion in the Draft EIS that there are "alternative routes" that drivers may take to avoid the predicted congestion at the hwy 97/95 intersection is ludicrous on its face. Residents may be aware of County Road 52 as a route to reach Scandia and points west, but visitors and recreation traffic will not, and certainly not before encountering the congestion at the exit from the Tiller mine site.

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5. Truck Accidents and Spilled Gravel. On April 25th of this year a loaded gravel truck turned over at the hwy 97/95 intersection and spilled its load across the highway and beyond. I believe we can expect many more such accidents if this project is approved. An additional hazard resulting from such a major increase in truck traffic (600 truck trips per day) will be spilled gravel that falls from the loaded trucks even in normal operation (when they don't turn over). An increase in cracked windshields, dented fenders and the like can be expected, and again leads to the question – why should Scandia bring this upon its citizens?

6. Noise Impacts. The Draft EIS discusses at length the noise problem that clearly will result from the gravel mining activities and the exiting and arriving trucks, backhoes, excavator machinery and so forth, but essentially dismisses it as something inherent in gravel mining, and therefore acceptable. It is not. Whether or not the cited “noise standards” will or will not be exceeded misses the point that said “standards” were not established for such a peaceful and quiet scenic recreational riverway 7 AM to 7 PM hours of operation will be a nightmare for local residents, and worse for those using the federally “protected” St. Croix River due to the fact that sound travels long distances on water. It is hard to imagine a more inappropriate location for a gravel mine.

7. Sediment Impact on the St. Croix River. It is well known locally that during operation of the mine in the 1980s by Barton/Tiller a major break in a containment dike or some similar event caused a major outwash of gravel at the mouth of Zavoral Creek into the river, resulting in a distinct gravel delta that local boaters know about. The Draft EIS seems confident that such an event will not occur again, but such assurances carry little weight in light of the very recent (April 2012) failure of a containment berm at the Interstate Energy frac sand mine in Grantsberg that allowed a heavy concentration of silica sediment to wash into a nearby stream and then enter the St. Croix River as a creamy coffee colored tailing. Despite assurances in the EIS, Tiller cannot guarantee similar events will not happen here.

8. Conclusion. In closing, I reiterate that the City of Scandia has no reason (or right) whatever to approve Tiller's request for a CUP and many reasons to deny it, as cited above. The City's decision should be directed to the benefit of all the residents and visitors to Scandia, and not to reward one citizen and one corporation at the expense of all others. The fact that current zoning does not allow gravel mining on this site must not be turned on its head because of a technicality in the timing of the original application. That time has passed. This project does not serve the public interest.

Sincerely,

Edmund K. Summersby