

To Anne Hurlburt and the members of the Scandia City Council:

Dear Ms. Hurlburt and Honorable Members of the City Council,

Scandia is uniquely located within a corridor of natural beauty and cultural heritage. I cannot think of one other community bordered on the east by National Park Service land, the south by a State Park and another State Park just miles north of here. The designation of National and State Parks only happens where there is something important and significant to protect, usually natural scenic beauty. This is why so many people want to live in and visit this area. The natural scenic beauty and undisturbed quality of the area, the quaint and charming river towns and the opportunity to paddle, bike, hike, walk, swim, fish, boat and otherwise enjoy the area in blissful peace.

The fact that 'our' river, the St. Croix River, was one of the first to be designated as a Wild and Scenic River by an act of Congress in our country is something of which we should be extremely proud and we should celebrate that fact as a community.

We are so accustomed to the beauty in our midst I am afraid we take it for granted, but we must not. It is ours to protect, not only for our own enjoyment, but also for the enjoyment of future generations. If our forefathers had not been cognizant of the value of this undisturbed river valley, we would not be enjoying it today and our beloved St Croix could have come to look like the denuded industrial areas along so many miles of the Mississippi. Granted our area was harvested for White Pine lumber, but that was long ago and the trees have reestablished themselves to mature and beautiful pines and oaks and maples.

The issue of the gravel pit is one that is difficult to come to terms with for many people. One of the points raised by the attorney for the Tiller Corporation was the issue of "fairness". It wouldn't be "fair" to deny the permit since they got the application in just under the wire before the new Comprehensive Plan was to go into effect, even though it would not be allowed today under that same new plan. But I would like to point out why I don't think that is fair at all.

Yes, there was a gravel pit at the site in years past and they had permission then from the county to operate it. Now they are appealing to the City Council for new permission. But the fact of the matter is that under the old Conditional Use Permit issued by Washington County, they were required to do a reclamation of the site when the mining operation was complete. They did not do it. It was never reclaimed under the old provisions. Why not? Was it because they didn't "finish mining" as a stall tactic so that they wouldn't have to do the reclamation? There are still large stockpiles of gravel on the property that were mined and never removed or used. Was leaving those stockpiles a way to indicate that the process was not yet completed and therefore the reclamation need not begin?

In order to be "fair", I think that the owners should have to comply with the rules that were in existence at the time of their previous permit. Remove the stockpiles, finish the

reclamation that was required of them at that time and in areas that have not already been substantially reclaimed by nature, and once their previous project is completed and inspected and approved for thoroughness, then, and only then, should they be allowed to apply for a new CUP under our current Comprehensive Plan. I see no "fairness" in rewarding past bad behavior by allowing them to flaunt and ignore the law for those many years and not holding them to the contract that allowed their previous excavation in the first place.

In regards to the EIS. I am very disappointed and actually astounded by the lack of thoroughness and quite dismayed by the bias for Tiller Corporation shown by AECOM, which was to have been an impartial third party in this whole investigation.

There are many areas which show a lack of rigorous scientific analysis that call into question the validity of the whole process. The first I recall was the pump test. It was skewed from the start by the fact that the tester asked Abrahamson's Nursery, a large user of water, to stop watering their plants during the test. In actual day to day operation of the mine that could not happen, so just by making that request the outcome was falsified and untrustworthy. Then the pump broke after only 45 minutes of testing and the results were extrapolated from what little information they did get in that period of time. It was not a full and thorough pump test.

Another point that concerns me greatly is the fact that the current well, which was dug many, many years ago, is not legal under the current rules and regulations of state law, yet they want to continue to use it. Every new homeowner in Scandia who has a well dug must comply with the law and we do not use anywhere near the amount of water that the proposed mining operation would. That well is so deep and draws off of so many aquifers that it could have an impact on a wide range of users. To be "fair" the mining operation should have to dig a new well which complies with current state law and disable and cap the old well. A related point is that the mining operators have said that they will only use as much water daily as is allowed without needing to get a new permit from the state. How will that be measured, calculated and monitored? Who will be the watchdog to make sure that they are complying with the letter of the law? If our wells dry up or our water supply diminishes who will pay to have our wells re-dug? Who will bear the the responsibility for compensating the neighbors if something goes wrong.?

The traffic report that AECOM provided was unbelievable. I have no more knowledge of traffic engineering than any other average citizen, yet even I can tell you that if you add another variable to that intersection of Hwy 95 & 97, that being cross-traffic, (where there is none now), it is a disaster waiting to happen. Just today, I was a passenger in a car travelling south on 95 at 55 mph and very close to that intersection, and a semi-trailer pulled out from a stop at 97 in front of our car, so that we had to slow down to avoid a collision. Now, imagine 560 more semis a day at that spot crossing over Highway 95, in addition to all the ones that are currently hauling from the mine up by Hwy 243.

I see a potential headache for Scandia City Council in the future if they allow this

exception to the current Comprehensive Plan as it will set a precedence that will encourage others to expect extra-ordinary treatment and the result will be that the good intentions of the Comp Plan will become mute and ineffective.

The local building code does not allow a structure to be over 35 feet in height. I could not build a house 15 feet tall with an attached tower 70 feet tall and say that it complies with the intent of the law because it averages only 35 feet. I fail to see how it is allowable for them to dig a hole up to 70 feet deep and say it will average 35 feet which would be allowable. The fact that they would dig to within a few feet of the water table is incomprehensible. Is not water one of our most precious resources? Couldn't oil or diesel fuel spill into a hole that is only 3 feet above the water table and then percolate down and contaminate the very drinking water your citizens rely upon for daily life?

As we saw with the BP oil spill in the Gulf of Mexico, an environmental accident can happen in an instant and yet the clean up afterwards can only be calculated in years. BP was required to put money into escrow to ensure the clean up would be paid for.

Are you considering having Tiller put up money into an escrow account held by the city in case there is an environmental disaster that needs to be cleaned up? How do you even begin to clean a spill that impacts the ground water that so many people here and around the area require and rely on daily?

I feel that the "What if" questions have not yet been asked and consequently the answers are unknown:

What if their diesel storage tanks on site leak and contaminate the ground water?
What if their pumping depletes the wells of the neighboring citizens?
What if a berm fails (as it did earlier this spring up at Grantsburg) and effluent from their holding ponds contaminates the trout streams and subsequently the St Croix River?
What if the increased truck traffic and congestion causes a deadly accident?

Who will be liable and who will pay? I have heard that the threat of a lawsuit from Tiller, if the CUP is not approved, is one reason why the Council members are afraid to deny it. The fact that you are going through the whole EIS process does not automatically guarantee that they will receive the CUP when it is over. The reason to do an EIS is to see what the environmental impacts would be. It is enough to have done it as long as it is done fairly and all the potential pros and cons are studied. So a lawsuit from them would have no basis as long as you are studying all of the data before making an informed decision. The "No Build" option is one that you can, and should, seriously consider and approve without fear of reprisal.

I do think that there would be more potential for valid lawsuits if the CUP is approved and something does go wrong in the future. Realistically, all Tiller and Zavoral have to loose if the CUP is denied is some money. Yet if it is approved, the citizens of Scandia, (your neighbors and constituents) and the entire river valley have to worry about the potential of some unforeseen event contaminating our air and our water, a traffic accident

claiming the lives of pedestrians, bikers or automobile drivers in the area, reduced values for property owners in the area without a reduction in property taxes due to the proximity of the mine, safety concerns for the children who attend the elementary school with all the increased truck traffic past their school, decreased tourist spending because the tourists will stay away from the area, and so on. So who pays then? We all do.

I can see no positive side for the City of Scandia or for the citizens of Scandia in allowing the mine to reopen. The only positive is for Dr Zavoral who is the landowner, but not a citizen of Scandia and for the Tiller Corporation, also not local residents. I feel that the potential for negative impacts are too many including, but not limited to: noise, traffic accidents, airborne silica dust, and the potential for environmental disaster. This area is now in jeopardy solely for the benefit of one individual to the detriment of all.

We know more now about the harmful effects of airborne silica dust, about the negative impacts to the local economy if tourists stay away, about the dangers that silt pollution will mean to the native trout in the streams that border the proposed mine, and to the endangered mussels in the St. Croix River at that location than we did even in the 1960's when that mine was operating previously. There was an accident there then when a holding pond collapsed and the streams and river were negatively impacted. We need to learn from history in order not to repeat the same mistakes over again.

Let us, as a community, continue to celebrate Scandia's cultural heritage with the Gammelgarden Museum and all it involves, but also let us celebrate our unique natural heritage and position in this wonderful corridor of natural and scenic beauty by celebrating the St. Croix River and its' blufflands by protecting them from degradation and contamination.

It is far easier and wiser to avoid potential environmental disasters (or deadly accidents) than it is to try to rectify them after they have occurred.

Respectfully submitted,

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