

August 8, 2012

A special meeting of the Scandia City Council was held on the above date. The purpose of the meeting was to review the Final Environmental Impact Statement (FEIS) for the Zavoral Mining and Reclamation Project, and approve its distribution for the formal public review and comment period. Mayor Simonson called the meeting to order at 7:00 p.m. The following council members were present: Council members Chris Ness, Jim Schneider, Sally Swanson, Connie Amos and Mayor Randall Simonson. Staff present: City Administrator Anne Hurlburt, City Attorney Tom Miller and City Planner Sherri Buss. Also present: consultants Leslie Knapp, Mark Rothfork and Trudy Richter.

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS), ZAVORAL MINING AND RECLAMATION PROJECT

The Council received a presentation of an overview of the Final Environmental Impact Statement (FEIS).

Trudy Richter, of Richardson, Richter & Associates, began with a description of the agenda for the meeting.

Leslie Knapp, AECOM Project Manager, gave an overview of the Final EIS. The purpose of an EIS is to provide information to evaluate proposed projects with potential for significant environmental effects, consider alternatives and explore methods to reduce adverse environmental effects (mitigation measures.) It is an information gathering process designed to help governmental units with permitting authority make better-informed decisions. It is not an approval process. The EIS is not an enforcement tool; it is a source of information that must be integrated with other permits and approvals to mitigate impacts. The review of the Conditional Use Permit that would be needed for project approval is a separate process. Review of the CUP application was suspended until EIS process completed. The City and other permitting entities may not issue permits for the project until the EIS process has been completed.

Knapp explained that the City released the Draft EIS for public review and comment on March 19, 2012. The 60-day comment period ended at 4:00 p.m. on May 18, 2012. The City received 68 written comments (via mail & e-mail) and also received 15 verbal comments at the April 3, 2012 public meeting held by the Planning Commission. The Final EIS contains written responses to all of the comments, organized by topic. Table 1 is a numbered list of the comments. All the comment letters and e-mails, and the transcripts of verbal comments from the April 3 meeting are included as Appendix A. A redlined version of the Final EIS text identifying revisions made to the Draft EIS is Appendix B. Table 2 is a list of redline changes made to the Draft EIS.

Trudy Richter moderated questions on the Final EIS contents.

Council member Schneider stated that the Final EIS is a very thorough document. He asked why Table 11 (page 4-21 of redlined version of EIS) shows impervious cover remaining after the mining is completed? Leslie Knapp said that the entry road into the site may be left after reclamation so it was included in the calculations. Sherri Buss said that there will still be

reclamation and monitoring going on so the access will be needed. Knapp said that the amount of pavement left was assumed to be the highest amount of impervious cover possible.

Council member Swanson asked how the average depth of mining could be 15 feet, but that the range could be 15 to 70 feet? They must stay above the water table and 70 feet seems deep. Leslie Knapp explained that yes, the average will be 15 feet based on Tiller's plan, and the deepest excavation will be at 840 feet above mean sea level (amsl.) The cross sections included in the figures are the most helpful to understand the mining depth. Mining to 840 feet amsl is the worst-case scenario.

Council member Ness asked if all product from the Zavoral site would be shipped to the Scandia mine? Knapp answered that the majority would, but some would go directly to customers.

Mayor Simonson asked if the No-Build alternative meant that nothing on the site would change? Knapp explained that the No-Build alternative was described in the scoping document to be no changes, as there are no known proposals for any other activity at the site. If there was a proposal, it would need to go through the complete review process.

Mayor Simonson asked about sub-alternative 3A as described on page 3-1 of the redlined EIS, where mining would be completed in 150 days. He asked if that was an absolute deadline or would there be more activity beyond 150 days? Knapp answered that it would take one year to complete 150 days of mining, and that reclamation and monitoring would extend beyond one year.

Mayor Simonson asked about MnDOT's requirement for a right hand turn lane from northbound Highway 95 into the site. Why is it needed if most of the traffic is going out of the pit to the west? Knapp explained that the turn lane would allow through traffic to pass turning trucks, and that is the movement that would slow traffic the most. Mike Caron, Tiller Corporation, said that Tiller had initially proposed to not include the turn lane, but that MnDOT's standards require the turn lane because of the total number of trips through the intersection, regardless of the fact that there will be a small number of trips northbound into the site. Knapp added that the northbound trips into the site would likely be trucks starting the work day, service vehicles or equipment operators.

Council member Swanson asked why there would not be a right turn lane on southbound Highway 95 to westbound Highway 97? Knapp said that MnDOT's standards do not require it.

Mayor Simonson asked if the Council had further questions. Hearing none, the presentation continued.

Sherri Buss, City Planner, gave an overview of the next steps and the process for the Final EIS. If it is approved for distribution, the City will send a notice for publication to EQB Monitor, and a press release to area newspapers that the Final EIS is available. Tentatively, the notice would be published on August 20, 2012. A copy of the Final EIS would be sent to the Draft EIS distribution list, any person who submitted substantive comments on the Draft EIS, and to any

person requesting a copy of the Final EIS. There would be a comment period running through September 10, 2012.

After the comment period, the next step would be for the City, as RGU (Responsible Government Unit), to determine if the EIS is adequate. Tentatively, a Special City Council Meeting has been scheduled for September 25, 2012. If the EIS is found to be adequate, the process is complete. If it is found to be inadequate, the RGU has 60 days to revise the EIS and make it adequate. The criteria for finding the EIS to be adequate are:

- the EIS addresses potentially significant issues & alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with Minn. Rules § 4410.2300, items G & H (alternatives and EIS contents);
- the EIS follows procedures for providing an opportunity for public comment on the EIS;
- the EIS provides responses to substantive comments received during Draft EIS review concerning issues raised in scoping; and
- the EIS was prepared in compliance with the procedures of the act and Minn. Rules parts 4410.0200 to 4410.6500.

If the EIS is found to be adequate, additional notices must be published. The process of reviewing the CUP and any other required permits for project may begin. Review of the CUP would take at least 60 to 120 days. The EIS will help the City and all other permitting agencies identify conditions to be included in their permits.

Council member Ness asked if the CUP would be the “final” vote on the project? Buss answered that if the EIS is found to be adequate, the proposer will have no right to undertake any mining activities at the site without the CUP.

Mayor Simonson asked if other agency’s permits would be in place before the City acts on the CUP? Buss explained that the City could wait for other agency approvals, or approve a CUP with a condition that they get other permits first. The City will coordinate review of the CUP with the other agencies. These agencies may have suggestions for conditions to include in the CUP.

Mayor Simonson called for questions from the public.

Kristen Tuenge, 20595 Quinnell Ave. N., appeared on behalf of TA-COS (Take Action – Conserve Our Scandia.) She said she is disappointed in the document and the response to comments. Not all comments were taken serious. The EIS was prepared on behalf of Tiller and it is not independent and objective. Their attorney will submit comments in writing.

Bill Clapp, 19955 Quinnell Ave. N., appeared for the St. Croix River Association. He said that the depth of the mining is very difficult to figure out from the EIS and the responses to the comments do not help. He said Figures 9 and 10 appear to be contradictory. Clapp said that discussion on future land use indicated that the site could possibly be used for a development of up to 20 single family homes, which is “goofy” if the site will be left as a 60-foot deep hole. Clapp said that on page 5 in the responses to comments it states that mining is the only source of

funding to reclaim the site. He said that the site “as-is” is more amenable to residential development, which would pay for reclamation. The document does not show how the 15-foot average excavation is achieved. The Council should send the EIS back for further work on the depth issue and what the end uses will be.

Leslie Knapp showed the cross-sections of the site (Figures 35 through 39) and suggested that those be used to understand the depths of excavation. Explaining Figure 10, the depth was obtained by comparing the current ground elevation with the maximum excavation depth of 840 amsl.

Council member Ness asked what the elevation would be after reclamation? Knapp said that it will vary across the site. Figure 9 shows the reclamation grades.

Chauncey Anderson, 20453 Quinnell Ave. N., said that noise will have a negative impact on his home and rental property, and that it will be transmitted by the water. It was noisy when the site was mined in the past. He asked why the no-build alternative assumes that noise from gravel hauling will occur no matter what. He said that the “purpose and need” for the project was flawed. It should have considered the need for gravel at a regional level, not the gravel on the Zavoral site. He asked whether a stop light was considered for the intersection of Highways 95 and 97, which he believes will be needed.

Leslie Knapp said that traffic analyzed in the no-build alternative is the current traffic on the state highways. She said that additional traffic analysis was performed for the Final EIS, which indicated that the Level of Service (LOS) for the Highway 95/97 intersection will continue to be “C”, except for one to two hours during the evening rush hour when it would be LOS “D”. These were acceptable to MnDOT.

Pam Arnold, 16560 220th St. N., asked the Council to consider what it means to be the RGU, Responsible Government, for Scandia and elsewhere including the National Park and to take that role seriously. She said the comments about requiring a setback from the river corridor was not adequately responded to in the Final EIS.

Myra Denecke, 21777 Quarry Ave., said that she would have liked to see a three-dimensional model showing the site, which people could understand.

There being no further questions, the Council then took action to approve distribution of the Final EIS.

Simonson, seconded by Swanson, moved to adopt Resolution 08-08-12-01, Authorizing Distribution of Final Environmental Impact Statement for the Zavoral Mining and Reclamation Project.

Mayor Simonson called for discussion on the motion. Council member Swanson asked for clarification of the comment period, and whether the City could extend it? Buss explained that while a date has been set for possibly making a decision on adequacy of the Final EIS

(September 25, 2012) so that notice can be given, the Council is not required to make a decision on that date and could change the date or continue the discussion to another date if more information is needed.

A roll call vote was taken on the motion to adopt the Resolution: Ness – no; Amos – aye; Swanson – aye; Schneider – aye; Simonson – aye. The motion carried 4-1.

ADJOURNMENT

The meeting adjourned at 7:59 p.m.

Respectfully submitted,

Anne Hurlburt
Administrator/ Clerk