

**Conditional Use Permit
Zavoral Mining and Reclamation Project
Scandia, Minnesota**

Public Comment Period through December 4, 2012

#	Comments from:
1.	St. Croix River Association, Bill Clapp and Randy Ferrin (e-mail from Bill Clapp, bill.clapp@me.com)
2.	St. Croix River Association, Bill Clapp and Randy Ferrin (e-mail from Bill Clapp, bill.clapp@me.com)
3.	Carol Sundberg (e-mail, carolrudysun@gmail.com), 21715 Quarry Avenue, Scandia, MN 55073
4.	Skip Jones (e-mail, skip_jones_99@yahoo.com)
5.	Take Action – Conserve Our Scandia, Kieran P. Dwyer of Dorsey & Whitney, LLP; Suite 1500, 50 South 6 th Street, Minneapolis, MN 55402-1498
6.	Gene Yore and Doris DeVries (e-mail, eeey@eeeyore.info), 801 Pine Cone Trail, Marine on St. Croix, MN 55047
7.	Mary Fernstrum (e-mail, maryfern@midco.net), 2183 Jackson Circle, Marine on St. Croix, MN 55047
8.	Andy and Karen Kramer, owners of Marine General Store, 101 Judd Street, Marine on St. Croix, MN 55047
9.	Anne and Peter Reich (e-mail, reichmn@comcast.net), P.O. Box 145, Marine on St. Croix, MN 55047
10.	Lisa Plowman, 20851 Quint Avenue North, Scandia, MN 55073 and Pam and Michael Smith, 20919 Quint Avenue North, Scandia, MN 55073
11.	Jo Haberman (e-mail, jojane@juno.com), 949 Quarry Road, River Falls, WI

Tiller/Zavoral Mining project, City of Scandia, conditional use permit hearing

testimony by St. Croix River Association,

Regarding application of city's mining ordinance.

This testimony is applicable only if the city decides to issue a permit. The River Association is submitting separate oomments arguing for denial of a permit.

If it should issue a permit, we count on the City to make sure that the project meets all the mining ordinance requirements, including setbacks, hours and dates of operation, screening, slopes, revegetation,etc., except where Tiller has committed to more stringent provisions, and except as the soil for revegetation needs to be adjusted per discussions in the EIS.

The applicant wants to remove 0.8 to 1.2 million tons of material from the site. Tiller would like to have ten years to do that, but says it can do it in five years, or three years, or even one year. The St. Croix River Association urges a time limit of one year. This minimizes exposure to freak weather events, and the aggravation to the citizenry arising from the noise and truck traffic. "Get it over with", is the approach here.

The expiration date on the permit should be firm, with no extensions allowed. Tiller wants to do something the present ordinance does not allow and there must be no way that Tiller can continue the project indefinitely. The language would be something like

"This permit expires on December 31, 2013, or when 1.2 million tons of material have been removed, whichever comes first".

Tiller has promised that it will not haul material from its Franconia mine and the Osceola area, while it is mining the Zavoral pit, meaning it does not need the Franconia material so long as it has the Zavoral material, and that is the case for ten years. Therefore the permit should say

"Tiller shall not haul material from its Franconia mine or other such areas, to its Scandia mine, for ten years after the starting date of this permit"

Thus if the permit is for one year, there will be a nine year trucking respite for Scandia, without interfering with Tiller's supply requirements.

Thank you,

St. Croix River Association

by Bill Clapp and Randy Ferrin, board members.

Tiller/Zavoral Mining project, City of Scandia, conditional use permit hearing

Testimony by St. Croix River Association

Regarding application of city's standards for conditional use permits

It is unusual for a city to deny a conditional use permit, but this is a very unusual application, and denial is dictated by the city's general criteria for conditional use permits, as applied to two sets of facts revealed by the FEIS and public comments thereon.

1. The first set of facts has to do with the noise that will be imposed on the river by the mining operation. The St. Croix National Scenic Riverway is a unit of the national park system. The park system has noise standards, and they are spelled out in the park's testimony before this proceeding. The noise coming from the mine - the digging, the truck loading, the departure of the trucks from the mine site - will be louder than existing levels on the water, both in terms of decibels and in terms of frequency. It won't be sounds that one might expect on a recreational river, such as outboard motors. Rather, it will be the sounds of commercial mining, far from the quietude that a user of a national scenic riverway should have to tolerate. The park service finds that invasion unacceptable.

The city's criteria for conditional use permits include, in Development Code section 8.4, the following:

--- the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morale, or comfort"

--- the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish property values or scenic views"

The EIS recognized the noise impact, but said it did not exceed state standards, so the city must ignore it. The EIS refused to recognize that the state could not set standards for federal park property. It refused to acknowledge that the federal authority for the property said the noise violated its standards. Even ignored was the testimony of Scandia resident Walter Mondale, who when a U.S. Senator established the St. Croix National Scenic Riverway. He testified in writing vigorously that the mine along the riverway was anathema to what he and Congress had in mind when the riverway was created.

It is not for the City to override the assertions by the federal property owner, by finding that the noise will promote and enhance the general public welfare, and will not be injurious to the use and enjoyment of property in the immediate vicinity. Rather, the City

must deny the permit because the noise impacts on the national riverway violate the city's conditions for conditional use permits which the application must meet.

2. The second set of facts has to do with the end product of the mine after after the project is completed. The first paragraph of the city's section on conditional use permits states:

The purpose and intent of a conditional use permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community yet ensure that such uses are not detrimental to surrounding property

The EIS reveals that the resulting hole in the ground will be in the neighborhood of sixty feet deep, but fails to wonder what one does with such a landform. It is inconsistent with the surrounding terrain. It is too deep for housing development. In fact, the entire mining project does nothing for the community. It does not promote jobs, or increase the tax base, or coincide with the city's objective of keeping the community natural and rural. Unlike the usual conditional use, it does not leave behind a residential development, or a real estate office or restaurant or hair styling salon or accounting business. It leaves behind a property in worse shape than it is now, an unattractive and unusable piece of terrain with no features that are beneficial to the general welfare of the community.

Conclusion. The City of Scandia must deny the permit because the project does not meet the city's requirements for a conditional use permit, neither as to its noise impacts on the national scenic riverway, nor because of its failure to do anything for the general welfare of Scandia.

Thank you,

The St. Croix River Association

by Bill Clapp and Randy Ferrin

Kristina Handt

From: Carol Sundberg [carolrudysun@gmail.com]
Sent: Friday, November 30, 2012 8:20 AM
To: info@scandiamn.govoffice2.com
Subject: Re: CUP Application from Tiller Corp

Dear Scandia Planning Commission,

We have a home at 21715 Quarry Ave along the river bluff a little less than a quarter of a mile North of the proposed mine. My husband's family has owned property on the river since the 1950's which is contiguous to our bluff property. He grew up on the river as did our children. Our grandchildren continue the tradition of using the river for swimming, canoeing, bird watching and enjoying all that the St. Croix has to offer. It is a treasure not only to us who live on the river, but to those who visit from various parts of Minnesota and other parts of the U.S. as well. We remember the noise and pollution that the mine spewed before it was thankfully shut down in the 1980's.

Surely you will not endanger this protected wild river by granting a conditional use permit to Tiller Mining purely for their financial gain. You well know all the risks attendant on reopening the mine. I need not list them for you, as they have been stated repeatedly during meetings on this subject over the past two years.

We regret that we are unable to attend the two meetings in December. Thank you for standing up to this large corporation whose interests are purely financial, and for protecting the interests of all who care about our crown jewel, the St. Croix River. We are certain that you will choose the higher road, and refuse to give Tiller a conditional use permit.

Warmly, Carol Sundberg

(I am mailing a hard copy of this letter to the Scandia Community Center for your records)

Carol H. Sundberg
21715 Quarry Ave N
Scandia, MN 55073

RECEIVED

DEC -4 2012

CITY OF SCANDIA

Planning Commission of Scandia
147 209th St. N
Scandia, MN 55073
November 30, 2012

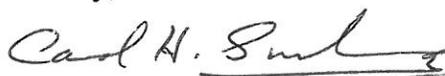
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Warmly,



Carol H. Sundberg

Kristina Handt

From: skip jones [skip_jones_99@yahoo.com]
Sent: Friday, November 30, 2012 10:55 PM
To: mail@ci.scandia.mn.us
Subject: Mine

To the planning commission

Please do not approve the reopening of the mine.
It will destroy your environment and your business.
Who will fight the trucks and the noise to visit your community (and spend their money)?
Who will pay for the roads they destroy?
This type of operation does not fit your community nor the nearby park.
This enriches the few and improvises the spirit (and pocketbooks-tourism. local infrastructure) of the many.
This company has a poor track record regarding regulations
They are already responsible for a spill in the St Croix and will be a bad neighbor.

While I am not a resident, I often visit the park and your area. The river is a blessing to us all.
This will spoil the natural, wild experience of the river area. I will not return if approved.

Thank you

Skip Jones