Anne Hurlburt

From: Kristin Tuenge [ketuenge@frontiernet.net]
Sent: Wednesday, November 30, 2011 3:00 PM
To: Anne Hurlburt
Subject: Input for EIS

Thank you for the opportunity to participate on the Zavoral-Tiller Mining and Reclamation Proposal as a citizen of Scandia. It has been an incredible learning opportunity.

Since the EIS is intended to be an independent and objective analysis of alternatives, I think that the No Build Option in every section be reviewed and rewritten from an objective perspective and not from the perspective of the proposer, as it is now. The No Build Alternative will describe potential impacts, outcomes, constraints, benefits, disadvantages and economics.

I am including some of my thoughts and I apologize if I am repeating those mentioned at the PAC meeting. I will also address some possible mitigations that need to be added.

LAND USE (Current and Future)

The No Build Option is the only true fit with Current and Future Land Use. The area is currently zoned Agriculture without Mining and it is currently an agricultural area that has been transitioning to residential property, open space and park land. It is adjacent to a National Park Scenic Easement along the St. Croix Riverway. It is a quiet residential area set within a natural setting and congruent with "wild and scenic river" values. The future plan is that the area will be developed for more residential single family homes and perhaps for parkland or nature conservancy above the river.

NO Build: Further desecration of this sacred are will not result if no strip mining of the 60 acres. As a result the 60 acres will much better lend itself to residential development or parkland. By not uprooting over a thousand trees and making a larger depression (hole in the ground) 15 feet deeper, this land will be much more valuable and attractive for housing or parkland. Such houses add property tax value. What is the property tax value of another 20 houses? Trees add up to 40 % to the value of residential property. Mature trees, some 25 to 30 inches in diameter would not be destroyed and lost to a couple of generations of residents and tourists, maybe forever. Due to weather, drought and disease we don't have many trees that get old and larger anymore(Jason Husvedt after a previous PAC meeting) Houses are not built in large holes and the surrounding houses in the area are built within this natural setting with old large trees.

One of the goals of the mine is to reclaim approximately 4 acres within the scenic easement. No reclamation needs to be done with the 56 acres, as it has been vegetated, primarily with non-native species, within the last 30 years. The surrounding area also has lots of non-native species such as buckthorn, honeysuckle, knapweed, etc. The current land owner, with help from the Conservation District and Friends of Parks and Trails committee could reclaim the 4 acres and begin to replant native species.

Question to be researched: Does reclamation need to be done? According to a Washington County letter dated April 17th, 1998, from Dennis O'Donnell "The reclamation we felt needed to be done has been completed. We recently walked the site with a representative of the Soil and Water Conservation District and we did not see any additional reclamation work that needed to be done. There is no drainage or erosion off-site and once again we felt it best not to disturb the vegetation that has been established by nature." At that time, additional excavation was prohibited.

Since previous data should be included in the EIS I think that reports given to you on 11/16/11 need to be included with the EIS. These reports are from the MPCA, Washington County Health and Land Management and the Washington Conservation District.

An important bird area (IBA) and migration flyway would not be desecrated and neither would a Scenic Byway that serves residents as well as tourists.

No Build from the perspective of water resources, erosion, and sediment.

As sited numerous times in the EIS, there is the potential for erosion, especially down the bluff to the St. Croix in an aesthetically desirable heavily wooded bluff area. According to Tiller's reports this can happen during grubbing, removal of vegetation/overburden and mining. This period of time needs to be quantified in the EIS. The No Build alternative would totally eliminate this potential and the resulting negative environmental impact including possible sediment in the St. Croix River. How do you quantify this potential and the resulting negative impact in this irreplaceable area? Perhaps it is not measurable. This is crucial information to be added. According to the EIS the most active area of soil erosion is at the south end. Isn't that where the additional unmined area is located? There should be no mining in this area.

There needs to be some analysis of the recreational and public safety aspect of up to 280 trucks crossing highway 95 if this mining proposal is to be considered. I wonder what percentage of the 4,077 tourists that visited the Arcola Park Service office in October went through that intersection.

Alternatives not covered in the EIS

At the Project Advisory Committee Meeting on November 16, 2011, Mike Caron, the representative from the Tiller Corporation stated that the site could be completely mined in a total of 150 days and that mining operations could occur during the winter months. Upon further discussions with Mr. Caron, he indicated that if the site were to be mined in 150 days that it would likely occur in three 50 day time periods. This would generate more traffic than projected in any of the Alternatives in identified in the Preliminary EIS. Because this alternative appears to be a very real option and could be viewed as less problematic for the community, it should be included and fully analyzed in the document prior to release of the public draft in February 2012. If this alternative is not properly analyzed in the public draft, it would limit the City's ability to seriously consider this Alternative and could result in recirculation of the document.

Each alternative should clearly state which months they are proposing to mine the site. For example, mining during the winter and spring months would reduce the potential noise impacts associated with the project. More specifically, the St. Croix River is more highly used by during the summer and fall months. Avoiding these times would ensure that the wilderness experience for the majority of those recreating on the river was protected to the greatest degree possible. In addition, the residents living in the area would be impacted less during these months as windows and doors are closed due to the colder temperatures.

Land Use and Zoning

This section of the EIS indicates that the project site is designated and zoned AG-C in the adopted 2030 Comprehensive Plan and zoning ordinance for the City of Scandia. Both the Comprehensive Plan and zoning ordinance prohibits mining operations in the AG-C land use designation and zone district. It is unclear why the City is not processing the application under the adopted plan and ordinance. Most communities require that projects, regardless of their submittal date, comply with the policies and ordinances that are in place at the time of review by the decision-makers, particularly if the plan is underway at the time of application. This section should clearly cite the policy/legal basis for processing this application under the old polices and

ordinance, particularly since it was the will of the community to prohibit mining on lands designated and zoned AG-C.

The Council needs to know that a decision to treat an application under the comprehensive plan at the time does not imply or require the Council to make the decision to grant or not grant the CUP under the comprehensive plan in place when the application was received. According to conditions imposed on the Zavoral Mining Permit in 1991 by Washington County, "Future use of the property must be in accordance with the zoning requirements in force at that time."

Mitigations:

The 5.4 or 5.7 areas of treed unmined area should be eliminated from this proposal.

According to a letter to Deloris Peterson from Tim Fredbo of the Washington Soil and Water Conservation District, on June 28th, 1991 "the pit has been mined very close to the steep bluff adjacent to the St. Croix River. "Any future mining activities should stay well away from the existing pit perimeter so as to prevent any future failures of the sidewall area. I would recommend that no additional mining be allowed within 100 feet of the existing limits of prior excavation." This last sentence should be a suggested mitigation.

It appears from previous reports that Zavoral was required to Cap the existing well. According to the EIS it states that he has no intention of doing this. He should be required to CAP this well if the Council is going to consider his proposal. Should he be fined instead of being granted a CUP?

If the mining CUP is granted, any revocation will result in revocation of the CUP since risks to the environment cannot be taken in this area.