

**CITY OF SCANDIA PLANNING COMMISSION HEARING**

**IN RE: ZAVORAL GRAVEL PIT**

April 3, 2012

7:00 p.m.

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Meeting held at Scandia City Hall

14727 209th Street North

Scandia, Minnesota 55073

Reported by

Paula Berg  
Certified Shorthand Reporter  
Chase Court Reporting  
612-490-6692

**APPEARANCES :**

## CITY PLANNING COMMISSIONERS:

Chair: Christine Maefsky

Members: Steve Philippi

Peter Schwarz

Jan Hogle

Tom Krinke

City Administrator: Anne Hurlburt

Deputy Clerk: Brenda Eklund

City Attorney: Tom Miller

City Planner: Sherri Buss

Facilitator: Trudy Richter

Richardson, Richter & Associates

Project Manager: Leslie H. Knapp, AECOM

Knapp Presentation, Pages 6-27

Court Reporter: Paula Berg

Videographer: Teresa Hodges, LATV-10

Citizen Speakers: Scott Alexander  
University of Minnesota  
On behalf of TA-COS  
Pages 33 - 38, 89 - 93

Kim Chapman  
Applied Ecological Services  
On behalf of TA-COS  
Pages 40 - 45, 93 - 94

Vernon Swing  
RLK, Incorporated  
On behalf of TA-COS  
Pages 45 - 50

## (Continuation of Citizen Speakers)

Lisa Philippi  
Property Appraisal  
On behalf of TA-COS  
Pages 51 - 57

Randy Ferrin  
Pages 58 - 59

Kristin Tuenge  
Pages 60 - 63

Gregory Page  
Pages 63 - 65

Bill Clapp  
On behalf of  
St. Croix River Association  
Pages 65 - 70

Lisa Schlingerman  
Pages 70 - 76

Gregory Korstad  
Larkin, Hoffman Law Firm  
On Behalf of Tiller  
Pages 76 - 78

Janet Anderson  
Pages 78 - 79

James Wilcox Dimmers  
Pages 84 - 85

Pam Smith  
Pages 85 - 86

Jean Houlding  
Pages 86 - 87

Pam Arnold  
Pages 88 - 89

Tuesday evening, April 3, 2012

7:00 p.m.

**CALL TO ORDER**

06:33PM

07:05PM

07:05PM

07:05PM

CHAIR MAEFSKY: I would like to call to order the meeting of our Scandia Commission for Tuesday, April 3rd. We will begin with pledging allegiance to the flag.

(Whereupon, the Pledge of Allegiance was held for the attendees of the meeting of the City of Scandia Planning Commission)

07:06PM

07:06PM

07:06PM

07:06PM

CHAIR MAEFSKY: You have had an opportunity to look at the agenda. Is there a Motion to Approve?

07:06PM

COMMISSIONER SCHWARZ: I so move.

07:06PM

07:06PM

CHAIR MAEFSKY: Thank you, Peter. A second?

COMMISSIONER KRINKE: Moved.

07:06PM

CHAIR MAEFSKY: All in favor?

07:06PM

COMMISSION MEMBERS: Aye.

07:06PM

07:06PM

CHAIR MAEFSKY: In approving the minutes from our last meeting, the March 6th

07:06PM meeting, I've had an opportunity to read those.

07:06PM COMMISSIONER SCHWARZ: Motion to  
07:06PM approve as is.

07:06PM COMMISSIONER KRINKE: I second.

07:06PM CHAIR MAEFSKY: Seconded in favor?

07:06PM COMMISSION MEMBERS: Aye.

07:07PM CHAIR MAEFSKY: We will then move into  
07:07PM our main reason for being here this evening, which  
07:07PM is the public hearing on the Draft Environmental  
07:07PM Impact Statement of the Zavoral Mining and  
07:07PM Reclamation Project.

07:07PM Our meeting tonight, the Planning  
07:07PM Commissioners, is going to be a little different  
07:07PM than our -- most of our meetings, in that we are  
07:07PM going to simply be facilitated by Trudy Richter,  
07:07PM from the consulting team who prepared the EIS, so  
07:07PM I would like to introduce her.

07:07PM Thank you, Trudy, and then she will  
07:07PM take over.

07:07PM MS. RICHTER: Thank you very much  
07:07PM Members of the Commission, and Members of the  
07:07PM Audience.

07:07PM I'm here tonight to facilitate the  
07:07PM public hearing on the EIS, and receive your  
07:07PM comments.

07:07PM We're going to do a short presentation  
07:07PM to do an overview for everybody as to what is in  
07:07PM the EIS first, and then we will be opening it up  
07:07PM for public comment.

07:08PM Here we go.

07:08PM I want to point out the public  
07:08PM meeting, April 3rd, the earlier notices have  
07:08PM passed. Following tonight's public meeting there  
07:08PM will be a 60-day comment period that continues.  
07:08PM It started on March 19th, it will continue until  
07:08PM May 18th. And following that the comment period  
07:08PM will close and then responses to the comments and  
07:08PM the final EIS will be prepared.

07:08PM At such time there will be notice in  
07:08PM the ten-day comment period on the final EIS, and  
07:08PM then the Council will determine the adequacy of  
07:08PM the final EIS and identify preferred alternatives.  
07:08PM So that's the EIS schedule we're looking at.

07:08PM In terms of project overview, I would  
07:09PM like to call on Leslie Knapp with AECOM. They are  
07:09PM the consulting firm that prepared the EIS, and she  
07:09PM was our project manager and lead. Leslie?

07:09PM MS. KNAPP: Thank you, Trudy, members  
07:09PM of the Commission, Public. I appreciate everybody  
07:09PM coming out on such a lovely evening.

07:09PM First I'm going to provide a brief  
07:09PM overview of Tiller's proposal. Tiller proposes to  
07:09PM mine and reclaim 64 acres of a 114-acre previously  
07:09PM mined site. The project does include a nine-acre  
07:09PM area that has not been previously mined.

07:09PM No washing, processing or aggregate  
07:09PM stockpiling would occur at the Zavoral site. The  
07:09PM aggregate would be loaded into trucks and hauled  
07:09PM to the Scandia mine site, which we will talk about  
07:09PM that route a little later in this presentation, or  
07:09PM to construction sites.

07:09PM And there are three proposed mining  
07:09PM phases, and you should all have a copy of this, or  
07:10PM you could pick up a copy of this Figure 2 if you  
07:10PM find this a little hard to see. And I would like  
07:10PM to review some particular areas.

07:10PM This is Trunk Highway 97, Trunk  
07:10PM Highway 95, which is a scenic highway. The  
07:10PM railroad, the St. Croix River. This is the gold  
07:10PM area here is the boundary of the 114-acre area.  
07:10PM The red boundary is what would be proposed for  
07:10PM mining and reclamation.

07:10PM It would be phased; Phase 1, Phase 2,  
07:10PM Phase 3.

07:10PM There is also the St. Croix District,

07:10PM river district, which has limitations on what can  
07:10PM be done in that area, and the USA scenic easement  
07:10PM right in here, limitations on what can be done in  
07:10PM that area.

07:10PM And this is the undisturbed nine-acre  
07:11PM area, it hasn't been mined before. And that area  
07:11PM consists of approximately 5.2 acres of White Pine  
07:11PM forest; 0.2 acres of Maple Basswood forest, and  
07:11PM 3.4 acres of cropland.

07:11PM The phases in size; Phase 1 is  
07:11PM approximately 22 acres, Phase 2 approximately  
07:11PM 17 acres, and Phase 3, approximately 21 acres.

07:11PM The proposal also includes  
07:11PM reclamation, and there would be four reclamation  
07:11PM phases, and I'll show you those on a map in a  
07:11PM minute.

07:11PM With the exception of the Phase 1  
07:11PM reclamation, which would be the first area  
07:11PM reclaimed, and this would be the approximately  
07:11PM four-acre area that occurs within the river  
07:11PM district and the scenic easement area associated  
07:11PM with the St. Croix River where no new mining is  
07:11PM proposed, but reclamation of past mining  
07:11PM activities would be conducted right away. And  
07:12PM that area, that approximately four acres, Phase 1

07:12PM area, is right here.

07:12PM And then there are the other phases of  
07:12PM reclamation which would match up with the three  
07:12PM phases of proposed mining. Phase 2, 3 and 4 here,  
07:12PM and those are again the same acreages as the  
07:12PM mining phases, 22 acres, 17 acres, and 21 acres  
07:12PM respectively.

07:12PM So as part of reclamation, and the  
07:12PM whole project, the site would be mined and  
07:12PM existing stockpiles that occur across the site  
07:12PM would be removed.

07:12PM Slopes would be graded to a maximum  
07:12PM four to one ratio and shape.

07:12PM The site would be seeded with native  
07:12PM prairie grasses, and transplanted White Pine  
07:12PM trees.

07:12PM Six shallow depressions would be  
07:12PM constructed, and service water flow would be  
07:12PM directed to these lowland areas where it would  
07:12PM infiltrate and recharge groundwater.

07:13PM And I would like to talk a little bit  
07:13PM about the alternatives that were evaluated in the  
07:13PM EIS.

07:13PM Alternative 1 is a five to ten year  
07:13PM operation. Mining would occur an estimated six to

07:13PM twelve weeks each year, and the hours would  
07:13PM typically be ten-hour days between 7:00 a.m. and  
07:13PM 7:00 p.m., Monday through Friday.

07:13PM Alternative 2 would be the No-Build  
07:13PM Alternative. The site would remain unchanged, the  
07:13PM gravel resource would not be used. And Class C  
07:13PM aggregate would still be hauled to the Scandia  
07:13PM mine from other sources, and I'll talk about that  
07:13PM a little bit later.

07:13PM Alternative 3 is a reduced time frame,  
07:13PM approximately 3.3 to 5-year operation. This would  
07:13PM consist of 12 to 18 weeks of operation each year,  
07:13PM and again the typical ten-hour days, Monday  
07:13PM through Friday, between the hours of 7:00 a.m. to  
07:13PM 7:00 p.m.

07:13PM And we developed a Project Advisory  
07:14PM Committee as part of this process, and although  
07:14PM it's not required to be addressed in the EIS as  
07:14PM part of the Scoping Decision Document, which sets  
07:14PM the parameters of what should be evaluated in the  
07:14PM EIS, the PAC requested that we look at a shorter  
07:14PM alternative. And this would be 150 working days,  
07:14PM which would take place over approximately a  
07:14PM one-year period, and then one year is because  
07:14PM there are holidays, bad weather days, and things

07:14PM along that line.

07:14PM This would be approximately 30 weeks  
07:14PM of operation over that one-year period, and the  
07:14PM hours would be -- it would be 12-hour days  
07:14PM typically in order to get all of the material out  
07:14PM of the site within that time frame between 7:00  
07:14PM a.m. and 7:00 p.m., Monday through Friday.

07:14PM So those were the alternatives  
07:14PM evaluated in the EIS.

07:14PM Now I would like to talk a little bit  
07:14PM about the Impact Analysis that was done. Again,  
07:14PM per the Revised Scoping Decision Document, which  
07:15PM sets the parameters of what needs to be evaluated  
07:15PM in an EIS, there were 16 areas that needed to be  
07:15PM addressed.

07:15PM And the items in the red font here are  
07:15PM items that I'm going to talk about in a little bit  
07:15PM of detail here, and provide some summary, because  
07:15PM those are the areas that the PAC and local  
07:15PM citizens have expressed the most interest in. And  
07:15PM in order to preserve time for comments we didn't  
07:15PM want to discuss all of them, so --

07:15PM MS. HURLBURT: Leslie -- there are  
07:15PM about six or eight seats right in the front row  
07:15PM here, folks, if you want to grab those.

07:15PM Sorry, Leslie.

MS. KNAPP: No problem.

07:15PM MS. HURLBURT: Sounds like we're moving a lot of chairs.

07:15PM MS. KNAPP: So the items we had to look at per the Scoping Decision Documents were:

07:15PM Land use.

07:15PM Economic impacts.

07:15PM Cover types, kinds of vegetation on the site.

07:15PM Fish, wildlife, and ecologically sensitive resources, and threatened endangered species.

07:15PM Physical impacts on water resources, water use, water-related land use management districts.

07:16PM Erosion and sedimentation.

07:16PM Service water quality and quantity.

Geologic hazards.

Soil conditions.

Traffic.

Stationary source.

Air emissions.

Noise.

07:16PM Visual impacts.

07:16PM Compatibility with plans, and land use  
07:16PM regulations and cumulative impacts.

07:16PM So I'm going to hit a few of these  
07:16PM briefly in order to provide kind of an overview of  
07:16PM what people believe were the key issues.

07:16PM The first one is economics. And this  
07:16PM is based on Alternative 1, which again is the five  
07:16PM to 10-year operation.

07:16PM The public cost, or the main one cost  
07:16PM to the public of the City of Scandia, would be the  
07:16PM expense of monitoring activities at the site to  
07:16PM make sure they complied with permit requirements,  
07:16PM and complied with mitigation requirements  
07:16PM associated with the project that I'll describe a  
07:16PM little bit in -- later on in the presentation.

07:16PM The site would be taxed at a higher  
07:16PM commercial rate during mining, which would be an  
07:17PM increase of about \$1,762 a year. The potential  
07:17PM effect on residential property values would be up  
07:17PM to 2 to 5 percent reduction in property values  
07:17PM within a quarter mile area, which would diminish  
07:17PM as reclamation occurs to no impact.

07:17PM And City gravel tax income would be  
07:17PM approximately \$7,000 to \$14,000 a year, or \$72,670  
07:17PM over the entire life of the mine, which is the

07:17PM number for any of the alternatives which would  
07:17PM involve mining. That's the cap for the entire  
07:17PM life of the mine.

07:17PM Under Alternative 2, which is the  
07:17PM No-Build alternative, there would be no monitoring  
07:17PM expenses that would be realized. There would be  
07:17PM no changes in the site property tax, no effect on  
07:17PM nearby property values, and no gravel tax revenue.

07:17PM Then under Alternatives 3 and 3A;  
07:17PM again Alternative 3 is the 3.3 to 5 years, and the  
07:18PM Alternative 3A is up to one year alternative.  
07:18PM These would be same as Alternative 1, except there  
07:18PM would be a shorter period of taxing at the higher  
07:18PM commercial rate. A shorter period of negative  
07:18PM effect on residential property values, and the  
07:18PM gravel tax income would be a little over \$14,000  
07:18PM to \$21,000 a year for Alternative 3, and \$72,670,  
07:18PM or the entire amount over one year for sub  
07:18PM Alternative 3A.

07:18PM And then we're going to look at fish,  
07:18PM wildlife, ecologically sensitive resources for  
07:18PM Alternative 1.

07:18PM There are no current endangered  
07:18PM species recorded at the site, and none were  
07:18PM identified during site surveys.

07:18PM                   There is one healthy Butternut tree,  
07:18PM                   and Butternuts are Minnesota's state special  
07:18PM                   concern species, which means they're watched just  
07:18PM                   to keep track of how they are doing. And the one  
07:19PM                   that is healthy is located outside of the mining  
07:19PM                   and reclamation areas.

07:19PM                   The southern mesic cliff, and Black  
07:19PM                   Ash Swamp wetlands would not be negatively  
07:19PM                   effected, and I'll talk about water use and  
07:19PM                   pumping from the well a little later.

07:19PM                   And there would be temporary  
07:19PM                   displacement of wildlife during the five to  
07:19PM                   10-year operation.

07:19PM                   Under the No-Build alternative, there  
07:19PM                   would be no loss of woodland or cropland. The  
07:19PM                   gravel resource would not be used. There would be  
07:19PM                   no reclamation of the previously mined areas, and  
07:19PM                   no displacement of wildlife currently using the  
07:19PM                   site.

07:19PM                   And under Alternatives 3 and 3A, the  
07:19PM                   impacts would be the same as under Alternative 1  
07:19PM                   except the reclamation would be completed earlier,  
07:19PM                   and there would be a reduced period of impacts for  
07:19PM                   temporary wildlife displacement.

07:19PM                   Physical impacts on water resources,

07:20PM these are surface water resources that we're  
07:20PM looking at here primarily.

07:20PM For the five to 10-year operation the  
07:20PM site would increase its internal drainage as  
07:20PM mining would occur, because it would become more  
07:20PM of a basin line internally drained feature. Off  
07:20PM site peak flows and the risk of erosion and  
07:20PM overflow would be reduced, and there would be  
07:20PM slightly increased infiltration including base  
07:20PM flow or groundwater flow to seeps, springs and  
07:20PM creeks.

07:20PM Under Alternative 2, there would be no  
07:20PM change from existing conditions.

07:20PM And Alternatives 3 and 3A, pretty much  
07:20PM the same as Alternative 1, except there would be a  
07:20PM lower probability of a major storm event occurring  
07:20PM during the period of operation, because it would  
07:20PM be operated for a reduced time frame. And there  
07:20PM would be an increase in internal drainage and  
07:20PM infiltration would occur earlier because the area  
07:20PM would become more basin-like earlier because the  
07:21PM mining would occur at a faster rate.

07:21PM Water use. And there is a little bit  
07:21PM of background I should give here. We're looking  
07:21PM at a proposed pumping volume of less than

07:21PM 10,000 gallons per day, because Tiller does not  
07:21PM have a permit, a high volume permit for this well,  
07:21PM so they're limited by that cap. And so this would  
07:21PM amount to approximately 15 minutes of pumping  
07:21PM every day that they would pump would be the  
07:21PM maximum they could do it.

07:21PM So based on that, we conducted a pump  
07:21PM test and we determined that there is no  
07:21PM significant effects on area wells, the Black Ash  
07:21PM Swamp wetlands, southern mesic cliffs, or other  
07:21PM surface water bodies, because these are fed by the  
07:21PM shallow aquifer and the pumping would occur from  
07:21PM the deep aquifer at the site, so they're different  
07:21PM water sources.

07:21PM The maximum volume of groundwater  
07:21PM pumped over ten years would be 10 million gallons  
07:22PM because there is a cap allowed without a permit of  
07:22PM a million gallons per year.

07:22PM Annual use could be less than under  
07:22PM Alternatives 3 and 3A, because mining would occur  
07:22PM for fewer weeks a year. But, again, never more  
07:22PM than one million gallons per year or  
07:22PM 10,000 gallons per day.

07:22PM Under Alternative 2, there would be no  
07:22PM mining or mining-related water use.

07:22PM Under Alternatives 3 and 3A, the  
07:22PM reduced time frame alternatives, the impacts would  
07:22PM be the same as Alternative 1, but the maximum  
07:22PM volume pumped is less due to fewer years of  
07:22PM operation, and annual use could be more than  
07:22PM Alternative 1, but could never exceed  
07:22PM 10,000 gallons per day.

07:22PM Another item that people expressed a  
07:22PM lot of interest in was traffic. And we need to  
07:22PM kind of break it down into things that would  
07:23PM change and things that would not change. Zavoral  
07:23PM site Class C add-rock would replace add-rock  
07:23PM currently hauled to the Scandia Mine from  
07:23PM Franconia Township, Minnesota and Osceola,  
07:23PM Wisconsin area. So this 13.5 haul route in  
07:23PM Minnesota would be reduced to 6.5 miles on TH 97  
07:23PM and County Road 1 until the resources at the  
07:23PM Zavoral site were exhausted. At that point it  
07:23PM would go back to current conditions.

07:23PM MS. HOGLE: You mean County Road 91?  
07:23PM There is no County Road 1 anymore, it changed a  
few years ago.

07:23PM MS. KNAPP: Oh, okay.

07:23PM MS. HURLBURT: It's Lofton.

07:23PM MS. KNAPP: Okay, Lofton.

07:23PM                   So then we're looking at a scenario  
07:23PM                   something like this. Here is the Zavoral site,  
07:23PM                   here is the Scandia Mine. And the material would  
07:23PM                   be hauled from the Zavoral site to the Scandia  
07:23PM                   Mine.

07:23PM                   Things that would not change are the  
07:23PM                   Class A add-rock is currently hauled to the  
07:24PM                   Scandia Mine from St. Cloud along this route, and  
07:24PM                   from Wisconsin along the same route that Class C  
07:24PM                   add-rock is being hauled on now. Those would  
07:24PM                   remain the same, and that amounts to approximately  
07:24PM                   90 trucks, 90 trips a week.

07:24PM                   Then Class B from Bayport would be  
07:24PM                   coming from here, and Class C from Burnsville  
07:24PM                   coming from here. That's what is happening now,  
07:24PM                   and that would continue to happen if the Zavoral  
07:24PM                   site were to be approved. And that, again, equals  
07:24PM                   about 90 truckloads, 90 trips a week.

07:24PM                   The thing that would change is the  
07:24PM                   Class C aggregate that is now being hauled from  
07:24PM                   Wisconsin along 95 and 97 and up Lofton to the  
07:25PM                   Scandia Mine site, that route would change and the  
07:25PM                   Class C add-rock would come from the Zavoral site  
07:25PM                   to the Scandia Mine site during periods of  
07:25PM                   Zavoral's site operation.

07:25PM And we wanted to provide a little bit  
07:25PM of some specific information here. For instance,  
07:25PM this is Alternative 1, the five to 10-year  
07:25PM operation.

07:25PM Alternative 2, which is existing  
07:25PM conditions with the add-rock, Class C add-rock,  
07:25PM being hauled from existing sources in Franconia,  
07:25PM Minnesota and Wisconsin.

07:25PM Alternative 3, 3.3 to 5 years  
07:25PM operation at Zavoral. Sub Alternative 3A  
07:25PM approximately one year of operation at the Zavoral  
07:25PM site.

07:25PM These are the number of weeks of  
07:25PM operation per year, which we already talked about.

07:25PM And the typical range of trips which  
07:25PM would be typically for Alternative 1 during that  
07:25PM six to 12 week period where they're operating  
07:26PM would be 334 to 440 trips.

07:26PM Typically what they're doing now is  
07:26PM approximately 210 to 558 trips from their existing  
07:26PM sources in Wisconsin and Franconia, Minnesota.

07:26PM Under Alternative 3 from the Zavoral  
07:26PM site it would be the same as Alternative 1, about  
07:26PM 334 to 440 trips. And that would be because of  
07:26PM the longer period, more weeks of operation, so

07:26PM that's why it's the same level of traffic.

07:26PM And then the Alternative 3A would  
07:26PM result in a higher level of traffic because of the  
07:26PM brief period, the one-year period that they would  
07:26PM have to get the material out of the site, 30 weeks  
07:26PM of operation. It would be 736 trips a day.

07:26PM So the haul route, again, would be a  
07:26PM 6.5 mile haul route on TH 97 and Lofton. This is  
07:27PM a reduction of approximately seven miles from the  
07:27PM current haul route, that would be used until the  
07:27PM material at the Zavoral mine was exhausted.

07:27PM Under current conditions under the  
07:27PM no-build, no-change, currently add-rock use in  
07:27PM approximately the 13.5 mile haul route in  
07:27PM Minnesota would be maintained.

07:27PM Alternative 3 and 3A, again it's the  
07:27PM 6.5 mile haul route rather than the 13.5 mile haul  
07:27PM route.

07:27PM And the hours of operation for  
07:27PM Alternative 1 would be typically ten-hour days.

07:27PM The roadway is sufficient to handle  
07:27PM the daily traffic volumes analyzed, and MnDOT  
07:27PM would require a northbound right turn lane into  
07:27PM the site.

07:27PM Alternative 2 there would be nothing

07:27PM occurring at the Zavoral site.

07:27PM Alternative 3 and 3A, Alternative 3  
07:27PM would be the same as one. The roadway is  
07:28PM sufficient to handle the volumes and there would  
07:28PM be a northbound right turn lane required. And  
07:28PM then Alternative 3A, because of the 12-hour work  
07:28PM days, Tiller would not be able to comply with  
07:28PM their current requirement to restrict the use of  
07:28PM Lofton Avenue access at the Scandia Mine to just  
07:28PM during the none -- during the daylight hours, so  
07:28PM restricted during non-daylight hours.

07:28PM So, again, under current conditions we  
07:28PM have 210 to 558 trucks a day when it's in  
07:28PM operation, when they're hauling coming down 95  
07:28PM along 97, and up Lofton into the site.

07:28PM Under the build alternatives,  
07:28PM Alternatives 1 and 3, no longer would there be any  
07:28PM traffic related to the hauling during operation  
07:28PM for Class C aggregate occurring along 95, this  
07:29PM portion of 95 north of 97. And then there would  
07:29PM be 334 to 440 typical range of trucks, trips per  
07:29PM day. 600 maximum along 97 and up Lofton to the  
07:29PM Scandia site.

07:29PM And this is a comparison of those two  
07:29PM figures side-by-side again, current conditions,

07:29PM conditions if the mine were to be operated.

07:29PM And then Alternative 3A again would be  
07:29PM 736 trips a day maximum, as opposed to the 600  
07:29PM that would occur under Alternative 3.

07:29PM I would like to talk a little bit  
07:29PM about potential mitigation measures, and first I  
07:29PM would like to bring up a definition of what  
07:29PM mitigation is. According to the Minnesota rules  
07:29PM that drive environmental impact for review,  
07:30PM mitigation consists of:

07:30PM Avoiding impacts altogether by not  
07:30PM undertaking a certain project, or parts of a  
07:30PM project.

07:30PM Minimizing impacts by limiting the  
07:30PM size of a project.

07:30PM Rectifying impacts by repairing,  
07:30PM rehabilitating or restoring the affected  
07:30PM environment.

07:30PM Reducing or eliminating impacts over  
07:30PM time by preservation and maintenance operations.

07:30PM Compensating for impacts by providing  
07:30PM substitute resources or environments, or reducing  
07:30PM or avoiding impacts by the implementation of  
07:30PM pollution prevention measures.

07:30PM So that whole range of ideas comprises

07:30PM what mitigation can consist of in relation to a  
07:30PM project.

07:30PM So the City would use this EIS, and  
07:30PM identified mitigation measures in this EIS, as  
07:30PM part of any future conditional use permit process  
07:30PM that would occur.

07:30PM And reclamation, we looked at Tiller's  
07:30PM reclamation plan and identified quite a few areas  
07:31PM where we should delve into it in a little more  
07:31PM detail.

07:31PM For instance, as part of the CUP  
07:31PM process they should establish minimum top soil  
07:31PM thickness requirements for reclamation, and also  
07:31PM the definition of what a top soil is.

07:31PM They should test on-site soils,  
07:31PM describe subgrade preparation, modified seed mixes  
07:31PM somewhat, and describe tree transplanting  
07:31PM measures.

07:31PM The reclamation plan included in the  
07:31PM draft EIS exceeds the minimum development code  
07:31PM requirements for the mine.

07:31PM We also recommended a five-year  
07:31PM monitoring program and the criteria be established  
07:31PM for majoring and defining success. Because if  
07:31PM reclamation is not successful then our

07:31PM identification and evaluation of impacts is not  
07:31PM totally accurate because they are based on  
07:31PM successful reclamation of the site.

07:32PM It would specify actions taken by  
07:32PM Tiller if reclamation were determined not to be  
07:32PM successful, and it would identify the responsible  
07:32PM party and funding sources for active long term  
07:32PM stewardship of the site.

07:32PM It would also require Tiller to  
07:32PM provide a funding mechanism for the City to  
07:32PM conduct all required monitoring. And there are  
07:32PM some we identified specifically related to water  
07:32PM resources.

07:32PM For instance, a location of a berm to  
07:32PM reduce off-site surface flow and increase on-site  
07:32PM infiltration.

07:32PM Documenting and reporting pumping from  
07:32PM the site well so we make sure it doesn't exceed  
any of the limits.

07:32PM Require monitoring at Zavoral Creek,  
07:32PM and monitoring currently established with  
07:32PM Washington Conservation District as part of the  
07:32PM pump test.

07:32PM And to monitor the Black Ash Swamp  
07:32PM wetland boundary that has been delineated to make

07:32PM sure that didn't change.

07:33PM Any fuel tanks that would be located  
07:33PM on the site for diesel fuel storage would be  
07:33PM located more than 500 feet from any surface water,  
07:33PM and groundwater would then have to be sampled and  
07:33PM analyzed for diesel range organics if stored on  
07:33PM site.

07:33PM Traffic, construct a new driveway  
07:33PM directly across from TH 97 to add the northbound  
07:33PM turn lane, as required by MnDOT.

07:33PM Reconnect the bicycle trail along TH  
07:33PM 95, it would be affected by the realignment of the  
07:33PM intersection.

07:33PM Document the number and source of  
07:33PM trucks hauling add-rock to the Scandia Mine to  
07:33PM make sure the levels projected are not exceeded.

07:33PM And install truck warning signs on TH  
07:33PM 95 to advise drivers of the trucks crossing TH 97  
07:33PM in and out of the site.

07:33PM Air and noise mitigation. Monitor the  
07:33PM performance of dust control, and implement the  
07:34PM identified mitigation techniques for noise such as  
07:34PM berms and screens, vegetative screens.

07:34PM Visual mitigation, monitor the close  
07:34PM screening reclamation of the project. Make sure

07:34PM the vegetation screening berms that are proposed  
07:34PM are in fact implemented.

07:34PM Minimize locating stockpiles on the  
07:34PM west side of the site, because they're more  
07:34PM visible there. And this would be reclamation  
07:34PM stockpiles only, there is no aggregate stockpiling  
07:34PM that would occur at the site, so it would be  
07:34PM stockpiling top soil and other material for use in  
07:34PM reclamation.

07:34PM Limit non-daylight lighting that is  
07:34PM required for safety and security, and all of that  
07:34PM lighting should be shielded and directed  
07:34PM downwards.

07:34PM So it's a brief overview. I know a  
07:34PM lot of you have read this document in quite a bit  
07:34PM of detail, so it's very brief.

07:34PM But at this point we would like to  
07:34PM hear what you have to say.

07:34PM MS. RICHTER: Thank you, Leslie.

07:35PM Let's talk about how we're going to do  
07:35PM the public comments tonight. I asked everybody as  
07:35PM they were entering if they wanted to speak  
07:35PM tonight, or were in attendance to listen. I have  
07:35PM 13 people that have indicated they would like to  
07:35PM speak.

07:35PM I also indicated to people that if  
07:35PM they changed their mind, then at the end of the 13  
07:35PM that have signed up I will ask to see if you've  
07:35PM changed your mind or if there is anybody else that  
07:35PM would like to speak.

07:35PM I believe we will have time for all of  
07:35PM that because what we are going to allow is five  
07:35PM minutes per person, and I will be using my phone  
07:35PM to let you know when the five minutes is up. And  
07:35PM I was just going to show you what it sounds like.  
07:35PM I don't know how to do that without starting it.  
07:35PM But any ways, the Marimba song I selected to stop  
07:35PM us.

07:35PM And I know some of you have a few  
07:36PM remarks that will exceed five minutes. I will  
07:36PM stop you at five minutes, and at the end of  
07:36PM everybody's comment time and after we have made  
07:36PM sure nobody else in the audience would like to  
07:36PM comment, if there is still time you can finish  
07:36PM your comments.

07:36PM In any event, oral comments mean --  
07:36PM don't mean -- or you may still submit written  
07:36PM comments. You're not limited to just your oral  
07:36PM comments. If you would like to submit to the City  
07:36PM after tonight what your talking points that you

07:36PM have been using as part of your comments or filing  
07:36PM with the City that's fine, too.

07:36PM You should know that the City, Tiller,  
07:36PM the Planning Commission and the consultants here  
07:36PM tonight were listening, there won't be any  
07:36PM responses given tonight.

07:36PM We also have a court reporter so that  
07:36PM we have an official record of this public hearing.  
07:36PM She is with us tonight, and I can't remember your  
name. I'm sorry.

07:36PM THE REPORTER: Paula Berg.

07:36PM MS. RICHTER: Paula Berg is with us  
07:37PM tonight, and she will be taking down all of the  
07:37PM comments. Because of that, I need you to provide  
07:37PM your name and spell it for her, and provide your  
07:37PM address, please.

07:37PM Please also identify a group  
07:37PM organization that you're representing, if that's  
07:37PM why you are here. And feel free, as I said, to  
07:37PM leave your written comments tonight.

07:37PM Also you all picked up the ways to  
07:37PM comment in writing so long as you get all of your  
07:37PM comments in by May 18th. Take this sheet with you  
07:37PM tonight if you have any concerns about still  
07:37PM wanting to make additional comments. And those

07:37PM additional comments are being e-mailed to Anne  
07:37PM Hurlburt, our administrator.

07:37PM So with that, does everybody  
07:37PM understand the process we're going to follow  
07:37PM tonight?

07:37PM MR. CLAPP: I just want to make sure I  
07:37PM understand. Anything we say orally will be  
07:37PM transcribed and end up as a written comment,  
07:38PM correct?

07:38PM MS. RICHTER: That's correct. It will  
07:38PM be part of the official record as a written  
07:38PM comment. Yes, it will be, that's correct.

THE REPORTER: What is your name, sir?

07:38PM MR. CLAPP: Bill Clapp.

07:38PM MS. RICHTER: C-L-A-P-P.

07:38PM MR. CLAPP: I'll be speaking later, so  
07:38PM you'll get more.

07:38PM MS. RICHTER: He will be back to you.

07:38PM Also in a comment form tonight if you  
07:38PM just would like to leave that, that's fine.

07:38PM Again, nothing precludes you from putting in  
07:38PM writing at any time between now and May 18th any  
07:38PM other additional comments that you may have.

07:38PM So I have 13 people that have  
07:38PM indicated they would like to speak, so we will

07:38PM start with those. And that will take us a little  
07:38PM over an hour and then I'll be asking if others  
07:38PM have any comments.

07:38PM CHAIR MAEFSKY: Just one moment,  
07:38PM please.

MS. RICHTER: Yes, sorry.

07:38PM COMMISSIONER PHILIPPI: I would like  
07:38PM to make a suggestion before we start. In terms of  
07:38PM the time limit, it seems like there are people who  
07:38PM have prepared comments, and if they're following a  
07:38PM script and they're making some larger points it  
07:38PM would be much better for the rest of us to hear  
07:39PM them complete their thought, so if we agree that  
07:39PM they're communicating.

07:39PM I think we should allow people to talk  
07:39PM longer than five minutes if they appear to be  
07:39PM speaking from a script and making important  
07:39PM points. We will lose the train of thought if we  
07:39PM have to come back later.

07:39PM MS. RICHTER: I think everybody knew  
07:39PM coming in that we were trying to keep their  
07:39PM comments to five minutes. Some people did know  
07:39PM that.

07:39PM In the past, prior to this, I've done  
07:39PM a lot of public meetings. It does work better to

07:39PM keep time and come back. I won't stop them, they  
07:39PM can finish their thought, but they will be able to  
07:39PM continue their thought afterwards. It does work  
07:39PM better to make sure everybody is heard, otherwise  
07:39PM there is really no way of monitoring and being  
07:39PM fair to everybody, but thank you for the  
07:39PM suggestion.

07:39PM CHAIR MAEFSKY: I think we need a  
07:40PM little flexibility with that though.

07:40PM MS. RICHTER: I know, for example,  
07:40PM Lisa has about ten minutes of comments, and I've  
07:40PM indicated to her I'll be able to come back to her  
07:40PM for the second five minutes after everybody is  
07:40PM heard.

07:40PM CHAIR MAEFSKY: That's okay, Lisa?

07:40PM MS. SCHLINGERMAN: I didn't know about  
07:40PM coming back. I'm trying to edit it now, so as I'm  
07:40PM listening to make it within the five minutes, so  
07:40PM I'll do my best.

07:40PM MS. RICHTER: We could also make you  
07:40PM the last person to continue until you've finished.  
07:40PM You need to indicate to me if you want to go last.

07:40PM MS. SCHLINGERMAN: No, I think I'm  
07:40PM just going to try to wing it.

07:40PM MS. RICHTER: You'll be surprised how

07:40PM long five minutes actually is. I've often run  
07:40PM public hearings where you only are allowed three  
07:40PM minutes, and you would be surprised how much  
07:40PM people can get across on the record in three  
07:40PM minutes.

07:40PM COMMISSIONER PHILIPPI: We're already  
07:40PM 40 minutes into it.

07:40PM MS. RICHTER: Yes, so let's get  
07:40PM started. And the first person is Scott Alexander.

07:40PM MS. HURLBURT: Some of you brought  
07:40PM Power Points, so I'll have the computer open here.  
07:41PM If you need any assistance getting into your Power  
07:41PM Point presentation let me know. I don't think you  
07:41PM have one, sir.

07:41PM MR. ALEXANDER: I'm Scott Alexander,  
07:41PM and I work at --

07:41PM FEMALE AUDIENCE MEMBER: Will you  
07:41PM speak closer to the microphone?

07:41PM MR. ALEXANDER: All right. My name  
07:41PM is Scott Alexander. I work at the University of  
07:41PM Minnesota in the Department of Earth Sciences.  
07:41PM Tonight I'm here representing the TA-COS Citizens  
07:41PM Group. I am -- let's see if we can find it.

07:41PM MS. RICHTER: Also I will add that I  
07:41PM don't start the time while they're introducing

07:41PM themselves or finding where they need to be. So  
07:41PM his time has not started yet.

07:41PM MR. ALEXANDER: Thank you. At the  
07:41PM University of Minnesota I work as a groundwater  
07:41PM hydrologist. I train a lot of students around the  
07:41PM state now in groundwater hydrology, and so I'm  
07:42PM directing most of this at some of the issues with  
07:42PM groundwater at the site.

07:42PM And at the site here we have three  
07:42PM main areas that are fed by groundwater. There is  
07:42PM a north, Zavoral Creek, a middle creek, and then a  
07:42PM southern one here.

07:42PM The head of Zavoral Creek there is a  
07:42PM nice rock up crop of springs emerging from the  
07:42PM bluff. The rock formations here are Jordan  
07:42PM sandstone, which is the main rock unit right below  
07:42PM the surficial sands and gravels. A protective  
07:42PM aquifer layer and then another sandstone layer  
07:42PM underneath that. And this picture here zoomed in  
07:42PM on one of the springs there.

07:42PM So basically the groundwater feeding  
07:42PM these springs is coming from the surface  
07:42PM originally. The Jordan sandstone is fed much more  
07:43PM locally. This lower sandstone is fed from a much  
07:43PM more regional scale.

07:43PM And in many of these valleys along the  
07:43PM St. Croix River here these springs come straight  
07:43PM out of the bedrock.

07:43PM The middle creek has actually been  
07:43PM partially buried by surficial sediments, and now  
07:43PM these springs come up through some soft sediments  
07:43PM to the surface and form a very different type of  
07:43PM spring, much more diffuse. So instead of a nice  
07:43PM point coming out of the rock, there is water just  
07:43PM coming up just about everywhere.

07:43PM One of the things that I've been doing  
07:43PM at the site here is looking at the water  
07:43PM temperature of the spring, and this is very  
07:43PM important from the standpoint of trout, and the  
07:43PM habitat in the stream below the spring.

07:43PM In Minnesota we have a very large  
07:44PM seasonal flux in temperature. This winter not so  
07:44PM much, but most years we have on average about a  
07:44PM 50-degree swing from the average summer  
07:44PM temperatures to the winter, coldest winter days.  
07:44PM And that surface signal is propagated down into  
07:44PM the subsurface.

07:44PM In the case of Crystal Spring here,  
07:44PM which we just had a picture of, the signal is  
07:44PM damped down quite a bit. It looks like it's

07:44PM probably on the order of about half a degree of  
07:44PM Fahrenheit. So our surface signal is about  
07:44PM 50 degrees, that's damped down to about one part  
07:44PM in 100 of that surface signal, and it's also  
07:44PM shifted in time.

07:44PM The highest or the warmest  
07:44PM temperatures in the spring are actually coming out  
07:44PM in October here for the surface temperature's peak  
07:44PM right about in July.

07:44PM So there is a time shift and a  
07:44PM dampening of that signal, but there is a definite  
07:45PM signal coming through to the springs from surface  
07:45PM water.

07:45PM And part of my research across  
07:45PM Minnesota is identifying the sensitivity of  
07:45PM springs to surface impacts. We have some springs  
07:45PM that turn muddy after every storm event. These  
07:45PM are not those kind of springs.

07:45PM Currently there is a lot of buffer  
07:45PM between the surface and getting down to the  
07:45PM bedrock spring. It has to come through the  
07:45PM surficial sediments and then it has to work its  
07:45PM way through the bedrock unit as well, and that's  
07:45PM what's dampening out that temperature signal.

07:45PM And in one of our recent papers it

07:45PM creates this type three pattern. It's a damp  
07:45PM signal that is shifted in time. And that tells us  
07:45PM quite a bit about how much water is interacting  
07:45PM with the rock, how quickly the water is moving  
07:45PM through the rock.

07:46PM And then just a finish-up here with a  
07:46PM few air photos showing the locations of some of  
07:46PM these springs relative to the site.

07:46PM Most of these springs we have mapped  
07:46PM based on infrared aerial photos. So the dark  
07:46PM lines are the warm springs. These are photos  
07:46PM taken on a cool winter day, and so the springs of  
07:46PM the streams actually show up as dark lines here.

07:46PM So we have one set of springs in the  
07:46PM middle creek here coming out below the current  
07:46PM site.

07:46PM Zavoral Creek actually has quite a  
07:46PM series of bedrock springs from -- starting from a  
07:46PM big alcove in here and from a second alcove down  
07:46PM below. And I just point out here the scale bar  
07:46PM here is about 100 feet.

07:46PM One of the interesting things, this  
07:46PM site is also quite vertical. A horizontal scale  
07:46PM here is about 100 feet. There is also 100 feet or  
07:47PM more vertical variation as well, so very steep

07:47PM gradients through here.

07:47PM MS. RICHTER: Could you finish in  
07:47PM about a minute your comments?

07:47PM MR. ALEXANDER: Probably even less.

MS. RICHTER: Okay, fine.

07:47PM MR. ALEXANDER: The last slide here  
07:47PM showing the south creek, again quite close to the  
07:47PM edge of the site.

07:47PM The groundwater flow measurements that  
07:47PM we took for base flow showed that the Zavoral  
07:47PM Creek, the northern one flows at about 120 gallons  
07:47PM per minute base flow. The middle one at about  
07:47PM 40 gallons per minute, and the south one at about  
07:47PM ten. And 120 gallons per minute makes a very nice  
07:47PM trout stream. The south one at ten gallons per  
07:47PM minute just about freezes solid in the winter.

07:47PM Anyway, that's what I have.

07:47PM MS. RICHTER: Thank you very much.

07:47PM Next we have an individual from Applied  
07:48PM Environmental Services.

07:48PM CHAIR MAEFSKY: Before we begin, we  
07:48PM have got -- I have a question maybe for you, Anne,  
07:48PM but excuse me just a minute so don't start his  
07:48PM time.

MS. RICHTER: No, I won't.

07:48PM CHAIR MAEFSKY: Will we not have any  
07:48PM opportunity to question? Normally at our public  
07:48PM hearings if we have questions then we ask them.  
07:48PM This is not set up that way?

07:48PM MS. RICHTER: The speakers?

07:48PM CHAIR MAEFSKY: The speakers, yes.

07:48PM MS. HURLBURT: No, no.

07:48PM MS. RICHTER: Typically not.

07:48PM MS. HURLBURT: Typically not.

07:48PM CHAIR MAEFSKY: That's a little  
07:48PM disconcerting.

07:48PM COMMISSIONER KRINKE: Then what do we  
07:48PM conclude from the presentation?

07:48PM MS. HURLBURT: Let's get through  
07:49PM everybody's comments, and then at the end if we  
07:49PM have questions for some of the speakers maybe then  
07:49PM we can bring them back up. Does that sound okay?  
07:49PM Keep your notes on which ones you have questions  
07:49PM for.

07:49PM CHAIR MAEFSKY: All right. We can do  
07:49PM that.

MS. HURLBURT: And they'll stick  
around.

07:49PM CHAIR MAEFSKY: Is that all right?  
07:49PM Okay. But we will -- yes, because I know we do.

07:49PM MS. RICHTER: We'll need that time and  
07:49PM I'll make sure we allow for that time.

07:49PM MS. HURLBURT: Let's get through  
07:49PM everybody and then we'll call them back.

07:49PM MR. CHAPMAN: Madam Chairman,  
07:49PM Commissioners, thank you for allowing me to speak  
07:49PM tonight.

07:49PM My name is Kim Chapman. I'm at -- I  
07:49PM live at 1846 Berkley Avenue in St. Paul,  
07:49PM Minnesota. I'm a principal ecologist with Applied  
07:49PM Ecological Services.

07:49PM We were brought into this project by  
07:49PM the TA-COS Group. Our job was to evaluate the  
07:49PM draft Environmental Impact Statement for  
07:49PM completeness and accuracy, and I'm here to report  
07:49PM on what we have found, and we will be submitting  
07:50PM written comments also.

07:50PM The DEIS stated that the proposed mine  
07:50PM is in an environmentally significant area, but in  
07:50PM our opinion was an incomplete analysis.

07:50PM The black hatched areas that you see  
07:50PM are the regionally significant ecological areas.

07:50PM The red area, the red circle, is the  
07:50PM mined site that you can see that it is penetrating  
07:50PM into that regionally ecological significant area.

07:50PM                   And another thing that I would like to  
07:50PM                   point out is the continuous forested corridor, all  
07:50PM                   three that you see there in a largely agricultural  
07:50PM                   region.

07:50PM                   There was no discussion of this very  
07:50PM                   important regional feature in the landscape.

07:50PM                   The proposed mine is going to narrow  
07:50PM                   that forested corridor and affect these regionally  
07:50PM                   significant ecological areas.

07:50PM                   The DEIS also notes the proximity to  
07:50PM                   nationally regionally significant public lands.  
07:50PM                   But we, again, feel that analysis is incomplete.

07:50PM                   The proposed mine provides no buffer  
07:50PM                   to the National Park Service easement, which is  
07:51PM                   the green area right here. And all of the green  
07:51PM                   areas of National Park Service either owned or  
07:51PM                   scenic easement with in holdings inside it.

07:51PM                   There is a common problem that occurs  
07:51PM                   when private land abuts land in which the public  
07:51PM                   has an interest, or has made an investment. And  
07:51PM                   generally what happens is that the activities on  
07:51PM                   the private land affect the adjacent public land  
07:51PM                   with no compensation.

07:51PM                   Another point is the DEIS  
07:51PM                   insufficiently addresses edge effects, a very

07:51PM important habitat concept, and forest  
fragmentation in this narrow corridor.

07:51PM We looked at the aerial photos  
07:51PM starting in the 1930s. All of this pink here is  
07:51PM now more or less contiguous -- continuous forest  
07:51PM canopy that is buffering the edge of the intact  
07:51PM forest here. And this is the area that has never  
07:51PM been cleared, that forest right there also  
07:51PM buffering this area.

07:51PM As AECOM discussed, it removes  
07:52PM 5.4 acres of the native forest, but 18.2 acres of  
07:52PM this buffer that has developed over the last  
07:52PM 30 years. And that exposes the -- that opens the  
07:52PM forest edge along here and exposes it to edge  
07:52PM effects.

07:52PM And the DEIS inadequately addresses  
07:52PM these edge effects. They include such things as  
07:52PM invasive species, Honeysuckle and Buckthorne are  
07:52PM in the vicinity. Opening up the edge of that  
07:52PM forest is going to cause -- it's going to increase  
07:52PM the possibility of invasion by those species at  
07:52PM the edge and into the forest.

07:52PM Predators, such as cats and raccoons,  
07:52PM now can make forays into the forest more deeply to  
07:52PM prey on young and eggs of songbirds, and

07:52PM vegetation microclimate change is predicted to  
07:52PM occur as well.

07:52PM The DEIS noise monitoring and also the  
07:52PM National Park Service data, which we examined,  
07:52PM suggests to us that given studies that have been  
07:52PM done on the effect of noise on forest songbirds,  
07:53PM that the density of forest songbirds nests in this  
07:53PM vicinity here will likely be lower during the  
07:53PM period of mining.

07:53PM So those are the edge effects that the  
07:53PM mine has on the adjacent National Park Service  
07:53PM easement land, as well as the high quality  
07:53PM forests.

07:53PM These are just some of the species  
07:53PM that could very well be affected if the mine is  
07:53PM approved.

07:53PM To address these issues we feel that  
07:53PM there should be allowed sufficient buffer on the  
07:53PM east and the south edges -- on the east and the  
07:53PM south edges in order to protect the ecologically  
07:53PM significant forest and the public investment.

07:53PM It should also address the  
07:53PM deficiencies in the reclamation plan. Specifics  
07:53PM are needed on the density and the size of trees  
07:53PM planted at the new forest edges in order to reduce

07:53PM the edge effects.

07:53PM No mention also of how are you going  
07:53PM to protect White Pine from deer browsing, White  
07:53PM Pine being a favored browse of deer during the  
07:53PM wintertime.

07:53PM Conservation easements should be  
07:54PM placed on that buffer, and the forest along east  
07:54PM and south edge, to ensure that the high quality  
07:54PM natural areas and the public investment is  
07:54PM retained.

07:54PM Just one word on Zavoral Creek. I  
07:54PM studied travel streams in the State, I worked on  
07:54PM the Vermillion Verbetron Stream, and I'm very  
07:54PM interested in this particular one because it is  
07:54PM shown to be a Brook trout stream. Brook trout, of  
07:54PM course, being a quite difficult species to keep in  
07:54PM streams in the agricultural regions of the state.  
07:54PM They're highly sensitive to all sorts of  
07:54PM pollution.

07:54PM It is a small creek, just one to  
07:54PM two inches deep on average, not a whole lot of  
07:54PM flow in there, and a small stream like that has --  
07:54PM is challenged to absorb pollution, such as  
07:54PM sediment.

07:54PM The proposed BMP, Best Management

07:54PM Practice, in the EIS consisted of two silk fences  
07:54PM and perhaps a vegetation filter strip of undefined  
07:54PM width. We feel that that is just not a sufficient  
07:55PM emphasis for large storms, given the risk and the  
07:55PM high quality resource. Last slide --

07:55PM MS. RICHTER: Thank you.

07:55PM MR. CHAPMAN: Is the DEIS does not  
07:55PM address the issue of alternate sites given the  
07:55PM national regional significance of this location.  
07:55PM We feel an alternative site should have been  
07:55PM investigated. Here is just one example of what  
07:55PM exists out there in the Met Council Study from  
07:55PM 1997.

07:55PM Thank you very much.

07:55PM MS. RICHTER: Thank you.

07:55PM Next we have Vernon Swing. I'm sorry,  
07:55PM I couldn't read the writing. I apologize.

07:55PM MR. SWING: Thank you, Madam Chair,  
07:56PM Members of the Commission.

07:56PM As you can see, my name is Vernon  
07:56PM Swing. I am the principal traffic engineer at  
07:56PM RLK, Incorporated. We are located at 6110 Blue  
07:56PM Circle Drive in Minnetonka. And I also represent  
07:56PM the TA-COS Group, and the review of the Zavoral  
07:56PM Mine DEIS.

07:56PM And specifically we were asked review  
07:56PM question 21 as to the adequacy of the response,  
07:56PM and the completeness of the response, and we will  
07:56PM also be submitting written comments.

07:56PM In general, our findings indicate that  
07:56PM the answers to question 21 are as yet incomplete,  
07:56PM and there are some unsubstantiated conclusions  
07:57PM that have been brought forward.

07:57PM In general, I think it's important to  
07:57PM consider that MnDOT, as well as the Institute of  
07:57PM Transportation Engineers, has put together some  
07:57PM typical standards and typical things that you  
07:57PM would expect to see in a traffic study done for an  
07:57PM environmental impact review.

07:57PM Included in those would be:

07:57PM Traffic counts.

07:57PM Capacity analysis.

07:57PM Safety analysis.

07:57PM And a comparison between the future  
07:57PM no-build versus build conditions.

07:57PM Generally this information is included  
07:57PM in the technical appendix, but as far as we could  
07:57PM tell there is nothing yet published that includes  
07:57PM that information.

07:57PM As to traffic counts, what is

07:57PM presently in there are some ADTs that were  
07:57PM provided by MnDOT. ADTs being average daily  
07:57PM traffic numbers.

07:57PM However, there are no turning movement  
07:58PM counts at any of the driveways or intersections  
07:58PM that are critical in this as far as an analysis  
07:58PM would be concerned.

07:58PM And there is no information given as  
07:58PM to whether or not the volumes listed have been  
07:58PM adjusted for seasonal conditions when there may be  
07:58PM more tourists, or those type of vehicles out on  
07:58PM the road.

07:58PM There is no capacity analysis  
07:58PM included.

07:58PM There is some discussion that the  
07:58PM roadway segments have enough room, but to  
07:58PM accommodate the truck traffic as they -- as it's  
07:58PM claimed that there is not much change in that.  
07:58PM However, there is no intersection or driveway  
07:58PM analysis done so it's impossible to determine  
07:58PM whether or not there is an impact at the  
07:58PM driveways.

07:58PM Generally speaking, those type of  
07:58PM analysis would be provided in an output that is  
07:58PM referred to as "level of service", and you could

07:58PM then determine whether or not there is a change,  
07:59PM and if any kind of mitigation really, truly, is  
07:59PM necessary.

07:59PM There is some safety analysis referred  
07:59PM to, however it is also incomplete. There is  
07:59PM discussion of sight distance but there is no  
07:59PM numbers provided as to what that sight distance  
07:59PM is. Nobody it appears has gone out to actually  
07:59PM measure that physically in the field.

07:59PM There is crash data provided, but  
07:59PM there is not an analysis along with the segments  
07:59PM to -- or at the intersections as dictated by  
07:59PM MnDOT.

07:59PM You would generally put that type  
07:59PM of -- you would analyze that and put that output  
07:59PM out there as crash rates so that you could compare  
07:59PM that segment with other segments in the state, and  
07:59PM again see whether or not any kind of mitigation is  
07:59PM appropriate.

07:59PM The future, generally speaking, when  
07:59PM we conduct the future no-build versus build in  
07:59PM which you would determine what the background  
08:00PM conditions are one year after activities begin,  
08:00PM and then you would put the build traffic on top of  
08:00PM that and do a comparison to see if there is any

08:00PM change.

08:00PM And you would do the same thing for a  
08:00PM future design year that is out perhaps five years  
08:00PM or 10 years, whatever it is that is the life of  
08:00PM the operation.

08:00PM And this would again help you to  
08:00PM determine what your mitigation strategies ought to  
08:00PM be, and then again you would test those to see  
08:00PM whether or not those mitigation strategies are in  
08:00PM effect resolving the issue at hand.

08:00PM Like I mentioned earlier, there is  
08:00PM some unsubstantiated conclusions. An example of  
08:00PM that is the discussion of the Class C aggregate.  
08:00PM Basically in that it says that there is no change  
08:00PM in volume as there are the Class C is arriving and  
08:00PM today coming down 95 turning right on 97, and then  
08:01PM going into the site to be processed.

08:01PM The future condition, of course, is  
08:01PM slightly different and they indicate it showed on  
08:01PM that that it would be an obviously shorter trip.  
08:01PM However, those truck trips are no longer just  
08:01PM taking a right turn from 95 to 97, they're in fact  
08:01PM crossing 95. This would provide for -- I have  
08:01PM about a minute left.

08:01PM MS. RICHTER: That would be fine,

08:01PM thank you.

08:01PM MR. SWING: This would provide for a  
08:01PM change in conflict points from two to six, and I  
08:01PM can show you that means here on the next slide.

08:01PM Two conflict points, come on -- well,  
08:01PM two conflict points basically would be a rear-end,  
08:01PM possible rear-end accidents and a left turn -- oh,  
08:01PM there we go. And a left turn conflict versus the  
08:02PM six conflict points from crossing the road, which  
08:02PM would show, as you can see, there are  
08:02PM significantly more opportunities for collisions  
08:02PM and crashes out there.

08:02PM So for the conclusion to be drawn that  
08:02PM there is no impact clearly seems to need to be  
08:02PM explored a little further.

08:02PM In conclusion, it's our opinion the  
08:02PM Question 21 is still at this point incomplete.  
08:02PM Thank you.

08:02PM MS. RICHTER: Thank you so much,  
08:02PM Vernon.

08:02PM Next we have Lisa Philippi. Do you  
08:02PM have a card for me? Yes? And following Lisa will  
08:02PM be Larry Whittaker, and following Larry will be  
08:02PM Randy Ferrin, just so you know the order we're  
08:02PM going.

08:03PM MR. WHITTAKER: Larry Whittaker, I've  
08:03PM decided not to speak.

08:03PM MS. RICHTER: Okay. I'll take you  
08:03PM off, Mr. Whittaker. Thank you.

08:03PM So after Lisa would be Randy Ferrin,  
08:03PM followed by Kristin --

08:03PM MS. TUENGE: Tuenge.

08:03PM MS. RICHTER: Tuenge, right. Part of  
08:03PM my problem is reading the writing, and I'm sorry,  
08:03PM Kristin. We have worked together quite awhile on  
08:03PM this. Go ahead, please.

08:03PM MS. PHILIPPI: I'm Lisa Philippi, a  
08:03PM Scandia resident, and I have reviewed the adequacy  
08:03PM of the BRKW's market analysis regarding property  
08:03PM value losses in Scandia due to the proposed mine.

08:03PM I have 32 years of mortgage banking  
08:03PM experience, and knowledge of appraisal practices  
08:03PM in property value trends.

08:03PM To review this I consulted a local  
08:03PM commercial appraiser to determine what is required  
08:03PM in a reliable and credible market analysis. This  
08:04PM commercial appraisal firm does have a history of  
08:04PM completing EISs and doing market analysis.

08:04PM There are only several appraisal firms  
08:04PM in the Twin Cities that do these types of

08:04PM analysis. There is only about three of them, and  
08:04PM this firm happened to be one of them.

08:04PM So I looked at the time frame of home  
08:04PM sales comparables that BRKW used. They say in  
08:04PM their report that they're using home sales  
08:04PM comparables from 2006 and 2007, as this was the  
08:04PM period of market stabilization unlike the sharp  
08:04PM decline in values today.

08:04PM For a reliable market analysis current  
08:04PM comparables should have been used.

08:04PM 2006 was the peak of the housing  
08:04PM market, and this would result in less the value  
08:04PM loss than using today's values during the  
08:04PM depressed market.

08:04PM Current lending practices would not  
08:04PM allow for home sales comparables older than six  
08:05PM months to year. Lenders would never allow an  
08:05PM appraiser to use comps from a peak market when the  
08:05PM market is not like that today.

08:05PM This is a Case Schiller history of  
08:05PM home value graph, and it shows that in July of  
08:05PM 2006 was the peak of the housing market. So then  
08:05PM BRKW felt that they wanted to use a market that  
08:05PM was more stable, then the year 2000 might have  
08:05PM been a better year to use.

08:05PM BRKW also states the following in  
08:05PM their study conclusion. They state: In a  
08:05PM declining market the introduction of a perceived  
08:05PM negative factor, mining for example, into this  
08:05PM environment can have a stronger impact than if  
08:05PM appearing in a growth market where demand is more  
08:05PM important.

08:05PM So why didn't BRKW use recent home  
08:05PM sale comparables to reflect closer to what the  
08:06PM actual property value loss would be for our  
08:06PM residents of Scandia today?

08:06PM BRKW also used some of the same  
08:06PM comparables for another EIS study that they have  
08:06PM done. They have done a study for Xcel Energy in  
08:06PM 2007 for a Fly Ash landfill site in West Lakeland,  
08:06PM Minnesota on a Tiller-owned property. They  
08:06PM utilized comps from 2006 and 2007, which at that  
08:06PM time were current comps.

08:06PM They used three of the same comps at  
08:06PM the Rosemount Mine, and six of the same comps at  
08:06PM the Andover Mine.

08:06PM So half of the comparables that they  
08:06PM used in the study for us were used in this other  
08:06PM EIS.

08:06PM This brings into question whether they

08:06PM used 2006 and 2007 comps just to shortcut the work  
08:06PM needed to prepare the study for Zavoral Tiller  
08:06PM Mine rather than finding new, recent comparables.

08:07PM So property value study approach, BRKW  
08:07PM used a matched pair comparable approach. They  
08:07PM used four gravel mines, two, three pairs of  
08:07PM property comps. They compared one property close  
08:07PM to the mine, and one farther away. This was a  
08:07PM very small sampling of information.

08:07PM There is another method called the  
08:07PM Hedonic Pricing Model. The Hedonic Pricing Model  
08:07PM uses a statistical regression technique that  
08:07PM allows for estimating the impact of one factor,  
08:07PM while holding the other factors impacting the  
08:07PM house value constant. This method uses the large  
08:07PM sampling of properties to determine value loss,  
08:07PM and is often used in a mass appraisal project,  
08:07PM such as this.

08:07PM Diane Hite, a professor of  
08:07PM agricultural economics, used this method in a  
08:07PM study that she did regarding the property value  
08:07PM loss due to a gravel pit in Delaware County, Ohio.

08:07PM She examined 2,552 residential  
08:07PM properties from 1996 to 1998, versus BRKW's using  
08:08PM 22 properties.

08:08PM This is an example in graph of what  
08:08PM kind of property value loss you would be looking  
08:08PM at, according to the Diane Hite study.

08:08PM You would see a 25 percent reduction  
08:08PM in value a quarter mile from the mine, and then  
08:08PM three miles from the mine you would see a five  
08:08PM percent reduction in property values.

08:08PM Here is a map of Scandia, and then the  
08:08PM effects of property value losses from the quarter  
08:08PM mile to three miles.

08:08PM So, as you can see, a quarter mile the  
08:08PM 25 percent reduction in value would be like a  
08:08PM \$300,000 house now being worth \$225,000.

08:08PM And then to the other extreme, the  
08:08PM three-mile radius, a five percent value loss you  
08:08PM would be looking at a \$300,000 home now worth  
08:08PM \$285,000.

08:08PM So as you can see, with a three-mile  
08:08PM radius from the mine -- almost done.

MS. RICHTER: That's fine.

MS. PHILIPPI: With a three mile  
08:08PM radius from the mine that's almost covering half  
08:09PM of Scandia. So half of Scandia could be effected.

08:09PM I looked at two other property value  
08:09PM studies, a Richland, Michigan, gravel mine that

08:09PM Upjohn Institute used. They utilized the Diane  
08:09PM Hite study.

08:09PM Rockford Quarry, they also used the  
08:09PM Diane Hite study, so I would conclude that there  
08:09PM was not enough data by BRKW to determine property  
08:09PM value loss.

08:09PM So I found the market analysis to  
08:09PM inadequate. They used a small sampling, 22 homes  
08:09PM versus 2,500.

08:09PM They used a small data set analysis  
08:09PM called the Matched Pair Approach, when they could  
08:09PM have also used the large data source like the  
08:09PM Hedonic Method. They didn't explain why one, they  
08:09PM used one mile radius of effected properties and  
08:09PM then ended up with only a quarter mile of effected  
08:09PM properties.

08:09PM They didn't do cross sections, like a  
08:09PM high priced home to a low priced home. Large  
08:10PM acreage, small acreage. They only looked at the  
08:10PM properties in the \$200,000 to \$300,000 range.

08:10PM They didn't use recent comps for 2006,  
08:10PM and 2007, which from the peak of the market would  
08:10PM have been shown less of an effect in value loss.

08:10PM They never compared the existing  
08:10PM Scandia Mine, or the Franconia Mine to see

08:10PM property value effects of those two mines.

08:10PM They didn't analyze the ten-year,  
08:10PM five-year and one-year plan.

08:10PM For example, the one-year plan due to  
08:10PM extreme traffic would have more impact on value,  
08:10PM but for a shorter period of time.

08:10PM They also compared mines in Maple  
08:10PM Grove, Rosemount and Andover, which are very high  
08:10PM density housing suburban settings. This is not at  
08:10PM all comparable to Scandia's rural nature and  
08:10PM unique river front properties.

08:10PM So, lastly, my review opinion is that  
08:10PM BRKW's market analysis was not adequate to  
08:10PM determine value losses. And BRKW actually states  
08:11PM in their study conclusion, they state: Basically  
08:11PM this analysis is inconclusive.

08:11PM Then they go on to give an arbitrary  
08:11PM value reduction of 2 to 5 percent in a quarter  
08:11PM mile radius from the mine.

08:11PM Scandia residents expect this report  
08:11PM to be accurate and reflect an impact of property  
08:11PM values on their homes, and it does not.

08:11PM MS. RICHTER: Thank you, Lisa.

08:11PM MS. PHILIPPI: Okay.

08:11PM MS. RICHTER: Our next speaker is

08:11PM Randy Ferrin.

08:11PM MR. FERRIN: I would like yield my  
08:11PM time to the Commission, my five minutes for the  
08:11PM Commission to ask questions of the previous  
08:11PM speakers.

08:11PM MS. RICHTER: Okay. We will be sure  
08:11PM to have that time. So if you would like to  
08:11PM rethink making comments, you're welcome to.

08:11PM CHAIR MAEFSKY: We're taking notes,  
08:11PM we're ready to ask.

08:11PM MR. FERRIN: Thank you. Members of  
08:11PM the Commission, I am representing myself. I am  
08:11PM Randy Ferrin, F-E-R-R-I-N, and we live at 23290  
08:12PM Quentin Avenue in Scandia. We have been residents  
08:12PM here since May of 1995.

08:12PM For background, and for credentials, I  
08:12PM worked for over 33 years with the US Forest  
08:12PM Service in the National Park Service as an  
08:12PM ecologist and a hydrologist. My last assignment  
08:12PM was as the Chief of Natural Resources for the St.  
08:12PM Croix National Scenic Riverway, which is a  
08:12PM National Park unit at the gateway of Scandia.

08:12PM To keep this brief, as a natural  
08:12PM resource specialist I concur with the findings and  
08:12PM statements of the specialists that are assisting

08:12PM Take Action, Conserve Our Scandia, that have  
08:12PM presented tonight. Those are real concerns and  
08:12PM need to be dealt with.

08:12PM While I'm not a traffic impact  
08:12PM specialist, I do drive and bike the streets and  
08:12PM highways of Scandia, and I feel the impact of the  
08:12PM truck traffic coming in and out of the mine was  
08:12PM not adequately evaluated, as pointed out earlier.

08:13PM I'm also not a real estate specialist.  
08:13PM But we recently refinanced our house, and as part  
08:13PM of good lending practices our mortgage company  
08:13PM required a full appraisal. And as Lisa pointed  
08:13PM out, the appraisal did not use comp sales in the  
08:13PM west metro area. This appraisal was in sales in  
08:13PM the Scandia area in the current market conditions.

08:13PM So I think the property value analysis  
08:13PM in the draft EIS is severely flawed, and needs to  
08:13PM be redone. Please consider these points as you  
08:13PM evaluate the draft EIS. Thank you.

08:13PM MS. RICHTER: Next is Kristin,  
08:13PM followed by Gregory Page. Oh, Page?

08:13PM MR. PAGE: Page, my writing is bad,  
08:13PM too.

08:13PM MS. RICHTER: If you would like to  
08:13PM address the Commission you can stand here.

08:13PM MS. HURLBURT: Was that our intent?

08:13PM MS. RICHTER: Yeah, it was. I seemed  
08:13PM to have gotten fowled up with the Power Points, so  
08:13PM let's do that and the mike will pick you up  
08:13PM better, I think, if we do it this way.

08:14PM MS. TUENGE: My name is Kristin  
08:14PM Tuenge. I live at 20595 Quinnell Avenue North in  
08:14PM Scandia. I'm also a member of TA-COS which, thank  
08:14PM you, Randy, means Take Action, Conserve Our  
08:14PM Scandia. And, in a nutshell, our vision is to  
08:14PM conserve the natural resources in Scandia and  
08:14PM follow the current 2030 comprehensive plan.

08:14PM I've got a couple of points that I  
08:14PM want to make and then I will also be submitting  
08:14PM written comments.

08:14PM First of all, this whole mining  
08:14PM project has been sold on two premises with two  
08:14PM goals. One is to reopen a dormant mine because  
08:14PM there is a need, which I agree with, for gravel in  
08:14PM the metro area.

08:14PM In following it along in finding out  
08:14PM the outcome, I found that 50 percent of the  
08:14PM aggregate that Tiller wants to mine is from the  
08:15PM additional nine acres.

08:15PM The second point is that the site --

08:15PM the second point that it's -- the premise is based  
08:15PM on is that the site will be bettered after  
08:15PM reclamation. And I have read Tiller's reclamation  
08:15PM plan.

08:15PM What I don't think is substantiated is  
08:15PM that a hole that is going to be up to 55 feet  
08:15PM deep, a loss of 18 areas -- I'm sorry, 18 acres of  
08:15PM woodland, some of it as old as 40 years old and  
08:15PM established trees, is going to be better. To me  
08:15PM there isn't substantiation for that.

08:15PM And it sounds like the replacement for  
08:15PM all of those trees, including the 5.2 in the  
08:15PM unmined area, is two to four acres of trees, the  
08:15PM rest being kind of prairie in a big hole; which to  
08:15PM me doesn't at all fit with our current or future  
08:16PM land uses for this area.

08:16PM It's also said that it will be more  
08:16PM stable and less subject to erosion. I'm not aware  
08:16PM that there has been instability or erosion in the  
08:16PM last many years.

08:16PM The second issue I want to bring up is  
08:16PM the use of calcium chloride for dust control.

08:16PM Anyway, I don't know if everyone is  
08:16PM aware, it wasn't in our report, that there is a  
08:16PM lot of hazards to chloride, which does get

08:16PM absorbed into the groundwater and the other waters  
08:16PM from the surface very readily and it will seep  
08:16PM into the areas three streams.

08:16PM There was a report done by the Met  
08:16PM Council in 2010, a ten-year report that followed a  
08:16PM report done in 2000 about the stream water quality  
08:16PM in the metro area. And what they found is that  
08:16PM within ten years the chloride in the metro  
08:17PM streams, especially in the streams going into the  
08:17PM St. Croix River, had greatly increased for  
08:17PM chloride and actually exceeded the standards on  
08:17PM ten occasions.

08:17PM I think that one of the mitigations  
08:17PM should be to not use chloride, and a couple of the  
08:17PM reasons being is that there is clear evidence to  
08:17PM show that chloride is toxic to trout, the trout  
08:17PM that Kim Chapman talked about here. And it's also  
08:17PM hazardous to the growth of many plants, including  
08:17PM Pine trees. And we all know that this area has a  
08:17PM number of native Pine trees, especially if you  
08:17PM consider the edge effect also. So that would be  
08:17PM one of the mitigation suggestions.

08:17PM I also think that we shouldn't be  
08:17PM using herbicides in that area, and even though the  
08:17PM EIS kind of refers to it, it doesn't say. There

08:17PM is really no effective suppression of the small  
08:18PM particles that will be generated by this project.  
08:18PM And those small -- excuse me, small particles do  
08:18PM cause lung disease, or increase lung disease.

08:18PM So at this point those are my  
08:18PM comments.

08:18PM MS. RICHTER: Thank you, Kristin. And  
08:18PM then Gregory will be followed by Bill Clapp.  
08:18PM Okay? Thank you.

08:18PM MR. PAGE: Madam Chair, Commissioners,  
08:18PM my name is Gregory Page. I live at 17001 220th  
08:18PM Street North, a relative newcomer to Scandia.  
08:18PM I've only had property at the north side of the  
08:18PM gravel pit for 35 years, but I do remember when it  
08:18PM was operational and it wasn't pretty.

08:18PM Madam Chair, this process I believe is  
08:18PM working the way it should. I'm very impressed  
08:18PM with tonight's meeting where we're hearing a full  
08:19PM hearing of the issues.

08:19PM Sometime ago, I forget if it was here  
08:19PM or Council, there were several ideas of folks that  
08:19PM could help advise Council or work with the  
08:19PM consultants on the EIS, but ironically I think  
08:19PM they were not used because they seemed to be too  
08:19PM ecologically based for an EIS. It was kind of a

08:19PM balance. There were some good hearted folks  
08:19PM trying to bring some additional sides to the  
08:19PM issue. But I'm very happy that we're hearing that  
08:19PM today.

08:19PM My issue has always been I didn't  
08:19PM think that the scope, that is to say the things  
08:19PM within the EIS proposed, nor the geographic  
08:19PM boundaries, were full and rich enough to do a good  
08:19PM job.

08:19PM I'm glad we're hearing from  
08:19PM professionals today that are raising some of those  
08:19PM issues, just one of which I would mention which is  
08:19PM the groundwater.

08:19PM Kim Chapman talked about the  
08:19PM topography of the site. It's not just the  
08:19PM distance, but also the depth.

08:19PM We have heard about Crystal Spring  
08:20PM which emanates on my property. The mesic southern  
08:20PM cliff, which is on both my property and Zavoral's  
08:20PM where it comes out less as springs and more as  
08:20PM seeps, and the Black Ash swamp. If the mine goes  
08:20PM down 50 feet it is going hit those streams.

08:20PM You just heard about the chloride.  
08:20PM The water is going to be warmer, it's not going to  
08:20PM travel from Forest Lake through the bedrock. It's

going to flush through this.

08:20PM We heard that there may be a greater  
08:20PM charge to the ground water. That means more water  
08:20PM coming through more quickly, potentially carrying  
08:20PM pollutants and higher temperatures. This is  
08:20PM the -- it's not unique, but it is very rare to  
08:20PM have one of these cold north facing, damp cliffs  
08:20PM and the trout, the Brook trout as we've already  
08:20PM heard are very special.

08:20PM So I think there are a lot of issues  
08:20PM and I think you're now getting a richness of  
08:20PM several sides and several professional views of  
08:20PM this, and hope that you will review that very  
08:20PM carefully.

08:20PM Lastly, you run a very congenial  
08:21PM meeting, but any time you want to jump in this is  
08:21PM your meeting, not the consultants.

08:21PM CHAIR MAEFSKY: Right, we know that.

08:21PM MR. PAGE: Thank you.

08:21PM MS. RICHTER: Thank you. Bill Clapp?

08:21PM Mr. CLAPP: Thank you, Commission  
08:21PM members. Bill Clapp, C-L-A-P-P, 19955 Quinnell  
08:21PM Avenue North, Scandia.

08:21PM I'm speaking to you tonight for the  
08:21PM St. Croix River Association. We thank you for

08:21PM this opportunity to comment orally on the draft  
08:21PM EIS for the Tiller proposal to mine in the Zavoral  
08:21PM pit.

08:21PM We will likely submit a more complete  
08:21PM set of comments before the comment period is over.

08:21PM For this evening I want to focus on  
08:22PM three aspects of the proposed project. One is the  
08:22PM nine-acre previously unmined area.

08:22PM The second is the depth of the  
08:22PM excavation.

08:22PM And the third is the no-build  
08:22PM alternative.

08:22PM The unmined area, as you have already  
08:22PM heard, hosts a handsome stand of trees. It seems  
08:22PM a shame to sacrifice them to the demand for  
08:22PM gravel. The EIS puts up a pretty feeble case for  
08:22PM doing so. It's inadequate in this area.

08:22PM First it says the area has been  
08:22PM modified, the wood area. So you think, well,  
08:22PM somebody has been in there cutting down the trees  
08:22PM or something. Well, it turns out there has been  
08:22PM earth worms in there. That doesn't strike me as  
08:22PM somehow writing it off as no longer worth  
08:22PM anything.

08:22PM The second, it says that if the gravel

08:22PM is not extracted it will become available because  
08:22PM of other futures uses put in place on the  
08:22PM property. That's true. But Tiller has shown it  
08:22PM has no immediate need for the gravel, because if  
08:23PM they don't mine here they'll just keep hauling  
08:23PM from Franconia. They have got the gravel already.

08:23PM And then there is no evidence as  
08:23PM presented in this EIS that this part of the  
08:23PM metropolitan area is starving for gravel.

08:23PM Kristin says she understands that  
08:23PM gravel is needed, but I don't understand it. I  
08:23PM need to see it in the EIS.

08:23PM And, finally, the EIS says; well, why  
08:23PM worry about the wooded area because the area will  
08:23PM be reclaimed? Well, how is it going to be  
08:23PM reclaimed? It's going to be this hole that's  
08:23PM about 60 feet deeper than now. It's wooded, and  
08:23PM basically it's going to be covered with grass and  
08:23PM a tree here and there.

08:23PM What the EIS does not say is that the  
08:23PM reclaiming will be at the bottom of a very deep  
08:24PM hole, where there now is no hole.

08:24PM And this gets to the second issue that  
08:24PM I want to address, which is nowhere in the  
08:24PM narrative parts of the EIS, the parts that you

08:24PM read, is the depth of the area after the mining  
08:24PM discussed.

08:24PM It talks about we won't go, you know,  
08:24PM into the groundwater, but you never can read in  
08:24PM there how much is being excavated.

08:24PM You have to look at Figure 10, and  
08:24PM looking at Figure 10 on the computer is a  
08:24PM struggle. At any rate, Figure 10 first of all,  
08:24PM has a flaw. One of the three illustrations in it  
08:24PM purports to show the pre-project bottom land  
08:24PM depths, but it doesn't show any numbers, as the  
08:24PM top green area. If you look at it there is no  
08:24PM numbers in there.  
08:25PM

08:25PM It does show that the basic bottom  
08:25PM depth of the end product after mining will be an  
08:25PM elevation 840 feet, and it shows that this will  
08:25PM result from digging down 40 feet in the wooded  
08:25PM area, and 30 to 40 feet down in the previously  
08:25PM mined areas.

08:25PM The resulting pit bottom is, according  
08:25PM to Figure 10, 60 to 80 feet below the edge of the  
08:25PM pit along Highway 95. You know, you would think  
08:25PM you're up in the Iron Range to look at this thing.

08:25PM Just think how long it would take for  
08:25PM trees planted in the pit bottom for their tops to

08:25PM reach up to the level of the viewer standing at  
08:25PM the edge of the hole? And you're looking down  
08:25PM into this forest.

08:25PM This is not a reclamation that strikes  
08:25PM me as being too nifty. I want to emphasize this  
08:25PM because all of the talk of restoration lulls one  
08:26PM into forgetting that basically the end product  
08:26PM will be a far deeper hole than at present,  
08:26PM basically just covered with grass.

08:26PM Which brings me to our third issue,  
08:26PM the no-build alternative. The draft EIS is  
08:26PM woefully anemic in discussing this alternative.  
08:26PM It treats it as if it's an uff (sic), that's not  
08:26PM nice to think about doing.

08:26PM The only, and we repeat, the only  
08:26PM argument for going ahead with this project is that  
08:26PM Tiller can use the gravel. It's not that it needs  
08:26PM it, its already got the gravel. It just says it  
08:26PM can use it.

08:26PM The grassy, deep hole that Tiller's  
08:26PM project would leave us with is a worse situation,  
08:26PM in the opinion of the St. Croix River Association,  
08:26PM by far than the land as it presently exists.

08:26PM There are many other issues that the  
08:26PM project raises. We refer you particularly to the

08:27PM comments of the TA-COS professionals, which I  
08:27PM think have been great, very excellent, and also  
08:27PM the National Park Service.

08:27PM Why do I say the National Park  
08:27PM Service? Because the point, and one of the TA-COS  
08:27PM speakers made, is this baby abuts a national park.  
08:27PM And you've got to be doggone careful when you're  
08:27PM doing something this drastic to the landscape  
08:27PM right next to a national park. Thank you.

08:27PM MS. RICHTER: Thanks.

08:27PM CHAIR MAEFSKY: Thanks, Bill.

08:27PM MS. RICHTER: Lisa? And then  
08:27PM following Lisa is Christensen. I don't know if  
08:27PM that's a first or last name. Anybody named  
08:27PM Christensen here that wants to speak?

08:27PM Okay. So after Lisa then will be Greg  
08:27PM Korstad, and then we'll have time for questions  
08:27PM that you want to ask.

08:27PM MS. SCHLINGERMAN: It's hard to follow  
08:27PM Bill Clapp. But this is my -- this is where I am.  
08:28PM Lisa Schlingerman, 20661 Quint Avenue North.

08:28PM I'm going give a little history of  
08:28PM this proposed site, this proposed gravel pit.

08:28PM I may make reference to Barton Sand  
08:28PM and Gravel. Barton and Tiller are one and the

08:28PM same.

08:28PM And I've got a bunch of hardcopies, so  
08:28PM it will --

08:28PM MS. RICHTER: I haven't started you  
08:28PM yet.

MS. SCHLINGERMAN: Oh, good.

08:28PM MS. RICHTER: I'm giving you maximum  
08:28PM time.

08:28PM MS. SCHLINGERMAN: I'm condensing.

08:28PM Around 1971 an incident occurred at  
08:28PM the site that allowed massive amounts of sediment  
08:28PM to wash down what we know as Middle Creek in the  
08:28PM site into the St. Croix River. You can see the  
08:28PM sand today in the river.

08:28PM I have three letters describing this  
08:29PM washout, or blowout. We don't know exactly what  
08:29PM occurred. Scandia resident Robert Bowen, now  
08:29PM Judge Bowen, referred to the silt and wash water  
08:29PM which was discharged on residents' properties and  
08:29PM into the river.

08:29PM This was 1971, a letter from my  
08:29PM mother, Barbara Schlingerman. Barton Company is  
08:29PM operating their gravel pit to considerable damage  
08:29PM to the environment of New Scandia. She mentions  
08:29PM noise, as well as damage already done to the

08:29PM streams and the river.

08:29PM Another letter from State

08:29PM Representative Fred C. Norton. Barton has made

08:29PM statements in the past that previous plans would

08:29PM not result in the seepage of effluent for their

08:29PM operation. This has not proved to be true.

08:29PM And another one from June 1991, a

08:30PM letter from Washington County Soil and Water

08:30PM Conservation District to Delores Peterson. This

08:30PM site has quite a storied past regarding

08:30PM environmental impacts to the St. Croix River as a

08:30PM result of some poorly executed mining and

08:30PM reclamation activities. Files in our office

08:30PM indicate extensive erosion problems that severely

08:30PM impacted downstream properties and the St. Croix

08:30PM during the late 1960s.

08:30PM This is the background for water

08:30PM problems at that site.

08:30PM Then I move to the history of the

08:30PM so-called reclamation.

08:30PM 1991, I have letters between

08:30PM Washington County, Scandia Town Board and Dr.

08:30PM Zavoral between 1991 and 1998.

08:31PM September '91, TKDA, the engineering

08:31PM group to the Town Board, it's about a site review

08:31PM of the Zavoral gravel pit. The purpose was to  
08:31PM review the reclamation plan on-site with the  
08:31PM developer's engineer LeRoy Neimus.

08:31PM It is stressed by Mr. Neimus that the  
08:31PM developer did not wish to disrupt growth of  
08:31PM natural vegetation, which has already begun to  
08:31PM take place on the majority of the site. This  
08:31PM natural vegetation includes numerous trees and  
08:31PM foliage.

08:31PM The attendees agree that restoring  
08:31PM areas which already had good ground cover would  
08:31PM not be required.

08:31PM June 28, 1991, from the Soil and Water  
08:31PM Conservation. In conversations with Mr. Neimus it  
08:31PM is indicated that Mr. Zavoral only plans on  
08:32PM removing existing stockpiles in the near future.  
08:32PM It may be beneficial for your township, New  
08:32PM Scandia Township, to have Mr. Zavoral provide you  
08:32PM with some assurance that there is indeed a market  
08:32PM for the material in these stockpiles prior to your  
08:32PM granting him a permit. This would help alleviate  
08:32PM any unnecessary disturbance at the site.

08:32PM 1992, Special Mining Permit for Dr.  
08:32PM Zavoral. Special conditions: Number one. This  
08:32PM permit allows for the removal of existing

08:32PM stockpiles on this property only.

08:32PM Number two: The existing wells on the  
08:32PM property must be sealed in accordance with state  
08:32PM and county standards. This has never been done.

08:32PM Number seven: Special conditions,  
08:32PM final restoration. Restoration must take place in  
08:33PM accordance with the plan submitted. Never been  
08:33PM done.

08:33PM Number 13: Bond. Dr. James Zavoral  
08:33PM shall furnish a surety bond in the amount of  
08:33PM \$12,000 to run continuously until all operations  
08:33PM and final restorations are completed, and  
08:33PM thereafter for an additional period of 18 months.

08:33PM Number 15 of the special conditions:  
08:33PM No fuel storage is allowed on the property.

08:33PM 1993, from Kathleen Nordeen, Land Use  
08:33PM Specialist from Washington County.

08:33PM Two more.

08:33PM In response to your request -- this is  
08:33PM to Dr. Zavoral. In response to your request to  
08:33PM reduce the required bond for your mining operation  
08:33PM I reviewed it, and the restoration has not  
08:34PM occurred according to the approved plan, and  
08:34PM therefore the bond cannot be reduced.

08:34PM She continues to say: In addition, it

08:34PM is my understanding that the future restoration  
08:34PM being planned consists of the construction of a  
08:34PM dike to reroute water which has caused erosion  
08:34PM problems.

08:34PM The final one: 1998 to Washington  
08:34PM County from Dennis O'Donnell. We all know him,  
08:34PM Senior Land Use Specialist. He gives a background  
08:34PM to getting the permit for this five year mining  
08:34PM permit.

08:34PM In the analysis: The property still  
08:34PM has varied and rough terrain. We realize that not  
08:34PM all of reclamation standards of our mining  
08:34PM ordinance would be met. The site was stabilized,  
08:34PM and more harm than good would be done to try and  
08:34PM further and flatten the slopes. The reclamation  
08:34PM we felt needed to be done has completed. There is  
08:35PM no drainage or erosion offsite. Once again, we  
08:35PM felt it's best not to disturb the vegetation that  
08:35PM has been established by nature.

08:35PM If the owner develops the property  
08:35PM someday, some of the irregular terrain will be  
08:35PM corrected.

08:35PM It is very clear from these letters,  
08:35PM and the background, that the restoration is  
08:35PM completed. That if anything is disturbed that

08:35PM water will find its course, and the course is to  
08:35PM the river.

08:35PM Thank you.

08:35PM (Audience applause)

08:35PM MS. RICHTER: Mr. Greg Korstad is our  
08:35PM next speaker.

08:35PM MR. KORSTAD: Good evening. I'll be  
08:35PM brief.

08:35PM My name is Greg Korstad. I'm with the  
08:35PM Larkin, Hoffman Law Firm, and I'm here today with  
08:35PM Mike Caron of Tiller Corporation.

08:36PM We want to say thank you to the City  
08:36PM for the hard work and effort in putting together  
08:36PM this Environmental Impact Statement. It's a very  
08:36PM significant undertaking.

08:36PM What I wanted to do is just mention a  
08:36PM couple of things about this project.

08:36PM First of all, in doing the  
08:36PM Environmental Impact Statement, this is probably  
08:36PM the most well-studied gravel pit in Minnesota. It  
08:36PM is certainly the most well-studied gravel pit in  
08:36PM Minnesota that does not have a wash plant; the  
08:36PM most well-studied gravel pit in Minnesota that  
08:36PM does not process materials; and one of the most  
08:36PM well-studied gravel pits that has been as

08:36PM responsive to comments and issues and questions  
08:36PM raised by both public and government officials  
08:37PM with jurisdiction over the project. And it's been  
08:37PM a real effort to get disbar in the process.

08:37PM The second thing that I want to say is  
08:37PM that that is unique in the industry, and so as we  
08:37PM move forward we're going to see that this  
08:37PM Environmental Impact Statement is reviewing a  
08:37PM project that really has very little of the  
08:37PM traditional characteristics that you see in a  
08:37PM gravel mining operation. And it, frankly, has  
08:37PM very little of the characteristics that have  
08:37PM existed at the Scandia pit for dozens of years  
08:37PM here in this community without significant adverse  
08:37PM effects.

08:37PM We have seen criticisms of the EIS.  
08:37PM The criticisms that we have seen are those that  
08:37PM you would expect to see in an EIS.

08:37PM There are things that need to be  
08:38PM addressed. The process will include responding to  
08:38PM each one of those, as that's the City's  
08:38PM obligation, and Tiller Corporation and its  
08:38PM consultants will work with you to provide  
08:38PM information at the direction of the City to be  
08:38PM able to make sure that we have a full and complete

08:38PM disclosure of everything that is going on with  
08:38PM this project. And we look forward to continuing  
08:38PM to work on the Environmental Impact Statement.

08:38PM Thank you.

08:38PM MS. RICHTER: Madam Chair, with that I  
08:38PM would like to do one other thing, and that was  
08:38PM that I promised everybody when they first came in  
08:38PM that if they didn't want to sign up to speak that  
08:38PM I would ask before the end of the meeting if there  
08:38PM was anybody else that wanted to speak at this time  
08:38PM that has changed their mind and would like to come  
08:38PM forward.

08:38PM You would? Is there anybody else?  
08:38PM Just so we can calculate the time.

08:38PM Okay. Why don't you come forward now  
08:38PM and we'll take your comments and then we'll be  
08:39PM ready. Remember state your name and address for  
08:39PM the record. Okay?

08:39PM MS. ANDERSON: Thank you. This should  
08:39PM be quick. My name is Janet Anderson, 20453  
08:39PM Quinnell Avenue North.

08:39PM And I have not heard the question of  
08:39PM dust and silicon addressed adequately to my mind  
08:39PM in any of this. And I'm -- I will be happy to  
08:39PM have somebody take that on because it's a great

08:39PM concern to me.

08:39PM Thank you.

08:39PM CHAIR MAEFSKY: Thank you.

08:39PM MS. RICHTER: Thank you. Madam Chair,  
08:39PM would you like to call upon your members then as  
08:39PM to the questions they may like to ask of any of  
08:39PM the speakers?

08:39PM CHAIR MAEFSKY: What I would like, I  
08:40PM personally would like, and maybe it would be  
08:40PM helpful to others also, is if you could briefly  
08:40PM say what is going to happen after this. What are  
08:40PM the steps in the process after this?

08:40PM So if we understand that, and one of  
08:40PM the reasons that we didn't have a lot of dialog  
08:40PM back and forth this evening is that you will be  
08:40PM addressing, or all of the questions and issues  
08:40PM will be addressed in writing for us to see.

08:40PM We have got some questions or  
08:40PM clarification I think more than anything else that  
08:40PM we wanted, or at least I do, for a speaker.

08:40PM But after those written comments come  
08:40PM out can you just very briefly again remind people  
08:40PM what the next --

08:40PM MS. RICHTER: Leslie, do you want to  
08:40PM speak to the process following the -- we will put

08:40PM the slide back up.

08:40PM MS. KNAPP: Maybe the first line would  
08:40PM be best.

08:41PM So tonight, April 3rd, this is the  
08:41PM public meeting where we are taking on all oral  
08:41PM comments. We have them documented and we'll  
08:41PM prepare written responses to these comments, and  
08:41PM any written comments received in the 60-day  
08:41PM comment period ending May 18th. And that is a  
08:41PM part of response to comments and the final EIS  
08:41PM process that then will be sent out for public  
08:41PM review.

08:41PM CHAIR MAEFSKY: Just so the audience  
08:41PM for those responses are the people who have made  
08:41PM the comments obviously?

08:41PM MS. KNAPP: Right.

08:41PM CHAIR MAEFSKY: Other interested  
08:41PM citizens and the Planning Commission and City  
08:41PM Council that we would expect that that all would  
08:41PM be addressed at a later time?

08:41PM MS. KNAPP: Yes, and there will be  
08:41PM copies on file here and at the libraries where we  
08:41PM have filed copies of the draft EIS so people would  
08:41PM have them available.

08:41PM MS. HURLBURT: And on the website.

08:41PM MS. KNAPP: They would be on the  
08:41PM website and available, so our goal is to make them  
08:41PM maximally available to all interested parties.

08:42PM And then a response to final comments  
08:42PM and final EIS is prepared and then there is the  
08:42PM notice of that, the published notice, and a  
08:42PM ten-day comment period on the final EIS.

08:42PM And then after that period the Council  
08:42PM will determine whether the EIS meets the  
08:42PM requirements of that revised scoping decision  
08:42PM document, if it met the requirements and if they  
08:42PM would determine it to be adequate.

08:42PM CHAIR MAEFSKY: The final EIS will be  
08:42PM a reflection of -- will it reflect changes then  
08:42PM based upon the comments that are made this evening  
08:42PM and things that Tiller may -- ways that Tiller  
08:42PM might address some of the concerns then and that's  
08:42PM what we would expect to see in the final EIS?

08:42PM MS. KNAPP: Yes. For example, if  
08:42PM we're responding to a comment we'll have probably  
08:42PM a table with the comment and then the response,  
08:43PM and sometimes the response will direct people to  
08:43PM where a change has been made in the EIS.

08:43PM CHAIR MAEFSKY: In the EIS, okay. And  
08:43PM that is the final EIS?

MS. KNAPP: Yes.

08:43PM CHAIR MAEFSKY: And but there is a  
08:43PM ten-day comment period, so will there be changes  
08:43PM or could there be changes to the final EIS based  
upon that comments that come in?

08:43PM MS. KNAPP: There can be, depending on  
08:43PM what comments come in.

08:43PM CHAIR MAEFSKY: So it's a semi final?

08:43PM MS. KNAPP: It is final in the  
08:43PM definition, but we can respond to comments during  
08:43PM that ten-day period.

08:43PM CHAIR MAEFSKY: Okay. And at that  
08:43PM point then the City Council looks at it and then  
08:43PM determines if it satisfies it?

08:43PM MS. KNAPP: Yes. Did that answer your  
question completely?

CHAIR MAEFSKY: And then what comes  
after that?

08:43PM MS. KNAPP: And then after that, if  
08:43PM it's determined to be complete that is the end of  
08:43PM the EIS process. The City Council has the  
08:43PM opportunity then to say whether they would prefer  
08:43PM one alternative over another. And if one of  
08:43PM those -- if it moves ahead from that point and  
08:43PM they, Tiller, pursues a Conditional Use Permit the

08:43PM mitigation measures that are identified in this  
08:44PM process would be applied during that CUP process.

08:44PM COMMISSIONER HOGLE: May I ask you a  
question?

MS. KNAPP: Yes.

08:44PM COMMISSIONER HOGLE: What happens if  
08:44PM the City Council determines that the EIS is not  
08:44PM adequate? Does it just stop at that point, or do  
08:44PM they go back and do more study?

08:44PM MS. KNAPP: We would have the  
08:44PM opportunity if the City Council wanted it to go  
08:44PM back and do more studies and meet that EIS.

08:44PM COMMISSIONER HOGLE: So it may or may  
08:44PM not go forward, if that's the case they find it  
08:44PM inadequate?

08:44PM MS. KNAPP: Very likely they want it  
08:44PM to go forward and beef it up so they could make a  
08:44PM determination based on the kind of facts they  
08:44PM want.

08:44PM CHAIR MAEFSKY: And then it will be  
08:44PM the City Council that will determine which  
08:44PM alternative they would --

08:44PM MS. KNAPP: That is one of their  
08:44PM options to pick one of the alternatives, or more  
08:44PM than one, a range of alternatives that they would

08:44PM find acceptable or they would recommend.

08:44PM CHAIR MAEFSKY: Okay.

08:44PM MS. RICHTER: That's all very helpful,  
08:45PM so thank you. And so the reason we started the  
08:45PM meeting by saying we would not be making any  
08:45PM comments was because the appropriate time for the  
08:45PM response is following the close of the public  
08:45PM period.

08:45PM But it's fine to ask clarification  
08:45PM questions of anyone, particularly our experts and  
08:45PM consultants that were here.

08:45PM I think after our first speaker there  
08:45PM was some uncertainty as to what we should  
08:45PM conclude, and we wanted him to come back up and  
08:45PM discuss that.

08:45PM But let me take the question first  
08:45PM from the audience. Is this a question, sir?

08:45PM MR. WILCOX DIMMERS: Is it okay to ask  
08:45PM to speak now? Is it okay to ask to speak?

08:45PM MS. RICHTER: Yes, let's go ahead.

08:45PM MR. WILCOX DIMMERS: My name is James  
08:45PM Wilcox Dimmers. I live in Osceola, Wisconsin.

08:45PM My first concern, of course, is the  
08:45PM ecology, what this project is going to do and  
08:46PM effect the river, and the residents who are many

08:46PM friends, and people that should not be effected in  
08:46PM this way.

08:46PM MS. RICHTER: Let me push the mike up.

08:46PM MR. WILCOX DIMMERS: Thank you. Okay.

08:46PM I would like to address that we have heard so much  
08:46PM about the reclamation. Tiller says they will do  
08:46PM this and they will do that.

08:46PM I've looked at their other gravel pits  
08:46PM and I don't think they're very attractive. And I  
08:46PM think a picture is worth a thousand words.  
08:46PM Remember that old saying?

08:46PM Could they not do some renderings,  
08:46PM hire an artist to do a painting of what that site  
08:46PM is going to look like when it's an 80-foot deep  
08:46PM pit? So none of us have to stand here and wonder,  
08:46PM well, now they say they'll do this, and they're  
08:46PM going to plant some trees and they're going to  
08:46PM pull out all of these trees. Show us a picture,  
08:46PM please. Maybe that would help.

08:46PM Thank you.

08:47PM CHAIR MAEFSKY: Do we have somebody  
08:47PM else?

08:47PM MS. RICHTER: Is there somebody else  
08:47PM that would like to speak? Yes?

08:47PM MS. SMITH: My name is Pam Smith, and

08:47PM I live at 20919 Quint Avenue North.

08:47PM And one of the concerns that I have  
08:47PM that I don't think has been adequately addressed  
08:47PM is that of sound, the impact during the process,  
08:47PM but also after if they're going to remove all of  
08:47PM those trees.

08:47PM CHAIR MAEFSKY: I'm sorry, what did  
08:47PM you say?

08:47PM MS. SMITH: Sound, not only from the  
08:47PM gravel pit but from the highway behind it.

08:47PM CHAIR MAEFSKY: Yeah, the noise.

08:47PM MS. SMITH: Yes, the noise. So right  
08:47PM now there is a fair amount of noise that you can  
08:47PM hear from the river. I would hate to see that  
08:47PM increased, and if there is any way to see that  
08:47PM decreased if they're moving -- if this goes  
08:47PM forward and there is a lot of dirt being moved  
08:47PM around it would be an ideal time to berm, high  
08:47PM berms, trees planted. You know, if there is an  
08:48PM 80-foot pit or 60-foot pit, you know, maybe there  
08:48PM needs to be some significant berming in front of  
08:48PM it, or along the highway, to mitigate some of the  
08:48PM noise issues that are along the river. So I would  
08:48PM like that to be considered in the entire process.

08:48PM Thank you.

08:48PM CHAIR MAEFSKY: Thank you.

08:48PM MS. RICHTER: Anybody else for  
08:48PM comments?

08:48PM MS. HOULDING: I have a question.

08:48PM MS. RICHTER: Yes?

08:48PM MS. HOULDING: A major storm event --

08:48PM CHAIR MAEFSKY: You need to come up.

08:48PM MS. RICHTER: You have to come up so  
we can get it on the record.

MS. RICHTER: Is this for a  
definition?

08:48PM MS. HOULDING: Yes, a question for a  
08:48PM definition. My name is Jean Houlding, I live at  
08:48PM 21922 Pomroy Avenue North, 5/8th of a mile from  
08:48PM the site.

08:48PM MS. RICHTER: Okay.

08:48PM CHAIR MAEFSKY: What was my question?

08:48PM MS. HOULDING: Oh, you mentioned a  
08:48PM major storm event, being able to accommodate it in  
08:48PM the different plan, year plans, multi year plans.  
08:48PM So I'm wondering what a major storm event is, and  
08:49PM what the anticipated effect is.

08:49PM MS. RICHTER: And that response will  
08:49PM be part of the record then. We will provide that  
08:49PM at that time.

08:49PM CHAIR MAEFSKY: Thank you.

08:49PM MS. RICHTER: Thank you. Any other  
08:49PM comments or questions for the record, to provide  
08:49PM responses?

08:49PM MS. ARNOLD: My name is Pam Arnold. I  
08:49PM live at 16560 220th Street North. I'm within a  
08:49PM mile north of the mine site, proposed mine site.

08:49PM For those on the Planning Commission  
08:49PM that were not at the last PAC meeting I wanted to  
08:49PM repeat something that one of the PAC members who  
08:49PM represents the Met Council said.

08:49PM He said: When this mining operation  
08:49PM if it goes forward is done, this site will be not  
08:49PM be adequate for agriculture because of the  
08:49PM porosity of the surface sands of the site, nor  
08:49PM will it be an easy site to develop for residential  
08:49PM development. It would require significantly  
08:50PM exotic sewage systems, septic systems, again  
08:50PM because of the porosity of the site.

08:50PM So given that you are the Planning  
08:50PM Commission here in Scandia, and those of us who  
08:50PM propose to build in Scandia have to show you what  
08:50PM the outcome of our building projects will be, I  
08:50PM think one legitimate question you could ask is  
08:50PM what will this site be appropriate for when the

08:50PM mining process is completed, besides more mining?

08:50PM Thank you.

08:50PM CHAIR MAEFSKY: Thank you, Pam.

08:50PM MS. RICHTER: Anyone else? Okay.

08:50PM Should I call back the first?

08:50PM CHAIR MAEFSKY: Scott Alexander.

08:50PM MS. RICHTER: Do you think you need to  
08:50PM see pictures again? Should we bring them up, or  
08:50PM just some questions for Scott?

08:50PM CHAIR MAEFSKY: Well, in one of the  
08:50PM things if you can just summarize what your point,  
08:50PM what you claim that was, that would be helpful  
08:51PM because I wasn't sure when you were done.

08:51PM MR. ALEXANDER: I think the main point  
08:51PM is that there will be impacts to the groundwater  
08:51PM and to the streams that are fed by the  
08:51PM groundwater.

08:51PM The question is, and what I can't as a  
08:51PM groundwater geologist, I can't speak to what those  
08:51PM impacts will be on the trout and vegetation, but  
08:51PM there will be measurable impacts due to the  
08:51PM changes in the land surface there.

08:51PM COMMISSIONER KRINKE: I assume you  
08:51PM mean negative impacts?

08:51PM MR. ALEXANDER: That's -- I'm not

08:51PM certain if it will be -- if they do a full  
08:51PM reclamation it's possible it may be better.

08:51PM COMMISSIONER KRINKE: It could improve  
08:51PM the location up there?

08:51PM MR. ALEXANDER: But that would be part  
08:51PM of their design how to remediate and reclaim the  
08:51PM site.

08:51PM CHAIR MAEFSKY: Have you, as you have  
08:51PM read the plan so far, do you feel that it's  
08:52PM adequate in that way? I mean, if you're not sure,  
08:52PM just -- I don't want to put you on the spot.

08:52PM MR. ALEXANDER: I don't know if it's  
08:52PM adequate. I think they have glossed over a lot of  
08:52PM the groundwater issues in this site and it would  
08:52PM be a significant impact.

08:52PM There will be measurable impacts.  
08:52PM Whether those translate to impacts on the biology  
08:52PM and aquatic species, I don't know.

08:52PM CHAIR MAEFSKY: Okay.

08:52PM COMMISSIONER PHILIPPI: Scott, what I  
08:52PM took from the text when I read the portion of the  
08:52PM report on the groundwater is that -- or when I  
08:52PM listened to you, you said that the temperature  
08:52PM that's being seeped into the Zavoral Creek would  
08:52PM increase by .5 degrees Fahrenheit. Is that --

08:52PM MR. ALEXANDER: The current surface  
08:53PM signal that reaches the springs produces a  
08:53PM .5-degree swing in temperature through the year.  
08:53PM By shortening the flow path that temperature swing  
08:53PM will be larger.

08:53PM COMMISSIONER PHILIPPI: But at this  
08:53PM point you can't quantify that?

08:53PM MR. ALEXANDER: No, I can't.

08:53PM COMMISSIONER PHILIPPI: And your  
08:53PM specialty wouldn't allow you to predict what  
08:53PM temperature swing might have a critical effect on  
08:53PM the trout that are there? That many be another  
08:53PM specialist?

08:53PM MR. ALEXANDER: Given some resources  
08:53PM we could do some modeling and make some estimates.  
08:53PM The flow path, by removing 50 feet or more of  
08:53PM material, you're definitely shortening the flow  
08:53PM path by a significant amount.

08:53PM COMMISSIONER PHILIPPI: And then  
08:53PM reducing the depth of soil that is filtered by?

08:53PM MR. ALEXANDER: And reducing the  
08:53PM thickness that buffers that temperature as well.

08:54PM COMMISSIONER PHILIPPI: I guess in my  
08:54PM mind this goes to the issue of the -- in the EIS  
08:54PM it's purported that any alteration of the drainage

08:54PM that would internally drain the current mining  
08:54PM site is better than the existing conditions. Are  
08:54PM you saying that's -- can you say that's not the  
08:54PM case, or it may be the case?

08:54PM MR. ALEXANDER: Again, it would depend  
08:54PM on the extent of the reclamation. The current  
08:54PM site with fairly sparse vegetation on sandy soils  
08:54PM produces a lot of infiltration, which feeds a lot  
08:54PM of water down to the springs.

08:54PM A fully reclaimed site with good soils  
08:54PM and lots of vegetation, a lot of that recharging  
08:54PM groundwater could be sent back to the atmosphere  
08:54PM by plant transportation. So it's possible that a  
08:54PM very extensive reclamation would actually reduce  
08:55PM the groundwater recharge there.

08:55PM COMMISSIONER PHILIPPI: And what about  
08:55PM during the life of the mine, if it's a five to  
08:55PM 10-year, versus a one-year, can you speculate on  
08:55PM that?

08:55PM MR. ALEXANDER: In terms of the  
08:55PM recharge during the mining, I don't think the  
08:55PM recharge during the mining will probably be very  
08:55PM high. And then once plants are reestablished that  
08:55PM transportation will start redirecting and sending  
08:55PM some of the water back to the atmosphere.

08:55PM COMMISSIONER PHILIPPI: Thank you.

08:55PM CHAIR MAEFSKY: Anybody else have  
08:55PM questions for Scott? Thank you very much. Kim  
08:55PM Chapman? I think this is a short question.

08:55PM MR. CHAPMAN: Yes, ma'am.

08:55PM CHAIR MAEFSKY: It was towards the end  
08:55PM of your talk, of your presentation, you made  
08:56PM reference to the Met Council study of 1997.

08:56PM MR. CHAPMAN: Yes, ma'am.

08:56PM CHAIR MAEFSKY: And how does that --  
08:56PM how does that relate to what we're talking about?

08:56PM MR. CHAPMAN: That was a very thorough  
08:56PM analysis of gravel resources that were available  
08:56PM in the metropolitan area for use, and documented  
08:56PM also in places that already had been spoken for,  
08:56PM either owned and in operation, or about to be  
08:56PM opened up.

08:56PM So the -- as you look at that figure  
08:56PM you see that there are quite a number of deposits  
08:56PM away from the river that, at least in 1997, were  
08:56PM available for mining.

08:56PM The question I don't know is what has  
08:56PM happened between then and now to those deposits.  
08:56PM Does that answer your question?

08:56PM CHAIR MAEFSKY: Yes, thank you.

08:56PM MR. CHAPMAN: Thank you.

08:56PM COMMISSIONER SCHWARZ: Excuse me.

08:57PM Where would we get that information?

08:57PM MR. CHAPMAN: Is that to me again?

08:57PM COMMISSIONER SCHWARZ: Is there a more recent study that tells us what the conditions are today rather than '97?

08:57PM MR. CHAPMAN: I'm not aware of one. Sherri Buss at one point was very much involved in this.

08:57PM MS. BUSS: There isn't a more recent study. The map, I believe, is in your Comprehensive Plan.

08:57PM COMMISSIONER SCHWARZ: Okay. But that relates to '97.

08:57PM MS. BUSS: Right. But they have not done a more recent study, as far as I know.

08:57PM COMMISSIONER SCHWARZ: So we don't know really what and where any gravel would be available today?

08:57PM MR. CHAPMAN: We know where it might be, but then that would have to be followed up on and confirmed that it's still available today. Some additional study would be needed.

08:57PM COMMISSIONER SCHWARZ: All right.

08:57PM Thank you.

08:57PM MR. CHAPMAN: You're welcome.

08:57PM COMMISSIONER PHILIPPI: We also don't  
08:58PM know what the use was compared to the projected  
08:58PM use over that period?

08:58PM COMMISSIONER SCHWARZ: Yes.

08:58PM CHAIR MAEFSKY: Okay. Does anybody  
08:58PM else -- Council members?

08:58PM COMMISSIONER KRINKE: Are we going to  
08:58PM get copies of the transcript, the reporter's  
08:58PM transcript?

08:58PM MS. HURLBURT: The question is will  
08:58PM copies of the transcript be made available. I  
08:58PM assume that is public information and as soon as  
08:58PM it is ready we will post it, as we have posted  
08:58PM every other document on the website.

08:58PM COMMISSIONER HOGLE: Related to that,  
08:58PM we have a number of speakers have shown up with  
08:58PM sides, and I don't know about anyone else here. I  
08:58PM had difficulty seeing the graphics, and I'm  
08:58PM wondering if those speakers might make those  
08:58PM available somehow?

08:58PM MS. HURLBURT: Well, I have them on  
08:58PM our laptop now. With their permission I will  
08:58PM produce handouts of those.

08:58PM COMMISSIONER HOGLE: Or even make them  
08:58PM available to download if they agree.

08:58PM MS. ARNOLD: We will not be able to  
08:58PM give you those reports today, but we will be  
08:58PM following up with a comprehensive written report  
08:58PM to all of you on the Planning Commission, as well  
08:59PM as the City Council. So we will ask that we  
08:59PM delete those files. They are not for public  
08:59PM information, but you will be getting -- within the  
08:59PM comment period you will be getting written  
08:59PM reports. Does that sound good to you?

08:59PM MS. HURLBURT: By May 18th they will  
08:59PM follow-up with the written material?

08:59PM MS. ARNOLD: Because like everyone  
08:59PM else involved in the process we would like to  
08:59PM withhold the right to respond to comments made  
08:59PM during the comment period ourselves. Does that  
08:59PM make sense?

08:59PM COMMISSIONER HOGLE: Yes.

08:59PM MR. ARNOLD: Okay.

08:59PM CHAIR MAEFSKY: Anything else?  
08:59PM Commissioners? We're good? Okay.

08:59PM MS. RICHTER: Thank you. Do you have  
08:59PM any closing remarks, Leslie?

08:59PM MS. KNAPP: My main closing remark is

08:59PM thank you. We appreciate all of the input, and it  
08:59PM will help us to put together a better document, so  
08:59PM thank you for your time and that's about all I  
09:00PM have.

09:00PM And, Anne, anything?

09:00PM MS. HURLBURT: No. Thanks everybody  
09:00PM for coming.

09:00PM MS. RICHTER: Yes, thank you all.

09:00PM CHAIR MAEFSKY: We are -- if you want  
09:00PM to stay seated for a second, we will finish our  
09:00PM meeting because we don't have anything much to do.

09:00PM That concludes our meeting for this  
09:00PM evening. Is there a Motion to adjourn?

09:00PM COMMISSIONER HOGLE: Moved.

09:00PM COMMISSIONER KRINKE: It's seconded.

09:00PM CHAIR MAEFSKY: It's moved and  
09:00PM seconded. All in favor?

COMMISSION MEMBER: Aye.

09:00PM CHAIR MAEFSKY: All right. Thank you  
09:00PM all very much for coming.

(Concluded at approximately  
9:00 p.m.)

STATE OF MINNESOTA:

CERTIFICATE

COUNTY OF ANOKA:

I, Paula E. Berg, Professional Shorthand Reporter, a Notary Public in and for the County of Anoka, State of Minnesota, certify that the foregoing is a true record of the Environmental Impact Hearing of the City of Scandia, having been taken on the 3rd day of April, 2012, in my presence and reduced to writing in accordance with my stenographic and computerized notes made at said time and place;

I further certify that I am not a relative or employee or attorney or counsel of any such attorney or counsel;

That I am not financially interested in the action and have no contract with the parties, attorneys or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality;

That the cost of the original has been charged to the party who noticed the hearing, and that all parties who ordered copies have been charged at the same rate for such copies;

WITNESS MY HAND AND SEAL THIS 9th of April, 2012.

-----  
 Paula Berg  
 Notary Public  
 Anoka County, Minnesota  
 Commission 6071099  
 Expiration 06/22/2016

<p><b>\$1,762</b> [1] - 13:18  <b>\$12,000</b> [1] - 74:11  <b>\$14,000</b> [2] - 13:24, 14:16  <b>\$200,000</b> [1] - 56:20  <b>\$21,000</b> [1] - 14:17  <b>\$225,000</b> [1] - 55:13  <b>\$285,000</b> [1] - 55:17  <b>\$300,000</b> [3] - 55:13, 55:16, 56:20  <b>\$7,000</b> [1] - 13:24  <b>\$72,670</b> [2] - 13:24, 14:17  <b>'91</b> [1] - 72:24  <b>'97</b> [2] - 94:7, 94:15  <b>0.2</b> [1] - 8:8  <b>06/22/2016</b> [1] - 98:21  <b>1</b> [19] - 7:23, 8:10, 8:17, 8:25, 9:24, 13:7, 14:12, 14:22, 15:21, 16:15, 18:3, 18:6, 18:17, 18:21, 20:3, 20:16, 20:23, 21:20, 22:17  <b>10</b> [6] - 17:16, 49:4, 68:6, 68:7, 68:8, 68:21  <b>10,000</b> [3] - 17:1, 17:23, 18:7  <b>10-year</b> [5] - 13:8, 15:13, 16:3, 20:3, 92:18  <b>100</b> [4] - 36:4, 37:21, 37:24  <b>114-acre</b> [2] - 7:3, 7:20  <b>12</b> [2] - 10:12, 20:17  <b>12-hour</b> [2] - 11:4, 22:6  <b>120</b> [2] - 38:11, 38:14  <b>13</b> [4] - 27:24, 28:2, 30:24, 74:9  <b>13.5</b> [3] - 18:15, 21:14, 21:17  <b>14727</b> [1] - 1:14  <b>15</b> [2] - 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