

**Attachment A1:
Tabular List of Comments Received on Final EIS and Copies of all Comments**

**Final Environmental Impact Statement (FEIS)
Zavoral Mining and Reclamation Project
Scandia, Minnesota**

Public Comment Period through September 10, 2012

#	Comments from:
1.	Caroline Heald (e-mail, cemmetheald@comcast.net) 221 Wolfe Street, Alexandria, VA 22314
2.	Lisa Schlingerman, 20661 Quint Ave. N., Scandia, MN 55073
3.	Larry and Mary Whitaker, 625 Pine Cone Trail, Marine on St. Croix, MN 55047
4.	MnDOT, Molly McCartney, Sr. Transportation Planner, Metropolitan District, 1500 County Road B2 West, Roseville, MN 55113
5.	RLK, Inc., Vernon Swing, PE, Principal Traffic Engineer, 6110 Blue Circle Drive Suite 100, Minnetonka, MN 55343
6.	Georgiana Anderson (e-mail, simba@backpack.net), 20453 Quinnell Ave. N., Scandia, MN 55073
7.	MPCA, Karen Kromar, Planner Principal, 520 Lafayette Rd. N., St. Paul, MN 55155
8.	Pamela and Michael Smith (e-mail, nwpsmith@cos-internet.com), 20919 Quint Ave. N., Scandia, MN 55073
9.	Leila Denecke, 21777 Quarry Ave. N., Scandia, MN 55073
10.	St. Croix River Association, Bill Clapp and Randy Ferrin (e-mail from Bill Clapp, bill.clapp@me.com)
11.	Gregory Page (e-mail, gregory@minneboha.mn),
12.	Randy Ferrin and Kathy Trombly-Ferrin, (e-mail, rsferrin@frontiernet.net), 23290 Quentin Ave. N., Scandia, MN 55073
13.	Town of May, 13519 May Ave., Stillwater, MN 55082
14.	Take Action- Conserve Our Scandia, Kristin Tuenge, 20595 Quinnell Ave. N., Scandia, MN 55073
15.	National Parks Conservation Association, Christine R. Goepfert, Upper Midwest Program Manager (cgoepfert@npca.org), 546 Rice Street, Suite 100 St. Paul, MN 55103
16.	Metropolitan Council of the Twin Cities, Patrick Boylan, Acting Manager, Local Planning Assistance, 390 Robert Street N., St. Paul, MN 55101
17.	Laurie Allmann (e-mail, laurie.allmann@gmail.com)
18.	National Park Service, Christopher Stein, Superintendent, St. Croix National Scenic Riverway, 401 Hamilton Street, St. Croix Falls, WI 54024
19.	Missy Bowen (e-mail, mbowen2@uno.edu), 20699 Quint Ave. N./ 3570 Somerset Drive, New Orleans, LA 70131
20.	Pam Arnold and Ann Bancroft, (pam.arnold@iphouse.com) 16560 220 th Street North Scandia MN 55073
21.	Ed Summersby (e-mail from Michael Bradner, michaelbradner@gmail.com) 20457 Quinnell Avenue, Scandia

Anne Hurlburt

From: Caroline Heald [cemmetheald@comcast.net]
Sent: Friday, August 10, 2012 5:15 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: Proposed Gravel Mine - Zavoral Property

Dear Ms. Hurlburt:

My name is Caroline MacLaren Heald and I presently reside at 221 Wolfe Street, Alexandria, VA 22314. My extended family owns the property now known as 20453 and 20457 Quinnell Avenue North in Scandia and has done so for 100 years. That property lies approximately half a mile south of the Zavoral property.

Throughout those years, we have shared the river with countless fishermen, swimmers, canoeists, and kayakers -- many are Scandia residents; many more come from throughout the Twin Cities metropolitan area, and still others, such as myself, travel from throughout the United States to enjoy the unparalleled beauty of this clean and protected river.

I am a city planner by profession, with a masters degree in that field. Early in my career, I worked for several years as a planner for the City of Saint Paul.

I find it very peculiar that the city of Scandia would countenance this project for two reasons:

1. Mining is not permitted on this property under Scandia's current 2030 comprehensive zoning plan. If city officials do not now regard mining as an appropriate activity on this location, why grandfather in an outdated application for a project of this magnitude?

2. The noise of the proposed gravel excavation would dramatically impair the enjoyment of one of our nation's rare designated Wild and Scenic Rivers. The noise of the excavation and the trucking would not only affect property owners in the vicinity of the Zavoral site, but also thousands of vacationers, weekenders, and campers who are seeking to enjoy the area. If they come to the Saint Croix River for peace and quiet and a respite from modern life, and find that it is as noisy there as in any urban industrial area, they are not likely to return as often or as eagerly -- if at all. Ultimately, local businesses will suffer from this: restaurants, gas stations, canoe rental firms, those who rent cabins along the river, and those who clean them, and repair them.

In my opinion, if the City of Scandia places the profit motives of a single property owner ahead of the economic well-being of Scandia's entire community, then the elected officials are doing a disservice to their constituents.

The Saint Croix River is the only designated wild and scenic river in Minnesota, and all Minnesotans should take enormous pride in being stewards of a national treasure of this caliber. I recently attended a family reunion in Scandia, and I think it speaks volumes that the 60-plus descendants of George Edmund Ingersoll still choose to return to Scandia for fishing, swimming, boating, and birding, when many of us could more easily pursue such activities in Colorado, Oregon, Massachusetts, and the other places where we have settled. The draw of the Saint Croix River is that it is so quiet, so clean, and so beautiful, thanks in part to the farsighted restrictions on boating and development that resulted from the Wild and Scenic designation.

I acknowledge that the proposed mining might not interfere greatly with the appearance of the river valley, but the noise of any extractive industry would certainly compromise the wilderness experience.

The increased truck traffic would also diminish the experience of visiting this unusual area which is so unspoiled and yet so close to a major metropolitan area. For someone seeking to experience the area's agricultural and Swedish heritage, the necessity of threading one's way among a steady stream of gravel trucks would be jarring, at a minimum.

I hope that Scandia's council members will withstand the pressure of one self-interested business enterprise and defend the public interest instead. Their vote to approve the final Environmental Impact Statement for distribution, at the council meeting I attended two nights ago, left me worried.

Sincerely,

Caroline Heald=



August 24, 2012

To the Scandia City Council,

The City of Scandia is a gold mine. We do not need to sacrifice our quality of life for another gravel mine. I am protective of the beauty that surrounds me & feel blessed to live in a community committed to rural character. I believe you feel the same way.

Take Action Conserve Our Scandia grew out of this commitment. Three years ago Take Action Conserve Our Scandia (TA-COS) organized to oppose the Tiller Zavoral Reclamation Project. Since then we raised well over \$30,000.00 from concerned citizens, mostly from Scandia, who oppose this proposed gravel pit. We hired a lawyer from the Dorsey law firm & reputable experts in the field of hydrology, ecology & traffic engineering. The reports they submitted were unbiased & honest findings. We expect the City Council to study these reports before making any decisions concerning the Zavoral Tiller Project because the information will help you make a wise decision.

The EIS contains lots of written & visual information from Tiller that is difficult if not impossible for an ordinary individual to comprehend; however letters from concerned citizens & the National Park & other agencies are crystal clear about what is at stake for the city of Scandia & the St Croix Scenic Riverway. We are

looking to you our elected officials to preserve our quality of life in Scandia.

It is clear from reading the FEIS that AECOM & Tiller work together. The FEIS by AECOM is the same old stuff, denying the obvious & glossing over our concerns & fears if this Project happens. The Met Council, DNR, Washington County & Applied Ecological Services all recommend re-defining the boundaries of the mine with a 100' setback. Tiller is not interested in the bluffs or streams or River. Tiller & Dr. Zavoral do not live here, they only want to make money. It is up to the Scandia Council to deny Tiller what they want because it is not in our best interest.

The title Zavoral Tiller Reclamation Project makes no sense. According to Washington County & any one walking through the 64 acres, the site has been reclaimed by nature for the last 30 years. During that time white pines, aspen, oaks & all sorts of plants have grown on the land. (Read Applied Ecological Services report.) Besides destroying & reclaiming the old mine, Tiller wants to destroy 9 more acres of pine hardwood forest so they can reclaim that too. The fact is Dr. Zavoral should have reclaimed the 64 acres in the 1990's but didn't; now he wants to make money & reclaim his land after he destroys it again. This is absurd!

What is this "reclaimed" land going to look like? It will be a 64 acre hole 15-60 feet deep, 3 feet above the groundwater, with 4" of topsoil & 3' of coarse sand covering it. The area will be so fragile that the Met Council states NEVER to use fertilizers or pesticides because of the close proximity to the ground water.

What is the "reclaimed" land going to be used for? The Met Council & anyone with common sense knows that there will be no use for it. It will be a permanent scar, unusable, a security hazard for the National Park, area citizens and especially the City of Scandia. The City Council needs to recognize that this scenic view shed will be a "dead zone" if Dr. Zavoral & Tiller get their way.

This land is on the Scenic Byway, adjacent to ecologically significant ravines & trout streams, on the bluffs of the St Croix River, at the exit & entrance to Scandia & the St Croix River valley & at the cross roads of two state highways. The Scandia Council needs to protect this beautiful area & the safety of their citizens & visitors.

The City Council should end the process now by denying the EIS. The EIS points out problems & should point out solutions. There are far too many loopholes about the reclamation, vague statements, mostly concerning the monitoring of the site in the future & of course the

traffic situation. Tiller assumes they know better because of data; but we live here they don't.

If the fear of a lawsuit is guiding your decision remember you are not alone. Many Scandia citizens, support you along with TA-COS, the National Park, the St Croix River Association, & countless numbers of people who believe you are right in saying "no more mining here". Remember too you are empowered. Tiller needs your approval for their mine off of Lofton, referred to as the Scandia Mine. What can Tiller sue you for? Isn't an EIS a source of information to guide decisions? Possibly your decision to say "no" will be considered the right decision. Several prominent lawyers have said not to worry the law is on your side. The Council needs to ask the city attorney to research the best outcomes in this situation; then ask for a second opinion. Wouldn't you do that if you were being sued?

We live in a gold mine. We are looking to you the Council to preserve our quality of life; not just for a few but for everyone who appreciates the beauty & heritage of this area.

Lisa Schlingerman

A handwritten signature in black ink that reads "Lisa Schlingerman". The signature is written in a cursive style with a large, prominent "L" and "S".

20661 Quint Ave N
Scandia MN 55073

Anne Hurlburt, City Administration; City of Scandia
14747 209th St. N.
Scandia, MN. 55073

9/5/12



Re: Zavoral/Tiller Mine Operation FEIS Response
Ms Hurlburt,

We are Larry and Mary Whitaker. We reside at 625 Pine Cone Trail, Marine on St. Croix.

Safety:

I question the validity of the "Level Of Service" numbers stated for the intersection of Hwy 95 & 97.

The current values for a Northbound left turn are stated as 8.0 - 8.4 seconds. The scenario for Alternatives 1-3 is 8.0-8.5, a .1 sec increase, yet the time required for a westbound truck to pass through the intersection will take 16.9 – 18.6 seconds.

Alternative 1 through 3 has this happening 280 times in a 10 hr day. Sub alternative 3A has this occurring 368 times in a 12 hr day.

I believe traffic control should be reexamined.

Road congestion / Business Effect:

The EIS states that the "LOS" will drop from "C" to "D". These levels are very subjective. Can they be quantified?

Level "D" states these conditions "will result in a considerable drop in operating speed" and that they "can be tolerated for a short time". This will negatively affect the "tourist travelers" who are very important to the local businesses such as Marine General Store, Scandia Café, Mi Casa, Olives, Scandia Liquor. The travelers will not subject themselves to the extra frustration on the road. I believe this FEIS should study this effect on local businesses and civic groups. Please quantify.

Monitoring & Enforcement:

The EIS states that Scandia will be responsible for monitoring and enforcing the requirements of the CUP. It also implies that enforcement would be a function of CUP renewal. An annual enforcement would mean nothing!!

Please provide specifics as to who will be doing the enforcement, how will the enforcement be conducted, and how frequent will reviews be made to address the needs of the community. Will the enforcer have authority to stop the mining operation when violations occur, not at a later date?

Liability:

This point from my previous letter has not been addressed.

In the event of an unusually heavy rain event that causes a “wash out”, or a chemical contamination that flows into the St. Croix River, who will be held responsible to “clean up” and otherwise restore the river to its current condition?

This liability commitment must extend long after the active mining operations are completed.

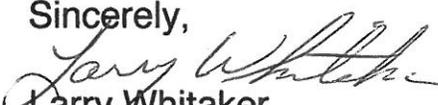
Common Sense and Credibility:

The current Scandia Comprehensive Development Plan does not allow mining on that site. Why is this mining operation even being considered?

What is the cost/ benefit scenario for Scandia in this mine? The mine will result in a hole in the ground that will have limited if any tax value. The land as it is, could be developed and provide a tax base that will surely surpass the limited amount of tax income the mine will provide.

Will the proposed 'tax' benefit from this mine outweigh the costs to the community, in dollars, potential damage to our river, drop in housing values and serious potential safety risks on the highway?

Sincerely,


Larry Whitaker


Mary Whitaker

Cc: TA-COS



Minnesota Department of Transportation

Metropolitan District

Waters Edge Building

1500 County Road B2 West

Roseville, MN 55113

September 6, 2012

Anne Hurlburt
City Administrator
City of Scandia
14727 209th St North
Scandia, MN 55073

SUBJECT: Zavoral Mining, MnDOT Review #EIS12-001A
East of TH 95 at TH 97 Intersection
Scandia, Washington County
Control Section: 8210

Dear Ms. Hurlburt:

Thank you for the opportunity to review the “Responses to Comments on the Draft Environmental Impact Statement (EIS)” for Zavoral Mining. MnDOT's review of this document does not constitute approval of a regional traffic analysis and is not a specific approval for access or new roadway improvements.

MnDOT would like to comment on the “**Response to Comment 10**” from the City of Scandia found on Page 57:

Response to Comment 10: The City of Scandia’s Comprehensive Plan and policies recommend that transportation systems address the current and future needs of pedestrians and bicyclists as well as vehicles. Based on its goals to address the needs of all system users, the City completed its Comprehensive Trail Plan in 2011. The Trail Plan includes the existing trail on TH 95 and a future trail on TH 97 as important components of the City wide trail system.

The City is disappointed that MnDOT’s comments do not support the needs of pedestrians and bicycles for a safe trail on TH 95 that would be an important link in the trail system in this area, particularly since MnDOT has adopted a number of policy statements and goals to support multi modal transportation systems and “Complete Streets” in recent years.

The City would include a mitigation recommendation in the DEIS that Tiller be required to replace the existing trail in the southeast quadrant of the TH 95/97 Intersection, to address the needs for safe transportation routes that meet the current and future needs of all users in the area.

Like the City, MnDOT is supportive of a multi-modal approach to transportation planning. MnDOT also would have been supportive of reconfiguring the existing trail on the east side of MN 95 rather than removing it, provided the City takes routine maintenance responsibility. The City did not agree. Requiring the local unit of government to accept routine maintenance of trail facilities in Trunk Highway right of way like this is a consistent approach applied statewide and is detailed in MnDOT's Policy and Procedures for Cooperative Construction Projects with Local Units of Government (<http://www.dot.state.mn.us/stateaid/ProjDeliv/agreements/information/ds11.pdf>).

MnDOT is supportive of the City's efforts to improve and maintain the trail through the funding mechanisms they see fit. For questions regarding these comments, contact Marc Briese, Area Engineer, at 651-234-7715.

If you have any additional questions regarding this follow up letter, please call me at 651-234-7789.

Sincerely,



Molly McCartney
Sr. Transportation Planner

CC:

Steve Channer, Right-of-Way
Bryce Fossand, Water Resources
Buck Craig, Permits
Chad Erickson, Traffic
Marc Briese, Area Engineer
Nancy Jacobson, Design
Peter Wasko, Noise Abatement/Air Quality
Gina Mitteco, Planning
Tod Sherman, Planning
Ann Braden, Metropolitan Council



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September 5, 2012

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

**Re: Final Environmental Impact Statement - Traffic Analysis
for Zavoral Mining Project
RLK Incorporated Project No. 2011-163-M**

Dear Ms. Hurlburt:

RLK Incorporated has been hired by the Take-Action Conserve Our Scandia group to review the Final Environmental Impact Statement (FEIS), of the Zavoral Mining project. RLK focused specifically on Question 21 of the FEIS, and the answers to the questions that were raised during the review of the DEIS.

RLK is disappointed that the following comment didn't result in the desired outcome, "RLK finds the report devoid of the technical analysis needed to evaluate the traffic operations and safety of the project." We recognize that the FEIS has attempted to answer the questions that were raised as part of the previous review, but the lack of technical material makes it impossible to independently confirm whether the issues have been properly addressed. In particular:

1. On page 51 of the FEIS Response to Comments, the response to comments regarding peak hour turning movement counts at critical intersections, states, "Traffic counts were collected during the morning and evening rush hour on Tuesday, June 12th." There is no proof that these counts ever took place, they are not available in a technical appendix, nor, are there figures showing that they occurred only the statement above. Please produce these counts so that they can be independently verified.
2. Also, on page 51 of the FEIS Response to Comments, the response to the comment regarding LOS analysis states, "A LOS analysis was completed for four scenarios at the TH 97 and TH 95 intersection." Where can we find the analysis? There is no technical appendix containing the setup and results of the analysis. Please provide this information so that the results of the analysis can be verified.
3. On pages 52 and 53 of the FEIS Response to Comments, the response to the comment regarding lack of actual sight distance measurement states, "The sight distance was reviewed as part of the MnDOT evaluation of the proposed intersection plans submitted by Tiller. MnDOT determined the sight distance met their design criteria. A check of topography on TH 97 and TH 95 verified these conclusions." We asked specifically that the actual sight distance number be provided. It is not the responsibility of the concerned members of Take-Action Conserve Our Scandia group to

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go out and measure this. Your response that it is adequate and MnDOT says so does not fill us with confidence. Please provide this information in feet illustrated on a plan sheet so that it can be independently verified.

In addition to the three items listed above, RLK finds the response is missing to the following comments:

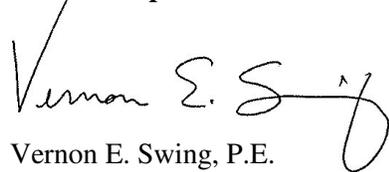
- It is unclear whether the ADT information provided has been adjusted to reflect seasonal fluctuations (i.e., recreational traffic on the scenic byway, etc.), and whether this adjusted traffic will be impacted by the hauling operations.
- There is no discussion of the structural capacity of the roadways and their ability to handle the increase in daily truck trips. The DEIS must provide an assessment of the existing and future pavement condition.
- Mitigation is summarized in the DEIS, yet there is no quantitative discussion of the impacts and changes to the operations or safety of the roadway network associated with the proposed mitigation strategies. These mitigation measures should also be quantified and prioritized.

It is RLK's opinion, the traffic information provided in response to Question 21 of the FEIS does not address the traffic impacts as required by the EIS process. In order to fully understand the traffic impacts associated with the Zavoral mining operation, the above mentioned issues (at a minimum) need to be addressed in a technical manner. Without the actual traffic counts and capacity analysis, the City is unable to assess the impacts to traffic operations and congestion, nor the impacts to the seasonal tourist traffic. Without a gap analysis the City is unable to assess whether the proposed access intersections provide the appropriate safety improvements to allow for seamless integration of site generated traffic. The presented material in the FEIS for Question 21 and Response to Comments is incomplete and prevents any opportunity to evaluate the traffic impact of the Zavoral Mining operation. In essence, the City must just take Tiller's word for it, traffic is not an issue. Developing the mine without appropriate traffic analysis, as we recommend, could result in significant safety issues to Scandia and the surrounding communities, including the increase risk for severe or fatal collisions.

Thank you for the opportunity to review and comment on this information.

Sincerely,

RLK Incorporated



Vernon E. Swing, P.E.

Principal Traffic Engineer

G:\Scandia Pack\2011-163-M\Correspondence\Letter to Scandia 090512.doc

Anne Hurlburt

From: georgiana anderson [simba@backpack.net]
Sent: Thursday, September 06, 2012 2:14 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: Zavoral Mine

My name is Georgiana Anderson. I am a summer resident of Scandia, living at 20453 Quinnell Ave N. My family has had property at this address for 100 years.

I do not believe that planning for traffic has been adequately addressed in the EIS prepared by Tiller Corporation. Tiller has accepted the lame response from the Mn Dept .Transportation Tiller Corporation needs to come up with a plan that will insure the safety of those traveling on those highways, be they truck drivers or tourists or commuters on their way to work. There has been no technical analysis of the safety of this intersection. I enter this intersection on my way to Scandia very often. The number of trucks entering and exiting the intersection of State Highway 97 and 95 is an accident waiting to happen. There has already been one death caused by a gravel truck. Another truck has recently turned over at that intersection. A turn lane is not the answer.

Thank you for this opportunity to address my concerns.

Georgiana Anderson=



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

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September 7, 2012

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

Re: Zavoral Mine and Reclamation Project Final Environmental Impact Statement

Dear Ms. Hurlburt:

Thank you for the opportunity to review and comment on the Final Environmental Impact Statement (FEIS) for the Zavoral Mine and Reclamation Project (Project) located in the city of Scandia, Washington County, Minnesota. The Project consists of the operation of a 64-acre gravel mine. Minnesota Pollution Control Agency (MPCA) staff has reviewed the FEIS and has no comments at this time.

Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this FEIS, please contact me at 651-757-2508.

Sincerely,

A handwritten signature in black ink that reads "Karen Kromar".

Karen Kromar
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:mbo

cc: Craig Affeldt, MPCA, St. Paul
Doug Wetzstein, MPCA, St. Paul

Anne Hurlburt

From: Pam Smith [nwpsmith@cox-internet.com]
Sent: Sunday, September 09, 2012 12:45 PM
To: a.hurlburt@ci.scandia.mn.us
Subject: Comment of Final EIS Zavoral Mine

My husband and I support the response, the findings and comments submitted by TACOS with regard to the final EIS draft proposal. Thank you,

Pamela and Michael Smith
20919 Quint Avenue North
Scandia, MN 55073

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,

Leila Denecke
21777 Quarry Avenue North
Scandia, MN 55073

Proposed Tiller/Zavoral Gravel Mine in Scandia Minnesota.

Comments on the Adequacy of the Final Environmental Impact Statement

by the St. Croix River Association

The responses made to the comments previously received on the EIS are disappointing. They read as if the EIS contractor, AECOM, solicited responses from the permit applicant Tiller, and published them without much independent analysis. Thus Tiller no doubt finds the EIS acceptable. But those of us concerned with the environmental impact of the proposed mining, find much lacking in the document. As it now stands, it does not adequately analyze the environmental impacts that would result from the proposed mining project.

First, consider the 9 acres of woods not previously mined, that Tiller wants to remove so that it can get at the gravel underneath. The only analysis made of the obvious negative effect of that on the environment, is an acceptance of Tiller's assertion that they need the gravel underlying the woods, and Tiller's implication that if they cannot mine there, the whole project becomes economically infeasible for them. No supporting data is provided for that assertion. Nor is any support provided for the EIS's claim that the loss of that 9 acres of woods does not constitute a material adverse impact on natural resources.

Second, there is no response at all to the comment that the hole left after the mining would be essentially unusable. There is an explanation of how many houses could be built in it, but no explanation of how anyone would want to build in a hole that deep. The comment was that the hole would be 60 feet deep. The response was, see the diagrams provided, but those diagrams are not readily decipherable. The responses do not deny that the hole could be that deep. There is no response at all to the comment that the site as it sits now, is far more amenable to development than it would be after the proposed mining.

Third, the EIS avoids a serious discussion of the no-build alternative. About all that is said is that Tiller needs the gravel. But Tiller has shown that it does not have such a need, by agreeing to not mine its Franconia pit while it is extracting 1.2 million tons of gravel from the Zavoral site. All the project does is extend the life of the Franconia pit ten or more years in the future. There is no data provided on demand for gravel that far into the future.

Fourth, the responses to the comments on noise ducked the issue entirely, by taking the defensive posture that the noise won't violate any state noise standard. But that proves nothing, because the state does not have any noise standards for rivers such as the St. Croix which are national parks. The Park Services standards for such settings must be applied, and have not been by the EIS.

Fifth, the FEIS does not adequately respond to the concerns expressed about truck traffic and safety, especially at the intersection of STH 95 and 97. The traffic analysis completed by a consultant for the Take Action-Conserve Our Scandia was basically ignored.

Sixth, the document is inadequate in its response to the concerns about the property value analysis. We feel the loss of property value will be more severe and cover a wider area than the FEIS claims. Finally, the EIS is unable to bring itself to confront the overarching issue raised by the proposed project, which is why it should be tolerable to operate a gravel mine impinging on a national park. The attitude of the EIS is, the park user won't even know the mine is there and it poses no risk to the park's resources. Which just is not so.

For these reasons, the St. Croix River Association asks the Scandia City Council to hold that the Environmental Impact Statement does not adequately deal with the issues raised by the proposed Tiller/Zavoral gravel mining project.

Bill Clapp and Randy Ferrin, for the St. Croix River Association

August 10, 2012

Ms. Anne Hurlburt, City Administrator
Mayor Simonson and City Councilmembers
City of Scandia
14727 209th Street
Scandia, MN 55073

Re: Zavoral Mining Project Final Environmental Impact Statement

Dear Ms. Hurlburt, Mayor Simonson and City Councilmembers

I write to share my view that the Final Environmental Impact Statement for the Zavoral/Tiller Mining Proposal is inadequate in both procedure and completeness (coherently answering and resolving the conflicts between citizen questions, expert testimonies, and statement/positions within the earlier DEIS and EIS.)

Procedurally, I am deeply concerned that the Planning Commission, a body whose job is to “review land development applications for conformance to the City's Comprehensive Plan and Development Code, and **make recommendations to the Council**,” has not, to my knowledge, been asked to make a recommendation about the Zavoral/Tiller Mining Proposal – or has the Commission been asked not to make a recommendation on this most important issue?

The Commission routinely votes on - and passes recommendation along to the City Council on issues ranging from maximum lot coverage of proposed projects and garage setbacks, to the Comprehensive Plan and Guidelines for Protection of Scandia's Important Scenic Vistas.

I cannot find that the City Council has officially asked for, or received in any official manner, the Planning Commission's advice and recommendation about the Zavoral/Tiller FEIS, in spite of the fact that the Commission has spent three years diligently holding hearings, going through data and hearing community and expert testimony on issues raised by the proposal. Where is the Planning Commission's recorded vote, or transmittal document, of their recommendations about the Zavoral/Tiller FEIS? What is the Planning Commission's recommendation to the City Council? If this procedural step has been forgone in considering this clearly important project proposal, it seems, to me, to be a malfeasant oversight.

As to completeness, the FEIS might seem to many to be very methodical, and I would be the first to say it's voluminous, but being voluminous doesn't necessary make it thorough or complete. I feel that many questions from citizens and experts brought forward during the EIS process have not been fully or adequately answered. Especially where experts opposed earlier statement in the EIS process supported their testimony with facts and figures, the FEIS often holds fast with generalizations, or restating previous arguments, or doesn't get the research done to address the question thoroughly with facts and figures, or resolve the issue.

One case in point. The FEIS still misses a critical issue about mining depth and water resource impact on Crystal Spring/Zavoral Creek trout stream. The FEIS has still not adequately addressed the question about the proposed mine's effect on the springs, seeps and trout stream. The proposed depth of the mining will reach into and below the depth of the seeps that gives life to Crystal Spring and the seeps that flow out of the southern mesic cliff that wraps the north and east side of the proposed mine.

Under 4.10, Surface Water Quality and Quantity, Separation from Ground Water response on page 44, the FEIS states:

Depth of Mining

As stated in the DEIS, Tillers mining plan shows depths of mining ranging from approximately 10 to 70 feet depth. Tiller does not propose to excavate below the groundwater table... In fact, the depth from the maximum full base of the mining excavation to ground water would range from approximately 25 to 50 feet.

But back on page 40, under Surface Water and Quality, General, the FEIS states:

Data provided in the DEIS and through site observations indicate that Zavoral Creek is fed by seeps (emphasis added). Infiltration of surface water that feeds seeps has the potential to alter the current environment of the stream.

It is critically important to understand, that Crystal Spring/Zavoral Creek does NOT arise from a "ground water table" as commonly defined, but is given birth and sustained by seeps that emanate from all around the north and east sides of the proposed mine. These seeps are above the ground water table. Though I have repeatedly asked that a survey be done to determine the level of the springs that give life to the trout stream, relative to the proposed mining depth, this data has not been forthcoming as part of the EIS or FEIS. Stating that mining of "10 to 70" feet ... [and that a] full base of mining excavation to ground water would range from approximately 25 to 50," IN NO WAY answers the specific question of whether the proposed mining operations would adversely impact or kill the trout stream. The seeps are geologically/topographically significantly higher than the ground water depth.

What happens to the trout stream when the water source for Crystal Spring and the seeps that give the trout stream life are laid open or polluted by close proximity to such a wound as the proposed gravel mine? What happens to the unique ecosystem of the mesic (cool damp) cliff/ravine?

Another area I don't feel has been adequately answered is the cost/benefit question. City Council, in its fiscal responsibility, must have a hard lock on the cost/benefit figures to inform your decision; where is the spreadsheet? Though the process has quantified the potential tax income to Scandia, should the proposed mine become operational, I still don't believe that it has adequately identified and quantified all the costs of the project that must be borne by Scandia – or someone; e.g. additional traffic and/or warning signage, moving or terminating the bikeway adjacent to the proposed mine, road repair necessitated by the truck traffic and gravel debris (of note as bids were recently requested for the 2012

Scandia Seal Coat and Bituminous Patching Project), and loss of tax valuation in the area (there has been expert testimony calling into question the draft EIS's finding of only a modest drop in adjacent property values. (Imagine living next to the gravel pit for 10 years – or on the hauling route. The drop in value is most certainly more than 5%.)

Certainly the soft costs/benefits are harder to quantify – but ultimately part of your decision must be based on quality of life issues for residents, wildlife and flora in the adjacent area, noise effect on quiet river traffic, the scenic quality of Scandia's approach to the St. Croix (at best a raised mound – proposed to try and mask mine operations from view and deaden some of the sound, but really obliterating the view of the scenic valley from HW 97, the gateway to the St Croix Wild and Scenic River valley and HW 95 Scenic Byway.

The "Final" Environmental Impact Statement is inadequate as currently written, and needs significantly more work – unless you believe, as I do, that it already shows that this propose project should not proceed.

Thank you for your time and careful consideration of this critical issue.

Gregory Page

gregory@minneboha.mn

Randy Ferrin and Kathy Trombly-Ferrin
23290 Quentin Avenue North
Scandia, MN 55073

September 10, 2012

Dear Mayor Simonson and Scandia City Council Members:

We are writing to urge you to reject the adequacy of the Final Environmental Impact Statement (FEIS) for the proposed Zavoral Mine. Amongst your many duties in this matter, according to Minnesota Rules, you, as the Responsible Government Unit (RGU) have the responsibility of determining the adequacy of the FEIS. Within the definitions of adequacy is the **criteria to provide responses to substantive comments received during DEIS review concerning issues raised in scoping**. We believe that this means to provide substantive and complete responses to the substantive comments received, not responses that ignore the real issues. In other words, if a serious question or concern is raised, it deserves a serious answer.

Nearly all of the substantive comments received during the review of the FEIS were ignored or in slang terms, were blown off as inconsequential. This included comments and concerns on the environmental effects, the noise impacts, threats to water quality and potential erosion, traffic safety and volume of truck traffic, property values, and the benefits of doing nothing at the old mine site. This site sits next to a National Park, yet the concerns raised by the National Park Service were basically ignored.

We urge you to make the determination that the FEIS is inadequate. You, as the Responsible Government Unit, can take the responsible step of declaring it inadequate because it does not give you all the facts nor fully describe the impacts that the proposed project will have on the environment, on the city of Scandia, on a National Park, and on visitors and residents.

Sincerely,

/s/

Randy Ferrin and Kathy Trombly-Ferrin

cc: Anne Hurlbert, City Administrator

TOWN of MAY
Comments on Final EIS, Zavoral Mining and Reclamation Project



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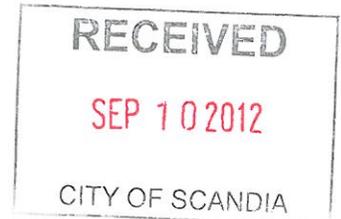
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September 7, 2012

To: Anne Hurlburt, City Administrator
City of Scandia
14717 209th St. N
Scandia, MN 55073



From: May Town Board

RE: Comments on Tiller/Zavoral Mining and Reclamation Project and on the Final Environmental Impact Statement (FEIS)

May Township interests at stake in proposed Tiller/Zavoral gravel mine

In November of 2010, the May Township Board of Supervisors voted to declare the Township a "party of interest" in the issue of the proposed Tiller/Zavoral mine, which would be located at the intersection of Scenic Highway 95 and Highway 97 in Scandia.

May Township's Board of Supervisors recognizes the potential for the Township's citizens, property, and interests to be negatively impacted by a mining operation at this location, thus we registered ourselves as a party of interest on your website and we've been getting updates ever since as this project has progressed. These are our first comments on the matter.

May Township is in relatively close proximity to this mine

As the crow flies, May Township's nearest proximity to the proposed mine is only 3.5 miles. The Township includes roughly 3.75 miles of river frontage along the St. Croix, located approximately 5.5 miles downstream from the proposed mine. Areas of concern include but are not limited to:

- Potential impacts to local nature- and recreation-based tourism and economic activity, due to gravel truck traffic and related impacts affecting residents and travelers on State Scenic Highway 95
- Potential impacts to quality of life, due to noise/disturbance that degrades the ability of May Township residents (in particular canoeists, pontoon boaters, fishermen) to enjoy this section of the St. Croix River. May Township residents access the river not only from public landings but also from local marinas and their own riverfront properties. Quietude is much valued by these river users.

- Potential environmental degradation of valued community resources:
 - 1) St. Croix River
 - 2) St. Croix Bluffs Important Bird Area
 - 3) Federally-endangered species (mussels)
 - 4) Crystal Springs Creek (aka Zavoral's Creek), among the highest quality trout streams in the Carnelian-Marine- St. Croix Watershed District
 - 5) Rustrum State Wildlife Management Area

The applicant and especially the proposed operator, the Tiller Corp, has provided ample justification for May Township's concerns that environmental degradation could reach beyond the immediate vicinity of the mine and impact downstream resources. It has come to the attention of May Township that action is now pending with the Wisconsin Attorney General against Tiller Corp for a series of violations at a Tiller-operated Grantsburg WI "frac sand" mine in May of 2012, that resulted in a major sediment spill into area streams, including the St. Croix River.

We also recognized the potential exists for more extensive and longer-term mining at the site than is presently proposed. Once granted a Conditional Use Permit, it is common practice in the mining industry generally, and Tiller Corp in particular, to request and receive approval from local RGUs for such expansions of operation. Current assessments of impact are based on removal of 1.2 million tons of material in ten years or less. But if additional aggregates / sand remain after the 1.2 million tons initially proposed are removed, they would likely apply to expand the permit to extract more. If Scandia grants this CUP, Scandia and its neighboring communities—including May Township—may be exposed to impacts from this mine for the indeterminate future.

An IUP, not a CUP, is the proper permitting vehicle for mining

For our concerns expressed above, we believe a Conditional Use Permit (CUP) is the *wrong* vehicle for "permitting" this or any other mining operation. In May Township we deem mining an "Interim Use" within the permitted zone, not a "Conditional Use," and as such, our mining permits are Interim Use Permits (IUP) and have a limited term, currently of five years. You could limit an IUP to a set number of years, and require a new application after that term expires. Alternatively, you could treat an IUP as being a one year-term with automatic one-year renewals, subject to city approval. *In either scenario, there's a known ending point if things go badly.*

According to the League of Minnesota Cities, "If a city wishes to place time constraints on particular uses, then the appropriate zoning tool is an interim use permit, rather than a conditional use permit."

With a CUP, as long as the applicant operates within the bounds established by the permit, you are pretty much stuck if things still go badly.

May Township Comments to the City of Scandia on the Final EIS, Tiller/Zavoral Mining and Reclamation

1. Noise

The Town of May concurs with the National Park Service that natural ambient sound levels should be used as the standard of comparison in the Final EIS noise analysis for the proposed mine. This is consistent with the standards for the St. Croix National Scenic Riverway, as outlined in the 2006 National Park Service Management Policies. The FEIS use of *general* Minnesota State Noise Standards to assess impacts of noise on river users is inappropriate, given the existence of an official government management (including noise) policy specific to a natural resource area under public management, in this case, a National Park. The Council of Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] 1508.270) defines impact levels based on consideration of context. Here, the context is a National Park. If the correct standard of comparison (natural ambient sound) were applied to the noise analysis, the FEIS could not conclude, as it does, that “No impacts that reached the level of significant impacts were identified in association with the project.”

2. Cumulative Impacts

According to Environmental Quality Board guidelines, assessment of the cumulative impacts of a project requires that project’s potential impacts be put into the context of impacts caused by other past, present, or anticipated future projects in the area. Given that the applicant is seeking a Conditional Use Permit (rather than a time-limited Interim Use Permit) and given that the applicant’s customary business practice is to expand operations from that initially proposed for a site, and that the potential exists for additional sand and gravel at the site after the initial 1.2 million tons is taken, the FEIS assessment of cumulative impacts should reasonably include the potential for future aggregate and sand mining at the Tiller/Zavoral site, and a longer time frame than what is currently being applied for.

This again gives merit to the IUP rather than CUP approach.

3. Risk assessment to include operator history

Given the alleged failure of a berm at Tiller’s Grantsburg WI mine and the resulting environmental degradation, the FEIS proposed solution of securing applicant funding for “aggressive monitoring” of operations at the proposed Tiller/Zavoral could be cold comfort to communities down river. May Township requests that the FEIS recognize and assess the increased risk of impacts due to the operator’s potential for noncompliance with established procedures, policies and Best Management Practices, in particular when the proposed mine is in the immediate vicinity of sensitive, high value natural resources such as a trout stream and a Federally protected National Scenic Riverway.

Respectfully submitted,

May Town Board

RECEIVED³⁰

SEP 10 2012

CITY OF SCANDIA

Take Action- Conserve Our Scandia

A citizen group that promotes sustainable development in Scandia while endorsing conservation of its waters, wildlife, natural and historic resources and beauty, while referring to the 2030 Scandia Comprehensive Plan as our visionary guide.

September 6, 2012

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

RE: Take Action – Concern Our Scandia Comments on the Zavoral Mine Final Environmental Impact Statement

Dear Ms. Hurlburt:

Take Action -Conserve Our Scandia has determined that the Final Environmental Impact Statement with the responses to our comments made previously, is still insufficient and inadequate.

After review of the FEIS and responses to our comments dated May 17th, 2012 it seems clear to us that:

1. Conclusions are made without the factual evidence to support them.
2. In many instances, the responses to the comments assume the conclusion in making their argument.
3. The FEIS states, in numerous instances, that it does not need to analyze the potential impact of the mine because the city does not have the authority to regulate it or AECOM/Tiller, by rule or law, are not required to analyze it.

An Environmental Impact Statement done in “good faith” needs to give the City Council sufficient, complete and adequate information to make important decisions; and needs to address the important issues and concerns raised by TA-COS and the community.

The following comments were made by Kieran Dwyer and were supported by information from experts hired by Take Action-Conserve Our Scandia. I have quoted or paraphrased a brief list of responses that were made by AECOM, Tiller and the city.

“As demonstrated in these expert reports, the DEIS does not meet the Minnesota Environmental Policy Act’s, Minn. Stat. § 116D.01 et seq. (“MEPA”) basic requirements for an Environmental Impact Statement (“EIS”) on multiple grounds, which renders the DEIS inadequate as a matter of law. Specifically,

1. The DEIS fails to account for current market information and industry research which “indicates that as a result of the mine, there will be a home value reduction of 25% within ¼ mile of the mine and a 5% reduction as far as three miles from the mine.”

2. The DEIS is “devoid of the technical analysis needed to evaluate the traffic operation and safety of the project,” which “could result in significant safety issues to Scandia and the surrounding communities, including the increased risk for severe or fatal collisions.”

3. The DEIS does not address significant environmental impacts of the Tiller mine, including how Species of Concern in the adjacent Regionally Significant Ecological Area will be adversely affected or how runoff from the mine may affect brook trout in the Zavoral Creek and endangered mussels in the St. Croix River.”

The Final Environmental Impact Statement still fails to completely, adequately and sufficiently address the above issues.

1. The city’s response to Lisa Philippi’s Property Value Impact Report was made in an argumentative manner, dismissive of her well-documented analysis. Furthermore, the city’s review and analysis failed to support their conclusions about the minimal impact to property values.

Property Values City response–

“The property value study meets industry standards and is adequate.”

Additional responses by the city include:

- Mr. Bettendorf’s credentials
- *A study of home sales in areas impacted and not impacted by a mine are superior.*
- The BRKW study concluded no impact beyond ¼ to ½ mile.
- No sales of lower priced homes,
- Being close to a golf course overshadowed being close to a gravel mine
- The study from 2006-2007 was the most recent time before the market collapse,
- Limited information from local sales
- The impacts are temporary (How do we know this when loss of trees will increase noise during and after the project; we don’t have a good picture of the active mine and we don’t know what the visual results will be?)

Much of the information given in response to the 17 comments about the property value impact is confusing, inconsistent and irrelevant given the location and potential impact of the Zavoral Mine.

Traffic Operation and Safety Impact- Responses from the city include:

- According to MNDOT guidelines, for developments that do not generate significant traffic volumes, a traffic impact study is not necessary or warranted.
- However a traffic analysis study was completed for the DEIS.
- MNDOT data collected since 2006 shows a reduction in traffic counts on TH 97 and TH 95. ??
- Listing of Level of Services, hourly data for TH 97, highway capacity of unsignaled intersections, etc.

- MNDOT acknowledged that increasing the intersection from 3 to 4 points of conflict would occur and in response offered to add a right turn lane coming northbound going into the site. ?? **How about trucks crossing TH95?**

After review of the Final EIS, Vern Schwing, senior traffic engineer for RLK and Associates recently wrote a letter to the city that he was disappointed with the response to his previous comments and states: "RLK finds the report devoid of the technical analysis needed to evaluate the traffic operations and safety of the project."

"It is RLK's opinion, the traffic information provided in response to Question 21 of the FEIS does not address the traffic impacts as required by the EIS process. In order to fully understand the traffic impacts associated with the Zavoral mining operation, the above-mentioned issues (at a minimum) (**Refer to Vern's most recent letter to the city, dated 9/6/12**) need to be addressed in a technical manner. Without the actual traffic counts and capacity analysis, the City is unable to assess the impacts to traffic operations and congestion, nor the impacts to the seasonal tourist traffic. Without a gap analysis the City is unable to assess whether the proposed access intersections provide the appropriate safety improvements to allow for seamless integration of site-generated traffic."

Significant Environmental Impacts

Kieran Dwyer's letter to the city on May 18th 2012 states:

"The Minnesota Legislature decreed that the purpose of preparing an EIS is to "to enrich the understanding of the ecological systems and natural resources important to the state and to the nation." Minn. Stat. § 116D.01(c). The DEIS, however, fails to fulfill this statutory mandate since it does not adequately analyze the impacts to the environmental ecology of the region and the impact to water resources". The FEIS still fails to fulfill this mandate.

"There is the potential for significant adverse effects to water resources and ecosystems. As identified by the Applied Ecological Services (AES) report submitted on May 12th 2012" the DEIS (FEIS) still "fails to address the prescribed "issues of: a) identifying and mapping the location of springs in the project area and areas of potential impact; b) providing water quality data for Middle Creek and South Creek; and c) quantifying impacts of specific pollutants (e.g., phosphorus, TSS, heavy metals, PAH5, VOCs, temperature) on receiving waters."

As recommended by AES, "[t]he DEIS (FEIS) should describe how sediment and other pollution from inadequately manage [d] mine runoff may affect Brook Trout and aquatic macro invertebrates in Zavoral Creek. It should also discuss how the vegetation at spring discharge points, such as the Black Ash Seepage Swamp, could be affected by changes in groundwater discharge." AES Report at 9. "Trout streams are especially sensitive and valuable ecological resources, and any impact of the Tiller mine may have on the Zavoral Creek is a significant environmental impact meriting analysis in the EIS."

-City responses include:

- Glossing over significance of impacts to groundwater and streams with assumptions and speculation made by Tiller's and others. We do not know the

impacts but there will be impacts according to Scott Alexander, Geo-Hydrologist and expert on Karst spring areas with the University of Minnesota.

- The majority of the mining site (> 90%) has had significant disturbance in the past, has been re-vegetating, but for the most part is re-vegetating with adaptive disturbance, edge species and composes an existing edge.
- Adding a 100-foot setback instead of the proposed 50-foot setback would decrease the size of the project by 30% and limit the success of the project. What Tiller is saying is that to increase setbacks to 100 feet would limit the profit by 30%. The RGU's decision about granting a conditional Use Permit is not to be bases in any way on financial gain or loss.
- The new edge would only increase by 264 feet

This response demonstrates a clear lack of understanding of the “edge effect” which is not just a boundary line “where the mined area meets the woodland areas” but a less definable changing area that encompasses a swath of land that will experience ecological changes and damage due to new mining and disturbance. There is no evidence or ecological expertise to support the claim made by the FEIS.

- Impact to wildlife will only occur during active mining
- Loss of the woodland area would not impact rare, threatened or endangered species and the plant community is not endangered or currently protected by federal, state, or local laws
- No impacts that reached the level of significance were identified

There is no evidence to support these responses, especially when the existing woodland and re-vegetated land will be changed drastically and permanently due to mining. This area is an important part of a larger wooded corridor on the north and south of the mine site. There were lots of wild animals there before the manicuring of part of the site when the borings were done. There are many birds that use this area.

- The 9 acres is critical to Tiller and would result in a \$ loss of 50%
- The DEIS determines the loss of the 9 acre area is not significant (due to their interpretation of the written definition)
- “No surveys of mussels were completed because there will be no impact to the St. Croix River.” This claim can not be substantiated by facts and there isn't a guarantee there won't be negative impacts, even with monitoring
- Acknowledges that evaluations and predictions of no impacts are based on Tiller's compliance with the mining plan and mitigations. However, there is no guarantee that such a sensitive, high quality and rare natural area bordering the St. Croix National Scenic Riverway will not be harmed.
- “No need to discuss the reversibility of impacts”- What?????????

Failure to provide details as well as benefits of the “No Build” Alternative

“No change from existing conditions” is the response the report frequently states when talking about this important alternative. The FEIS report does not give an “objective,

“No change from existing conditions” is the response the report frequently states when talking about this important alternative. The FEIS report does not give an “objective, thorough discussion of the beneficial effects generated by them direct, indirect or cumulative.”

An Environmental Impact Statement completed in “good faith” needs to give the City Council sufficient, complete and adequate information to analyze the potential negative impact for all of the alternatives.

The FEIS still focuses only on the site and direct impacts from changes in land cover and habitat conversion.

It appears clear that “sufficient” only means they think the FEIS meets the requirements from Tiller’s standpoint, not from a “good faith” “hard look” at the potential negative environmental impacts or cumulative impacts of the mine.

As stated at the beginning:

1. Conclusions are made without the factual evidence to support them.
2. In many instances, the responses to the comments assume the conclusion in making their argument.
3. The FEIS states, in numerous instances, that it does not need to analyze the potential impact of the mine because the city does not have the authority to regulate it or AECOM/Tiller, by rule or law, are not required to analyze it.

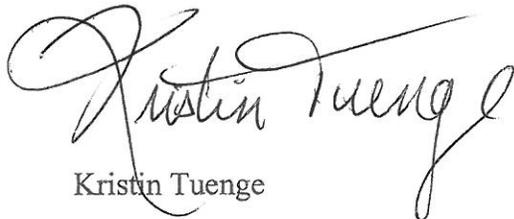
TA-COS does not think the FEIS accomplishes this requirement.

The obvious bias of this report does not reflect the well-founded concerns and impact to Scandia residents, the surrounding community and St. Croix National Scenic Riverway, as well as all the people that have a right to enjoy it!

Granting a Conditional Use permit to mine this fragile and unique area is a very serious decision for the Scandia City Council and it will create a lasting legacy for Scandia.

Thank you for the opportunity to comment on the FEIS.

Sincerely



Kristin Tuenge

20595 Quinnell Ave. N.

Scandia, Mn. 55073

Board member of Take Action- Conserve Our Scandia



September 10, 2012

Ms. Anne Hurlburt
City Administrator
City of Scandia
14717 209th Street North
Scandia, MN 55073

Re: Zavoral Mining and Reclamation Project
Comments on Final Environmental Impact Statement

Dear Ms. Hurlburt:

On behalf of the National Parks Conservation Association (NPCA), I thank you for the opportunity to provide you with comments on the Final Environmental Impact Statement (FEIS) for the proposed Zavoral Mining and Reclamation Project.

Since 1919, NPCA has been the leading voice of the American people in protecting and enhancing our National Park System, working together with our more than 750,000 members and supporters nationwide to preserve our nation's natural, cultural and historic heritage for future generations. NPCA has a longstanding interest in protecting our national parks and their resources, both inside the park and on adjacent lands, and we are particularly interested in the proposed Zavoral Mining and Reclamation Project and its potential impacts on the St. Croix National Scenic Riverway.

We have reviewed the FEIS and the responses to the concerns we raised in our comments on the Draft EIS. We believe the FEIS is still inadequate as it fails to take into consideration the special status of the St. Croix River as a unit of the National Park System and the true impacts of the noise from the mine on this national resource. On behalf of our members and supporters, NPCA does not support this gravel mine because operation of the mine will generate commercial noise on the river, which will disrupt the values for which the St. Croix River was given federal protections. Because the FEIS fails to document this impact, the City should find that the FEIS is not complete.

Upper Midwest Field Office

Noise

The FEIS continues to acknowledge that mining noise would be audible on the St. Croix National Scenic Riverway. The National Park Service has raised several concerns about the operation of this mine, including increased noise, and is thus opposed to the issuance of a permit for its operation. We concur.

In the City's response to comments regarding noise concerns, it was pointed out there are already certain manmade noises in the area, including motor boats, and that in practical terms, operation of this mine would mean a person could hear the mine in addition to a passing motor boat and "other natural noises" while on the river. However, a motor boat is a recreational activity on a river that has been federally recognized for its recreational values. Mining, which involves truck hauling and operation of other heavy equipment, is a commercial activity.¹ The analysis fails to take into consideration the type of noise generated by the mine. The noise from a commercial gravel mine is clearly not a noise that recreational users of the river would anticipate hearing during their trip on this Wild and Scenic River.

Since the operation of this mine will be audible on the river and it is a type not currently heard by users, the analysis should document the negative impact this commercial noise will have on the St. Croix given its special status under federal and state law and specific purpose as a recreational and scenic asset. Additionally, consideration should be given to how this noise will impact this valuable and sensitive landscape as a whole, which 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 (Audubon designation). In order to gauge the importance of each of these sites, we have included the "*Franconia/Scandia River Corridor Rich in Resources*," prepared by the Minnesota Department of Natural Resources.

Future Uses

We indicated in our previous comments that assurances must be made that any future mining of this site for other materials would be prohibited. The mine sits atop sandstone, which has been mined for use in hydraulic fracturing and may be sought out for mining purposes following the gravel mining operation. In the City's responses to comments on the Draft EIS, the City acknowledged that should a permit be granted for this gravel mine, it will be restricted to this project only and that any future mining permits would need to comply with the Development Code at the time. We thank you for clarifying the restricted scope of the project.

¹ The FEIS even recognizes that the existing manmade noises on the river are recreational. FEIS, 4.15.4.1, Affected Environment, p. 4-100.

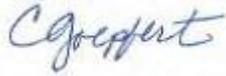
Upper Midwest Field Office

Conclusion

The FEIS is incomplete and lacks the comprehensive analysis necessary for the City of Scandia to make an informed decision on whether to allow operation of this mine. The St. Croix River is federally-protected and enjoyed for its scenic and recreational values, but the analysis fails to document the negative impact of the mine's commercial noise on this important resource. NPCA does not support operation of this mine because of these impacts.

We thank you for the opportunity to submit comments on the FEIS for the proposed mine.

Kindest regards,



Christine R. Goepfert
Upper Midwest Program Manager

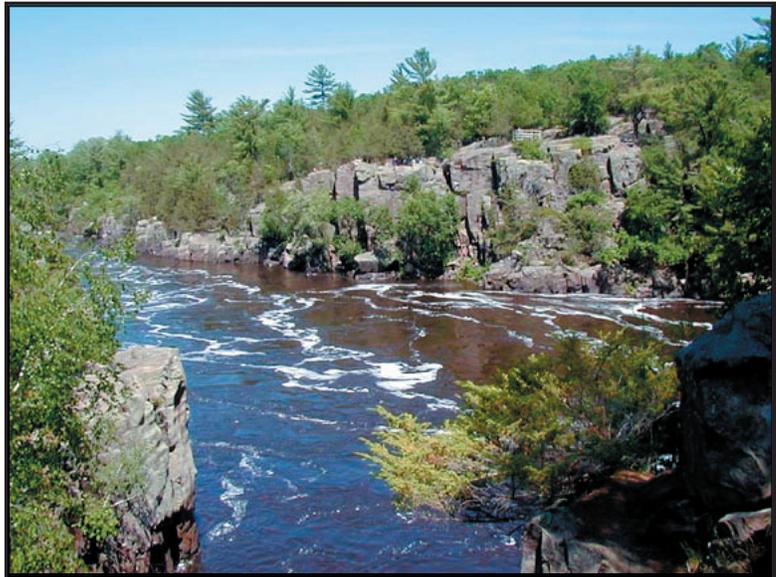
Enc: "*Franconia/Scandia River Corridor Rich in Resources*," Minnesota Department of Natural Resources, June 2009.

Upper Midwest Field Office

*Preserving our natural heritage***Franconia/Scandia river corridor rich in resources**

Folks who live near the St. Croix know why it's a nationally recognized river. With its beautiful vistas, clean water, rare mussel populations and impressive biological diversity, the St. Croix River valley is a natural treasure.

Located at the edge of a rapidly growing metropolitan region, however, the St. Croix River and its surrounding uplands is becoming increasingly vulnerable to over-development, habitat fragmentation, erosion and invasive species.

**Focus on biodiversity**

The six-mile stretch roughly from Taylor's Falls to Scandia is a 2,800-acre area of highly scenic bluffs and floodplains. Thanks to the landowners who have largely kept the land in its natural condition, this area supports the full range of St. Croix Riverway native plant communities, from cliffs and seepage swamps to prairies and pine forests. The Minnesota DNR recognizes that the plant communities, coldwater trout streams, and many rare and endangered plants and animals here give this site a ranking of outstanding biodiversity significance. The agency is looking for local partners and landowners who are interested in learning more about the area's unique features and what they can do to preserve them.

Conservation partnership

DNR can't do the job alone. Our goal is to work with private and public landowners, local governments, and conservation organizations to leverage resources for greater conservation of the Franconia St. Croix Corridor.

Half of the corridor, primarily floodplain next to the river, is owned by the National Park Service as part of the St. Croix National Scenic Riverway. About 220 acres is state land, including the Falls Creek Scientific

and Natural Area (SNA), the Rustrum Wildlife Management Area, and the new Franconia Bluffs SNA. The remainder, including most of the wooded ravines leading into the river and the floodplain, is privately owned. A number of landowners have chosen to protect their lands with conservation easements. Others are undertaking habitat improvement projects for species in greatest conservation need through the federally funded Landowner Incentive Program. There are new housing developments in two of the wooded ravines, and it is likely that more will develop over time without some kind of protection.

Variety of options

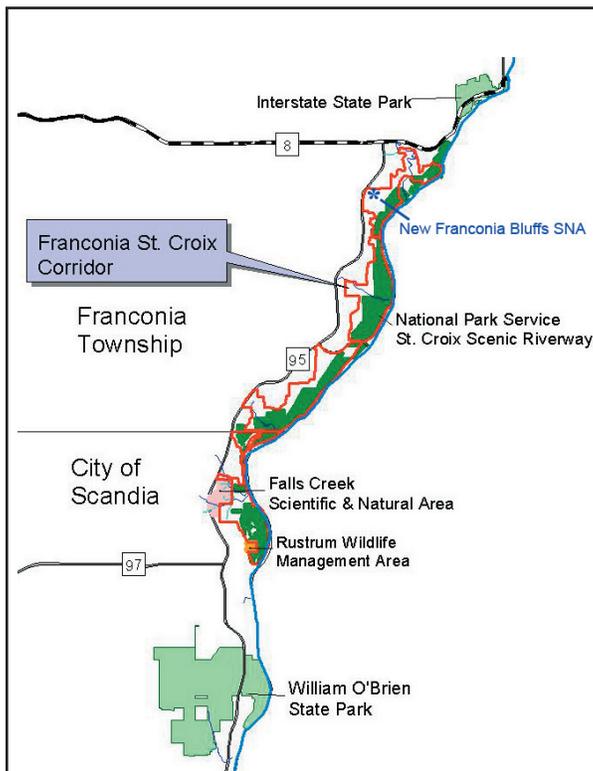
There are many voluntary land protection options available to interested private landowners, including stewardship assistance, conservation easements, and sale to agencies such as the DNR and the National Park Service. The partners seek to offer information to landowners and local governments about these options. In addition, it is hoped that what is learned from this project will serve to inform other conservation projects along the St. Croix River.

Resources worth saving

The six miles of bluffs, valleys and floodplain along the St. Croix River between Taylor’s Falls and Scandia are rich with a diversity of plants and wildlife. Rare birds such as the cerulean warbler flit through woods. Vegetative communities such as black ash seepage swamps provide the right conditions for unusual plants. Cold, clean streams gurgle through ravines and support trout. Few such places still exist. The DNR is hoping to work with landowners, local governments and others to see that these unique resources receive the stewardship they deserve.



Black ash seepage swamp (left);
Cerulean warbler (below).



Partners in protection

Stewardship of the St. Croix River valley’s unique natural resources between Taylor’s Falls and Scandia is supported by:

- Franconia Township
- City of Scandia
- Chisago County
- Washington County
- Trust for Public Land
- Minnesota Land Trust
- St. Croix River Association
- St. Croix Scenic Coalition
- St. Croix Conservation Collaborative
- Minnesota Chapter of the Audubon Society
- Minnesota Chapter of the Sierra Club
- Great River Greening
- Carnelian Marine Watershed District
- Minnesota DNR
- National Park Service

For more information contact:

Hannah Texler, DNR plant ecologist, 651-259-5811; hannah.texler@dnr.state.mn.us





September 10, 2012

Anne Hurlburt
Scandia City Administrator
14727 209th Street North
Scandia, MN 55073

RE: City of Scandia Final Environmental Impact Statement (FEIS)
Zavoral Property Mining and Reclamation
Metropolitan Council District 12 (Harry Melander)
Council Review File No. 20475-3

Dear Ms. Hurlburt:

The Metropolitan Council received the City's FEIS for the Zavoral Property Mining and Reclamation project on August 10, 2012. The proposed project involves mining and site restoration of 64 acres of the 114-acre site located east of State Trunk Highway (TH) 95 near its intersection with TH 97 in the City.

The following comments are offered on the final document:

4.7 – Water Use

The discussion of monitoring requirements, on page 31 of the Response to Comments document, notes that "Copies of the pumping records for the Zavoral Site Well would be provided to the City, Washington County, and MnDNR." This data is not particularly useful to observe and prevent impacts unless a reporting frequency is defined and implemented. Data should be provided quarterly or more frequently to evaluate impacts and take appropriate action, if needed. We disagree with the stated conclusion that "the collection of baseline data and monitoring during and post-Project would not be necessary" – installation of a groundwater level observation well on or near the site is recommended, to evaluate local trends in aquifer level during the Project. This would help identify effects of the Zavoral site well versus the effects of other nearby pumping wells.

The Metropolitan Council will take no formal action on the FEIS. If you have any questions or need further information on these comments, please contact Jim Larsen PE, Principal Reviewer in the Council's Regional Growth Strategy and Parks and Open Space Department, at 651-602-1159.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Boylan".

Patrick Boylan, AICP
Acting Manager, Local Planning Assistance

cc: Harry Melander, Metropolitan Council District 12
Cheryl Olsen, Reviews Coordinator
Lisa Barajas, Council Sector Representative
Judy Sventek, Water Resources Assessment Manager

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www.metrocouncil.org

Comments to FEIS for Proposed Zavoral Mine
Submitted by Laurie Allmann to the City of Scandia, MN
September 10, 2012

Dear Mayor and City Councilmembers,

Thank you for the opportunity to comment on the FEIS for the proposed Zavoral Mine. I offer these comments with the following understandings:

- 1) AECOM's client on this document is the City of Scandia, and not Tiller Corporation. As the project proposer, it is Tiller's responsibility to pay the cost of the EIS, but this does not entitle the corporation to any special consideration in determination of the adequacy and/or completeness of this document.
- 2) In its contract with the City of Scandia, AECOM does not warrant the accuracy of the information it provides in this FEIS. The City's contract with AECOM states "The project documents prepared or furnished to Client by Consultant under this Agreement may be based on information obtained from sources outside Consultant's control. **Other than the application of prudent professional care in their evaluation, the Consultant does not warrant, expressed or implied, the accuracy thereof.**" This clause in the contract has two important implications for reviewers of the document: 1) the accuracy of information provided by AECOM cannot not be assumed or relied upon, and 2) AECOM may be held accountable for demonstrating a reasonable standard of "prudent professional care in their evaluation" of information provided in the FEIS.
- 3) The City does not face an easy task, since AECOM's experts are no more credentialed than many of those providing comments to the FEIS. Please allow the incoming comments on the FEIS (and those already in the public record) to inform your perspective, and challenge AECOM to fully and objectively relate all relevant environmental impacts of the proposed mine. Consider that a major portion of AECOM's global business is related to the design of new and expanded mining operations, as described on its corporate website: *At AECOM...we work with project delivery teams to develop environmental strategies that can minimize regulatory delays and environmental compliance costs...*
(<http://www.aecom.com/What+We+Do/Mining/Practice+Areas/Overview>)

COMMENTS on FEIS

The FEIS conclusion that "No impacts that reached the level of significant impacts were identified in association with the project" is insufficiently justified. The standard being applied throughout the FEIS for "significant" impacts is arbitrarily limited in ways not supported by Minnesota state statute, guidelines established by the Minnesota Environmental Quality Board, and/or stipulations of the National Environmental Policy Act (NEPA).

The criteria for significant impacts cited by AECOM on page 12 of the “Responses to Comments” (from MN Rules, Minn.\$. 4410.1700) are intended to offer guidance for an RGU that is considering whether or not to order an EIS. They are not the standards to be applied *within* an EIS, by which the preparer (in this case, AECOM) deems whether a given impact is (or is not) significant. The determination of “significant impact” within an EIS is not limited to these criteria. In particular, the National Environmental Policy Act (NEPA) may be used as basis for the determination of whether or not a given environmental impact is considered “significant.” According to NEPA guidelines (quoted below), significance is also guided by the following considerations of context and intensity, wherein:

“*Context* means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

Intensity refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.
- The degree to which the proposed action affects public health or safety.
- Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- The degree to which the effects on the quality of the human environment are likely to be highly controversial.
- The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on

the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

-The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

-The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

- Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.”

Many of the public and agency comments received on the DEIS relate broadly to this issue, calling upon AECOM to give more consideration of these context and intensity-related issues in its evaluation of the significance of impacts. Yet, in its responses, AECOM rejected such feedback. As a result, the FEIS does not offer a realistic assessment of the level and scope of impacts that will likely be experienced if the mine is approved.

Specifically, the FEIS for the proposed Tiller/Zavoral Mining Project fails to apply a reasonable standard for “significant impact” in the following instances:

Inadequate consideration of context in evaluating significance of noise impacts

In response to comments to the DEIS, AECOM states that Minnesota state noise standards are the enforceable limits currently available to the city of Scandia. These noise standards were used in AECOM’s determination of “no significant impacts.” But the Council of Environmental Quality regulations (40 Code of Federal Regulations [CFR] 1508.27) also define impact levels based on the considerations of context and intensity. Context, in this case, is the St. Croix Scenic Riverway, a National Park with relevant noise standards outlined in its management plan. The National Park Service recommends that natural, ambient sound be used as the standard by which impact is measured. If this standards is appropriately applied, the noise produced by the mine would be considered a significant impact.

Inadequate consideration of cumulative impacts

The phrase “Cumulative Impacts” is defined in Minnesota Administrative Rules 4410.0200, Subp. 11 as “the impact on the environment that results from incremental effects of the project in addition to other past, present, and reasonably foreseeable future projects regardless of what person undertakes the other

projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”

The items discussed under 4.17 Cumulative Impacts relate to other possible future projects in the vicinity of the mine, but nowhere in the FEIS is there a reasoned discussion of the collective impacts (however minor) *of the Tiller/Zavoral mine itself* which, combined, may be considered significant.

Throughout the FEIS, AECOM evaluates the various individual issues included in the EIS scope. It establishes and applies standards for significance of impacts for each issue. When each individual issue was not considered by AECOM to rise to the level of “significant environmental impacts,” the conclusion is made that these impacts, in the aggregate, are not significant.

But the environmental review law specifically requires and provides basis for analysis of these effects in the aggregate. For example, what is the **combined impact** of increased noise, permanent alteration of topography, fragmentation of forest cover that offers habitat for resident and migratory birds, increase in traffic entering from the “mine side” of the intersection at 97/95, the risk of slope failure, the increased risk represented by a proposer who has violated environmental rules at another mining operation resulting in degradation of a tributary to the St. Croix? Does this not represent a significant risk to community assets? Seen in the aggregate, and in the context of the immediately surrounding natural features (including a National Park, Wildlife Management Area, trout stream), is this combined impact “**significant**”? The EIS provides no analysis.

Mis-representation of No-Build Alternative as regards Traffic

In its Responses to Comments (p 3) AECOM states that “Traffic analyses commonly use the term “generate” to refer to trips originating from or terminating at a site.” By this definition, the No-Build Alternative cannot be said to generate traffic of over 500 trips per day for 20-30 years. Tiller’s truck traffic from other mining operations would not originate from or terminate at the Zavoral site. Correcting this mis-information may result in a re-consideration of the significance of the proposed mining operation as related to traffic issues. It is wrong to attribute other mine-related traffic on the roadways to the “no-build alternative.”

Inadequate consideration of potential long-term effects

In assessing likely impacts, the FEIS fails to consider the permanent nature of a conditional use permit, and the reasonable likelihood that the applicant (Tiller) or a future mining operation will re-open or expand operations at the site. Given that the applicant is seeking a

Conditional Use Permit (rather than a time-limited interim permit) and given that the applicant's customary business practice is to expand operations from that initially proposed for a site, the existence of a high quality frac sand resource at the site, and the intense and growing market demand for frac sand, the FEIS assessment of potential cumulative effects should reasonably include potential for a future frac sand mine at the Tiller/Zavoral site, and a longer time frame. The operation of the mine at this location would represent a departure from the current approved Scandia comprehensive plan, potentially causing a permanent change in the zoning of the site. The NEPA language regarding consideration of "intensity" of impacts relates to such a possibility: "The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration."

Insufficient rationale for failure to consider modified scale alternatives

In its response to comments on the DEIS calling for a modified scale alternative eliminating mining of the 9-acre wooded, previously unmined area of the project, AECOM asserts that such a reduction in project scale was excluded from evaluation in the EIS because "mining that area is a prerequisite to reclamation for the Project because revenue from the aggregate resource would be used to fund the proposed reclamation." This rationale falls short of reasonable. In reality, a smaller scale project would mean a smaller profit for the applicant, but would not by necessity preclude reclamation. To eliminate this modified scale alternative (or the 100' buffer alternative) based on the assertion that a smaller scale would not meet the purpose and need of the project is also a red herring, since the RGU is not obligated to help a proposer to maximize profits. In fact, in the Minnesota Environmental Quality Board's Guide to Minnesota Environmental Rules, relative to excluding alternatives, it specifically states that "cost-related factors cannot overrule environmental considerations." The fact that Tiller Corp says the size of the mining area is "critical to the success of the project" is not a surprise, but that doesn't mean that AECOM (whose client in preparation of the EIS is the City of Scandia) needs to represent that assertion as fact.

Environmental considerations here are not limited to potential impacts on "rare, threatened or endangered species," as AECOM suggests. The EIS could and should consider the context of surrounding high value natural resources, and importance of this site in the overall ecological integrity of the area. For a rationale to consider the modified scale alternative, one need not look further than the City of Scandia's Development Code, the stated intent and purpose of which includes "To preserve and protect the City's rural character, natural landscape, and natural and scenic beauty."

Please ask AECOM to remedy these shortcomings of the FEIS. Thank you for your consideration.

Laurie Allmann



United States Department of the Interior

NATIONAL PARK SERVICE
St. Croix National Scenic Riverway
401 Hamilton Street
St. Croix Falls, Wisconsin 54024

IN REPLY REFER TO:

September 10, 2012

L7615 (SACN)

City of Scandia
Attention: Anne Hurlburt, City Administrator
14717 209th St. N.
Scandia, Minnesota 55073

Dear Ms. Hurlburt:

The National Park Service (NPS) has reviewed the Final Environmental Impact Statement (EIS), dated August 8, for the proposed Zavoral Mining and Reclamation Project. As you know, the proposed mine is adjacent to the Lower St. Croix National Scenic Riverway (Riverway), a unit of the National Park System, managed by the NPS. The Riverway was established under the Wild and Scenic Rivers Act (WSRA) in 1972 to protect and enhance its water quality, scenic, aesthetic, recreational, and geologic values for the benefit and enjoyment of present and future generations (Public Law 92-542 as amended; 16 U.S.C. 1271-1287). It includes the St. Croix River from the hydropower dam at Taylors Falls, Minnesota to the confluence with the Mississippi River and a narrow strip of land on each side averaging ¼ mile wide.

The NPS has expressed concern about the proposed mine since learning of it in 2008. The proposed mine has the potential to damage the resource values that were intended to be protected by establishing the Riverway. Furthermore, the NPS believes that the analysis presented in the Final EIS understates the impact of the proposed mine to the Riverway and, therefore, is inadequate for decision-making by the City of Scandia. The Final EIS is inadequate because: 1) the rationale it uses to conclude that the proposed mine would have no discernible impact on local tourism is flawed; 2) it does not apply the appropriate noise standard to the Riverway; 3) it does not adequately respond to substantive comments made by the NPS; and 4) it does not adequately consider cumulative impacts.

The Final EIS uses flawed rationale for determining the impact to local tourism

Several parties who commented on the Draft EIS expressed concern about the negative impact the mine could have on local tourism-related business. The Final EIS responds to this concern with the statement that the proposed mine would have no discernible impact on local tourism because it “would not be visible or audible from key tourism destinations, such as sites in Scandia Village and William O’Brien Park” (page 21, Bullet 3, “Responses to Comments”). The fact that the mine would be audible from the Riverway, and that the Riverway is a key tourism destination, is not mentioned at all in Bullet 3. This despite the fact that the language on preceding page recognizes that “tourism is largely related to the St. Croix River and river corridor” and that page 4-108 of the Final EIS recognizes that the mine would be audible from the river. The rationale for determining there would be no discernible impact to tourism should be reexamined in light of the fact that the mine would be audible from the Riverway and that the Riverway is a key tourism destination. In addition, although the rationale on page 21 indicates that truck volumes are within the capacity of the roadways, it seems questionable that 440-

736 trucks per day, depending on the alternative selected, would have “no discernible impact on local tourism.” This should be reexamined as well, taking cumulative impacts into consideration as described below.

The Final EIS does not apply the appropriate noise standard to the Riverway

Page 21, Bullet 4 of “Responses to Comments” states that the proposed mine would have no discernible impact on local tourism because the “analyses conducted for the Draft EIS determined that although mining noise could be audible to people using the St. Croix River, it would fall below applicable standards.” The NPS pointed out in our comments on the Preliminary Draft EIS, dated December 1, 2011 and in our comments on the Draft EIS, dated May 18, that the EIS applies the wrong noise standards to the Riverway. The EIS uses State of Minnesota noise standards that would allow for such an increase in noise levels on the Riverway that two people canoeing side-by-side would not be able to carry on a conversation. Such an increase in noise levels is clearly not applicable to the Riverway or any unit of the National Park System. **The NPS reiterates that the State noise standards should not be used as a basis for comparison in the EIS.**

The appropriate standards can be found in the 2006 *NPS Management Policies*. These policies require that the “natural ambient sound level – that is, the environment of sound that exists in the absence of human-caused noise” be used as the baseline condition and standard against which current and projected conditions are measured and evaluated. The Final EIS responds to this on page 64, “Responses to Comments” that the “Minnesota state noise standards are the enforceable limits currently available to the City of Scandia” and that “the NPS goals are not enforceable.” The purpose of an EIS is to fully disclose the environmental impacts of a proposal for use by decision-makers, regardless of the decision-makers enforcement abilities. If a proposal conflicts with the goals of an affected land manager, the EIS should explain those goals and disclose how the proposal would conflict with them. The fact that the City of Scandia cannot enforce the NPS goals is not relevant to the analysis. **The City of Scandia could help the NPS meet the goal of protecting natural soundscapes by making a decision consistent with *NPS Management Policies*.**

It is also stated on page 64, that worst case modeled noise levels would essentially be the same as the NPS monitored values from summer 2011 in the Riverway. What they fail to point out is that the NPS monitored values of median existing daytime ambient (L_{50}) of 39.4 dBA consisted primarily of natural sounds (the median natural ambient (L_{nat}) was 35.1dBA) (NPS, 2011). Because the NPS monitoring was conducted during midsummer, there is a large component of bird, amphibian, and insect activity in these sound values. These natural sounds are much different than the noise that would be generated by mining operations. In addition, the high level of natural ambient sound documented by the NPS would only apply during late spring and midsummer. Natural ambient levels are undoubtedly much lower at other times of the year, which means that the mining noise would be much more audible.

Tiller’s Noise analysis also “indicated that mining noise would be less than an outboard motor at certain frequencies.” However, mining activity would occur continuously from 7:00am to 7:00pm when the mine is in operation, while the NPS monitoring documented that motorized water craft were only audible only from 5 to 13 minutes out of every hour between 7:00am and 7:00pm during midsummer. Therefore, the fact that mining noise would be less than that of an outboard motor does not mollify the NPS concerns about the impact of noise from the mine.

The Final EIS should be revised to apply NPS noise standards and disclose the true level of the noise impacts from the proposed mine. Without such full disclosure, the City of Scandia cannot make an environmentally informed decision on the permit request.

The Final EIS does not respond to several substantive comments made by the NPS

The format of the Final EIS makes it difficult to track whether all substantive comments have been responded to. However, careful review of the document shows that there are several substantive NPS comments that have either not been responded to or are responded to only in part. These include the NPS comment that the impact of noise to wildlife should be considered, including stress responses, the loss of listening area, and related impacts to predator/prey relationships. The NPS comment that the EIS should consider the impact of noise on the recreational enjoyment of the Riverway also does not appear to be responded to. Our concern about a sediment release occurring, similar to that which occurred in April at Tiller's Grantsburg Frac Sand Mine but "brought about by rainfall rather than wash water" is only partially responded to. Page 38 of the "Responses to Comments" states that since "there would not be any wash water basins...there is no chance for a similar failure." However, the crux of the NPS comment, about the potential for a sediment release "brought about by rainfall rather than wash water" appears to have been ignored. The Final EIS should be revised to provide responses to all substantive comments and be laid out in such a way that reviewers can easily track the responses. An example of that type of format is enclosed for the City's reference.

The Final EIS does not adequately consider cumulative impacts

According to Table 1 of the Final EIS, "EIS Content Requirements" there should be a thorough but succinct discussion of potentially significant adverse or beneficial effects generated, be they direct, indirect, or cumulative. Minnesota Rule 4410.0200, Subpart 11 defines cumulative impact as "the impact on the environment that results from incremental effects of the project in addition to other past, present, and reasonably foreseeable future projects regardless of what person undertakes the other projects." The Final EIS addresses cumulative impacts on a half a page on page 4-118 of the Final EIS. The potential for additional development-related actions to occur is discussed, but their cumulative environmental impact is not analyzed as required by the Minnesota Rules. According to the Minnesota Rules cited on page 12 of "Responses to Comments" a decision as to whether a project has the potential for significant environmental effects is based, in part on the cumulative potential effects. **Because the Final EIS does not consider adequately address cumulative effects, the City of Scandia cannot make a determination as to whether the potential cumulative impacts could be significant. The Final EIS should be revised to adequately address cumulative impacts.**

As part of the revised cumulative impacts discussion, the noise analysis should consider the number of trucks that could potentially be on area roads. Currently, the noise analysis is based on an assumption that gravel truck traffic currently coming into the City of Scandia from Tiller's mines in Franconia, Minnesota and Wisconsin would be discontinued when the Scandia mine is in operation. The NPS is not aware of any mechanism available to the City of Scandia to ensure that trucking is discontinued from other Tiller sites while the Scandia mine is in operation. Unless there is some mechanism, the EIS should be looking at the worst-case analysis with all area mines operating and trucking during the same time period.

Other areas of concern

The Final EIS does not explain how mining depths that would range from 25-50 feet above the groundwater table would be converted to depths of 45 to 78 feet above groundwater post-reclamation (page 36). If fill material is to be brought in to achieve these depths, it should be described. If not, it should explain where the material to achieve the post-reclamation depths would come from. **An explanation of how these depths would be achieved is critical to determining whether the mine could have significant impacts on the seeps and springs within the Riverway.**

The statement on page 4-104 of the Final EIS that in June and July 2011, the NPS completed noise monitoring at four locations on the St. Croix River” is incorrect. The NPS completed 34 consecutive days of sound monitoring at one location from June 23 to July 27, 2011.

Conclusion

The NPS believes that the Final EIS is inadequate for the reasons stated above. Because of these inadequacies the statement that “no impacts that reached the level of significant impacts were identified in association with the Project” (page 12, “Responses to Comments”) is not defensible. The Final EIS should be revised to provide the City of Scandia with the necessary environmental information upon which to base their decision.

Regardless of the City’s decision on the adequacy of the Final EIS, the NPS reiterates that we are opposed to issuance of a Conditional Use Permit for the proposed Zavoral Mine. The Lower St. Croix National Scenic Riverway was set aside to protect its water quality, scenic, aesthetic, geologic, and recreational values. Section 10(a), the non-degradation clause of the WSRA, states that national wild and scenic rivers “shall be administered in such a manner as to protect and enhance the values which caused it (them) to be included in the system.” The proposed mine would not be consistent with the WSRA. In fact, at minimum, it would degrade the aesthetic and recreational values of the Riverway because it would create a source of industrial noise that would be audible from within the boundary, including the river surface.

While the NPS has the ultimate responsibility for protecting the Riverway, we can only do so with the help of local units of government and private citizens. The NPS reminds the City of Scandia Council that activating a mine on the boundary of the Riverway is no different than activating a mine on the boundary of any national park such as Yellowstone, the Grand Canyon, or Yosemite.

In creating the Riverway as a unit of the National Park System in 1972, the U.S. Congress recognized that the St. Croix River is very special and stands out amongst the thousands of rivers found throughout America. It should be protected for the benefit and enjoyment of this and future generations. **We urge the City of Scandia to join us in protecting this treasure by selecting the no action alternative and denying the request for a conditional use permit to operate the mine.** Instead, the area should be reclaimed, as was the intention in 1991, and placed in a more compatible use per the 2008 City of Scandia’s Comprehensive Plan.

Thank you for the opportunity to provide comment. If you have any questions, please call Jill Medland of my staff at 715-483-2284.

Sincerely,



Christopher E. Stein
Superintendent

Enclosure

References

National Park Service. 2001. St. Croix National Scenic Riverway. Acoustical Monitoring 2011. Natural Resource Technical Report.

Letter 10

Responses to Letter 10

Save-Our Unique Lands
SOUL
PO Box 175
Glen Flora, WI 54526

Ms. Jill Medland, Superintendent
St. Croix National Scenic Riverway
PO Box 708
St. Croix Falls, WI 54024

May 29, 2004

Dear Ms. Medland,

SOUL has reviewed the Draft Environmental Impact Statement, and have several areas of concern regarding the contents of this document.

First, SOUL has followed the sentiments of the NPS through their comments on this project. These comments are incorporated in the FEIS prepared by the Wisconsin Public Service Commission in 2000. Those comments questioned the need for the project, therefore favoring the No Action Alternative as proposed in the DEIS. While the NPS provided testimony opposing the project in November of 2000, this testimony was later withdrawn, due to confusion as to whether testimony should be given at public or technical hearings. This same testimony was incorporated as language in the FEIS. We are also aware, after the first approval of this project by the Wisconsin Public Service Commission, a letter from Minnesota Power was sent to a President's Special Task Force requesting project streamlining. Although we do not know of any resultant action to this letter, we would hope that as the project has not changed in scope the National Park Service would not change its impression or analysis of this project.

Secondly, SOUL is concerned about the Long Span Conductor Option, which appears to be favored by the National Park Service. We were quite appalled by the offer of \$2,750,000 offered by the applicants to "enhance scenery and recreation". Certainly, we would argue, as did Gaylord Nelson, and Walter Mondale years ago that the scenery can not be enhanced by anything short of total protection for this river. In fact, this river was designated under the Wild and Scenic Rivers Act in 1968 to protect the Riverway from any further degradation such as this. No amount of money will be able to "enhance this scenery" from as it is today, protected and managed in a near primitive state. This designation was made to preserve this quality waterway for posterity, not to allow denigration for dollars that will never be able to return the waterway to the state it is today.

Other problems with this plan would include the transition station for partial undergrounding. The transition station will be a permanent public eyesore, which will require a road for upkeep and maintenance, certainly not conducive to the current management plan for the waterway. Technically, our experts have concerned doubts that the undergrounding of the shield wire would be feasible and/or operational. The overhead span may sag greatly, which may lead to safety issues for canoeists who are on

10-1

Comment noted. Please refer to response to Comment 6-9.

10-2

10-2

The \$2,750,000 refers to the amount that would be placed in an endowment fund if the Long-span Conductor Option were construction. Mitigation and enhancement funds such as the one proposed are fairly common. Some examples include the FERC hydropower relicensing in Wisconsin (Menominee River/Wilderness Shores), Oregon (Pelton Round Butte and North Umpqua), and a transmission line project (Kangley-Echo Lake) in Washington. To arrive at a figure for mitigation and enhancement funds, the costs of projects or programs that would help offset the impacts of a proposed action are calculated. In this case, the NPS calculated the \$2,750,000 figure as the amount needed to generate enough interest (based on 5 percent annually) to fund recurring seasonal staff costs for programs that benefit scenery and recreation such as exotic plant control and visitor services.

10-3

The amount of the fund varies under each alternative according to its relative impacts.

10-4

10-3

Comment noted.

The concept is similar to the environmental impact assessment fees required by Wisconsin State Law to be disbursed to counties impacted by the Project to be used only for park, conservancy, wetland, or other similar environmental programs.

10-4

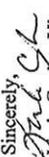
10-4

The Long-span Conductor Option includes installing the fiber optic cable underground utilizing common HDD and open trenching construction techniques.

Letter 10 Continued

Responses to Letter 10

- 10-4 [the waterway when the sag is the worst, in humid warm summer weather when the line would be used to its fullest capacity for exporting energy.
- 10-5 [The short span option that the utility prefers also comes with a \$4,750,000 enhancement package. Again, it is our feeling that no amount of money will buy the beauty that has been lost not only by the transmission line. There is no argument that this waterway was set aside for its aesthetic beauty and pristine nature. The NSP/Xcel transmission line that is currently over the river was there when the waterway was designated. In other words, the right-of-way was already established. This is the very reason at this point in time we are even asked to consider the addition of another transmission line. If approved by the NPS, this will be the first transmission line crossing to be added to this section of the National Scenic Waterway, and thus a precedent will be set; any other transmission lines, pipelines, etc. may now use this as the corridor of choice. The No Action Alternative will keep the park preserved, as intended, thus lessening the threat of future projects further degrading the pristine character of this Riverway, and its land.
- 10-6 [Undergrounding one or the other transmission lines, or both will involve removal of additional right of way (twenty feet) and subject the Riverway to concerns for siting and potential construction problems that may impact the environment. The transition station, as in the long span option will degrade additional land, and will not be allowed to return to its wooded state.
- 10-7 [There is no project short of "no action" that will allow the Namekagon River to maintain its pristine nature, and preserve it for the generations to come. To think that any amount of money will protect this area from future development, or enhance what has been degraded is nothing short of a sugar coating, or a payment to allow our heads to be turned the other way as the Namekagon is not only scared, but now becomes the established corridor. By allowing the scope to entail only the current crossing, the NPS has erred in looking at this crossing in the now, and failing to project what the future will be, or could be.
- 10-8 [In May of 2003 SOUL held a "Namekagon River Gathering", to celebrate the beautiful Namekagon, and to offer citizens a chance to speak for the river. Many came, many spoke. We have attached a transcription of this testimony (an eighty page transcript) to this testimony. These are the testimonies of our members for the Namekagon. Please except this as an attached exhibit. A copy of this testimony will be placed on CD and mailed with this letter also, to assure its receipt.
- 10-9 [We again wish to thank the National Park Service for their protection of this exceptional water resource in the state of Wisconsin. We hope that you can continue to protect this river for all today and in the future as you make decisions that will impact this waterway, and certainly others, regarding the permitting of the Arrowhead - Weston Project. We urge you to stand by the No Build Alternative, thus saving the integrity of this beautiful resource.
- 10-10 [

Sincerely,

 Linda Ceylor, Vice President
 For SOUL, Inc.
also sent via e-mail

10-5 Please refer to response to Comment 6-7 for a discussion of cumulative impacts of future crossings.

10-6 Please refer to Section A.1.4, Applicant-committed Protection Measures, in the Final EIS for a discussion of protection measures that would be implemented to minimize impacts to vegetation and water quality.

10-7 Comment noted.

10-8 Chapter 3.0 discusses the cumulative impact of past, present, and reasonably foreseeable future actions in the affected area for each alternative and every resource topic.

10-9 Comment noted. The transcript of the testimony gathered at the May 2003 "Namekagon River Gathering" questions the need for and expresses opposition to the entire Project approved by the PSCW. It will become part of the administrative record for this EIS.

10-10 Comment noted.

September 10, 2012

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

Dear Ms. Hurlburt and Members of the Council:

My name is Missy Bowen. Our family property is located at 20699 Quint Ave. N., nearly adjacent to the proposed Tiller-Zavoral mine. We have lived there since 1962. I was the 49th commenter on the Draft EIS for the suggested project.

The final EIS in its present form is inadequate and should be rejected by the City Council. The FEIS does not reflect the full scope and possible outcomes of developing – or not developing – a gravel mine on the site. It fails to address many concerns cited by government agencies, experienced professionals, and residents.

Moreover, the responses made by the city to the comments on the Draft EIS are equally incomplete and unsatisfactory. Comments made on the DEIS and the FEIS ignore many specific findings – particularly those made by environmental and traffic evaluation experts – and points made regarding omissions and mis-interpretations.

The volume of material – the DEIS, appendices, the 220-page redlined Final EIS, a 79-page response to 83 comments, etc. - makes it difficult for any private individual to address the issues on a point-by-point basis. Examination of even one or two points of discussion, however, quickly reveals that the FEIS is grossly inadequate for a project of such critical importance to the environmentally fragile St. Croix River Valley, to the safety of school children and drivers, and to the economy of the area.

I carefully studied the Draft EIS and offered substantive suggestions and concerns. I read the Response to Comments with dismay and read the Final EIS with disbelief. The FEIS ignores or glosses over expressed by me and by many others, including highly-qualified experts, regarding noise, traffic, erosion into the St. Croix River, and damage and pollution of adjacent wetlands, wells, and waterways. It fails to provide adequate technical analysis of these issues – particularly traffic and safety impacts, noise, property values, and ecological impacts (edge effects and set-backs).

The following areas are of particular concern:

ALTERNATIVES

Numerous issues regarding alternatives were raised in the public comments. These must be adequately addressed, but they are not. According to the response to comments, alternatives were identified by the City based on “timeframes that the proposer (Tiller) identified as feasible to extract the estimated 0.8 – 1.2 million tons of aggregate available.”

Timeframes as preferred by the for-profit, private developer cannot be the sole criteria for selection of alternatives for a project that affects many other people and private property as well as a national park. The Guide to Minnesota Environmental Review Rules, quoted in the Response to Comments, also makes this statement:

In applying exclusion criteria, the RGU must not be overly restrictive in defining the project's purpose and need. Occasionally, an RGU will claim desirable but nonessential elements as part of the project's purpose or need, thus eliminating alternatives that should be included. In many cases, these are cost-related factors and while important, they cannot overrule environmental considerations. At the same time, the RGU should not examine extraneous alternatives just to make an EIS more complicated. **The intent of the 1997 revisions is to ensure that the RGU takes a serious look at whether significant environmental impacts can be avoided or minimized by carrying out the project in another way.** (<http://www.mnplan.state.mn.us/pdf/rulguid3.pdf>).

The entire EIS needs to be expanded, with details for each scenario made far clearer. Tiller says they can do it in 5-10 years, in less than 5 years, or in 150 days. **The FEIS fails to detail the specific scenarios, instead relying on cut-and-paste tables using the same language and estimates for each scenario, although the difference between 150 days and 10 years is substantial.**

NO BUILD ALTERNATIVE

Substantial and specific instructions direct RGUs to include discussion of the "no-build alternative" in every EIS (<http://www.mnplan.state.mn.us/pdf/rulguid3.pdf>). The Zavoral Mine EIS pays cut-and-paste lip service to this mandate, as discussed at length in my May 18 response to the DEIS and essentially ignored.

This alleged need for the project is an *opinion*, put forth by the for-profit Tiller Corporation, that the land in question is in need of reclamation from mining that occurred on all but 9 acres of that land over 30 years ago. This *opinion* has not been proven.

Again, as with the question of timeframes as mentioned above and as the Response to Comments states, if all alternatives to Tiller's desired plan were selected solely on the basis of reclamation (and/or their convenience in when to dig the gravel out), then the entire EIS needs to be re-done with reclamation issues thoroughly and scientifically documented and referred to substantially in the comparison tables and texts. The Final EIS fails in this area.

NOISE ON THE RIVER AND IN NEIGHBORING HOMES

There are many issues with noise, and the FEIS does not adequately address them with technical studies or with mitigating alternatives. Take back-up alarms, which are purposely set at the most acute level of hearing. We are supposed to be placated with the assurance that Tiller will address the concern by driving their trucks, backhoes, and earthmovers in a circle, thus eliminating the need for back-up alarms. We are talking about an estimated 368 large, unmuffled trucks *per day*, with backhoes and earthmovers digging and dumping gravel in them just a few hundred feet from a Scenic Riverway. Really? Driving the trucks in a circle so they don't have to back up is the way to address this issue?

Truck noise will absolutely be heard on the river and in neighboring homes. It will be disruptive to property, people, and nature. Measurements must be taken in several ways and considered in context. As it stands, the EIS fails to do this.

Far more technical analysis is needed, and the FEIS must adequately address all the points raised by commenters regarding this complex issue.

RECLAMATION

Almost no detail is included regarding reclamation, and the Response to Comments pushes this issue into the future. What exactly will Tiller do? Who makes them do it? What about worst-cases scenarios? What if we have a catastrophic rain event, with the washout into the river that occurred when the land was mined 30 years ago? I remember that happening. It is not an opinion. Tiller's dismal record, as mentioned by several commenters, should sound loud alarm bells, and cause the Council to be very cautious on this topic.

Specifics must be included in the FEIS to allow the Council to make an informed decision. This decision will include a consideration of how much enforcement and oversight will be needed of Tiller's activities, and how much time and resources will be needed to ensure that the reclamation – such an essential part of rehabilitation – is thorough.

Now we have 30 years' established soil, grasses, and trees. We need a very detailed plan, with allowances for natural catastrophes, addressing reclamation, and the FEIS does not provide that.

I foresee a major rain event that causes unanticipated erosion, possibly involving my property, and certainly involving our river.

I also live in New Orleans. I speak from bitter and sad experience. Water is powerful. The roots of grasses and trees are critical in preventing destructive erosion. Nature does things you don't think she will do. The EIS for this project MUST thoroughly deal with this issue, but it does not.

ENVIRONMENT, EDGE EFFECTS, SETBACKS

I do not have time to go into all the points that are erroneous or misleading, or into the FEIS's failure to take into account the findings of Applied Ecological Services regarding edges and set-backs to protect the St. Croix River. I will point out that Tiller claims the 9 acres of previously-unmined land is 50% of their profit. That leaves 58 acres representing the remaining 50%. Claims that creating edges and setbacks would be onerous are specious – the math doesn't add up.

In keeping with the spirit of the EIS process, consider this from the Guide to Minnesota Environmental Review Rules:

In applying exclusion criteria, the RGU must not be overly restrictive in defining the project's purpose and need. Occasionally, an RGU will claim desirable but nonessential elements as part of the project's purpose or need, thus eliminating alternatives that should be included. **In many cases, these are cost-related factors and while important, they cannot overrule environmental considerations.**

WATER

Effect on water systems adjacent to the proposed mine: no facts or analysis are provided regarding negative impact to wells, seeps, wetlands, or waterways. The response to DEIS comments is completely inadequate and draws conclusions without providing facts.

Nine acres: The Response to Comments is completely off-base – and flies directly in the face of the rules for an EIS – in saying that, because half of Tiller’s anticipated revenue lies in mining a virgin 9 acre tract, the full impact Costs and economic gain on the part of the proposer are not to be considered within an EIS. Period.

TRAFFIC

The FEIS fails to take into account the traffic impacts and plan deficiencies presented by RLK and Associates, experts in the field. Truck traffic will cause dangerous situations along 97 and at the intersection of 97 and 95. This includes an elementary school, a church, and other places where people will get hurt or die. The EIS must present thorough information on this issue, but does not.

In summary, the Final Environmental Impact Statement for the Tiller Mine proposed on the property owned by Dr. James Zavoral is incomplete and misleading, and should be rejected. It draws conclusions without substantiation, ignores alternatives and mitigation possibilities, and is vague about critical components such as rehabilitation.

Consider the role of the Environmental Impact Statement as described by the Guide to Minnesota Environmental Review Rules, and ask if this EIS, the primary decision-making document, is accurate and thorough? Does it stand as the “heart of the program?” Are you, elected to serve your constituents, completely comfortable with this document? If not, do not accept it.

The primary purpose of the Minnesota environmental review program is to prepare an Environmental Impact Statement for each project with “potential for significant environmental effects,” as mandated in Minnesota Statutes, section 116D.04, subdivision 2a. Although prepared much less frequently than an EAW, the EIS is the heart of the program. The EIS provides information about the extent of these potential environmental impacts and how they may be avoided or minimized. Intended primarily for government decision-makers who must approve the project, the information is used by the proposer and the general public as well.

A key point: the EIS is not a means to approve or disapprove a project, but is simply a source of information to guide approval decisions. Occasionally, the information results in an alternative site or design being selected. More commonly, the information suggests changes or mitigative measures to minimize potential impacts that can later be imposed via governmental approvals. However, the legal basis for choosing an alternative other than the proposer’s preference or for imposing mitigative measures comes from other statutory authorities. Again, the EIS can only point out problems and solutions, it cannot enforce them.

Minnesota has a variety of independent statutory authorities to carry out solutions suggested by an EIS. State agencies can reject the proposer’s preference in favor of a “feasible and prudent” alternative if the former is “likely to cause pollution, impairment or destruction” of natural resources (Minnesota Statutes, section 116D.04, subdivision 6). Citizens have similar authority through judicial action under the Environmental Rights Act, Chapter 116B.

I ask the Council to consider the many taxpayers who will suffer from this project instead of the single landowner and for-profit corporation that will benefit. This document is a disservice to the people of Scandia, its economic health, its visitors, and the land we cherish.

Sincerely,

Missy Bowen
20699 Quint Ave. N.
Scandia, MN 55073
and
3570 Somerset Drive
New Orleans, LA 70131

10 September, 2012

City of Scandia, Responsible Government Unit for the Tiller Zavoral Mine Project
Re: Final Environmental Impact Statement

To Whom It May Concern: City Council, City of Scandia

We write as a citizens of Scandia, and property owners of our home and farm that is within 1 mile of the proposed mine.

At this date, four + years into a lengthy study, the Final Environmental Impact Statement should be complete and more than adequate—adequate enough to allow a responsible government body to project the potential environmental impacts of the Tiller Zavoral mine. Complete enough so that any question one might have is answered. One should expect that comments and concerns expressed by citizens and interested organizations be adequately developed in response, after many delays and postures from Tiller and its representatives. Both direct and indirect cumulative impacts should also be included, as the Environmental Quality Board Guidelines require. If, indeed, the DEIS is lacking in comprehensive, and quantified analyses, and excluding both direct and indirect cumulative analysis, then one should expect that the City's attorney would prepare the Council in its decision-making role to challenge the DEIS.

I hope that the Council will make astute and incisive challenges to the DEIS, taking seriously its role as the RGU on behalf of all those who will be impacted by this proposed mine. YOUR job, as I see it, is not to succor Tiller, but to be the smartest and most aggressive defenders of Scandia and her residents. If the DEIS is allowed to move forward without serious challenge from the RGU, then one can conclude bias, or lack of concern.

There are many areas of concern—

The No Build Alternative as a serious component of the Statement:

Zavoral was late in offering his future plans for the site. Now he says that he plans to develop the site for housing. The DEIS should look at this proposal from the vantage of the site post-mining, as well as from the position/question "HOW" development would benefit from the site AS IT IS today. Which scenario is environmentally less impactful to the trout streams and seeps? To the St Croix National Scenic River? To local roads, and to traffic? To bikers and pedestrians? To air quality and noise levels? To the quality of life for neighbors and even for distant residents who will be impacted by traffic, changes in property values, and effects to the city at large...from the perspective of Scandia's 2030 Comprehensive Plan and vision. The PAC rep from the Met Council made astute comments about the future use of the site after mining. The DEIS is far short of flushing out the potential advantages of a No Build decision.

Traffic analysis and planning (as a function of cumulative impacts):

We live off of 95 just north of the site. Recently, after waiting for some time to leave our intersection at 220th St North onto 95 traveling south, I experienced a gravel truck loaded and driving above the speed limit. He was initially far to the north and

behind me, but caught up to my car riding my bumper to the intersection of 95/97. He used his jake break all the way, and to avoid hitting me at the intersection (he was going too fast, too close) he pulled into the southbound lane, jack-knifing his cab as he came to a stop. I filed a police report with Washington County, and with Deputy Majesky. • Driving north on 95, at any time of day, passed the Zavoral site is nothing short of scary. Traffic turning north from 97 onto 95 cannot judge well the distance of cars coming from the south. I cannot imagine the stress and potential tragedies when gravel trucks entering and leaving the Zavoral site are added to this intersection. The DOT is irresponsible to give the impression that their analysis is complete. It is not

If there are 2 areas of concern that should be addressed, these are they.

The indirect consequences of this mine proposal, in any scale, are not palpably projected in the DEIS:

The soft impacts, the indirect impacts of this mine in any circumstance, will so affect life on the River, a National Park and treasure... it's frankly heart breaking that any RGU official would not take this responsibility seriously. We are stewards of Scandia's environment, and of the St Croix River for all 300 million of its owners. The DEIS barely considers this. The city of Scandia will have no authority to enforce these inevitable impacts, they will fall outside Scandia's jurisdiction. This, among the many outcomes, should stop each Council member in his/her tracks.

Our request to the City of Scandia, its attorney, and all consultants to Tiller's proposal, is to not sit back now, but to use its authority as RGU to defend what will be a true and comprehensive EIS. It's not that now.

Pam Arnold and Ann Bancroft

16560 220th Street North Scandia MN 55073
Salt-n-Pepper Farm LLC

10 September 2012

Ms. Ann Hurlburt
City Administrator
Scandia, Minnesota, 55073

Subject: Tiller/Zavoral Gravel Mine is BAD for Scandia

Dear Ms.Hurlburt,

Once again I write to urge the Scandia City Council to deny Tiller Corporation's application for a Conditional Use Permit for reopening the Zavoral gravel mine. It is a bad idea that has no conceivable benefit for the City of Scandia, or for the citizens who live in proximity to the mine, or for the residents who live along highway 97, or for anyone who enjoys the peace and quiet of the Saint Croix National Scenic Riverway. Such a permit would benefit one corporation and one individual landowner only, and no one else. The City Council has an obligation to serve the best interests of the citizens of Scandia and prevent the reopening of this gravel mine.

The immediate issue is the Final Environmental Impact Statement (FEIS), which fails to adequately address many of the impacts that this gravel mine would impose on Scandia, specifically, Traffic, Safety, Noise, Dust Control, and the potential for damage to the St. Croix River and ground water.

To take the most obvious and most visible impact, Traffic and Safety, the FEIS totally understates the effect of the substantial additional truck traffic on highway 97 and highway 95, and particularly at the 97/95 intersection. Traffic on highway 97 is already heavy, especially during the morning and afternoon rush hour, and it doesn't take much imagination to foresee how much worse it will be with hundreds more truck trips during "haul events" from the mine. Scandia residents all along Highway 97 will be greatly affected by the impact and noise of the increased truck traffic going by their homes and driveways.

As for Safety, the FEIS completely ignores the situation at the 97/95 intersection, with the addition of large numbers of trucks leaving the mine entrance, slowly starting up to cross busy highway 95 to

proceed slowly up the hill on 97 toward Scandia. It is an invitation for serious accidents that should not be permitted.

Discussion of the many other impacts I will leave to others, but I would urge the City Council to reflect on the simple fact that the current zoning law in Scandia specifically prohibits gravel mining on the Zavoral site. That should tell them something, namely that mining in this location is a BAD IDEA. Granting a permit on a technicality based on several-years outdated zoning law would be a significant disservice to the citizens of Scandia. I urge the Council to do the right thing.

Sincerely yours

Edmund K. Summersby
2 0457 Quinnell Avenue, Scandia

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