



Mariah Weitzenkamp
Regulatory Branch
St. Paul District Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

February 6, 2019

Re: MVP-2015-02528-MMW Northshore Mining Company application to discharge fill material

Dear Ms. Weitzenkamp,

On behalf of the undersigned organizations, thank you for the opportunity to comment on the application submitted by Northshore Mining Company (MVP-2015-02528-MMW) to discharge fill material and significantly expand their Milepost 7 tailings basin.

According to the public notice, the project would expand the Milepost 7 basin by a total of 845 acres. This expansion would directly impact 272.16 acres of wetlands, 35.96 acres of Murphy's Pond, and 2.53 acres (7,737 linear feet) of stream. The immediate proximity of this project to the North Shore of Lake Superior, via the Beaver River, makes this project of concern to a broad audience.

Pursuant to the public notice, the Corps is considering whether or not to issue the requested permit, and whether to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). Based on our review, we believe the permit should not be issued at this time, and at the very least, a detailed EIS should be prepared prior to a decision on Northshore Mining Company's permit application.

Our specific objections are:

- The substantial direct impacts of the proposed expansion on wetland and non-wetland water resources and its proximity to the North Shore of Lake Superior demonstrate, *a priori*, that the proposed expansion would have a significant impact on the environment.
- The public notice in October 2018 was insufficient. A project of this size and importance to the local community should be at least carried by community and regional news outlets, such as the Lake County News Chronicle and the North Shore Journal, and provide considerably more detailed information.
- No public hearing has been held. Again, for a project of this magnitude, the general public should be afforded the opportunity to learn more about the project and its potential environmental impacts from agency specialists.

- The Minnesota DNR's local fisheries staff from the Finland, MN regional office were not aware of the permit application until Minnesota Environmental Partnership reached out to them in January 2019.
- The West Branch of the Beaver River, adjacent to the existing and proposed tailings basin, is already designated as an impaired waterway, impaired for aquatic life. A Total Maximum Daily Load (TMDL) study will have to be completed for that stretch for fish and invertebrate populations. Without a complete TMDL, it is premature to consider additional loads to the Beaver River or its watershed.
- The original EIS prepared in 1977 is wholly insufficient given new additional information, circumstance, and standards, including a significantly increased awareness of the impacts of climate change and additional imperiled wildlife species added to the Endangered Species List.
- The existing tailings basin, along with the pipeline that carries tailings from the Northshore Mining Plant, have demonstrated insufficiencies, including the October 22, 2000 leak of 14,000 tons of tailings into the Beaver River (a designated trout stream). According to newspaper reports, this spill "turn(ed) the river an opaque grayish-green, silting in spawning beds and coating rocks with powdery tailings." Northshore eventually paid a \$200,000 civil penalty for that incident.
- It is unclear if the visual or auditory impacts on the Superior National Forest Scenic Byway (Lake County Highway 15) were accounted for, even though the proposed project would result in a new tailings basin wall built 100 feet away from the scenic highway along nearly one half mile of highway frontage.
- The Corps has failed to consider a true "no action" alternative, as it is not proper or lawful under NEPA or the Clean Water Act to just assume that tailings would continue to be added to the existing tailings basin at levels that would eventually exceed its capacity and result in a safety hazard and the flooding of toxic pollutants, as this would plainly not be allowed under the existing permit or applicable laws and regulations. A proper "no action" alternative would consider the continued filling of the existing tailings basin to a lawful, permitted, and safe capacity, and then terminating its use and implementing closure requirements.
- The required environmental analysis must include connected actions, and cumulative impacts and actions, including the additional taconite mining (and any other types of mining) that would be allowed and facilitated by this significant tailings basin expansion.
- The required environmental analysis must consider and disclose the impact of continued and increased dust emissions and airborne fibers on downstream communities.
- The required environmental analysis must consider the likelihood and potential impacts of large storm events in the context of climate change, as such events are anticipated to increase in size and frequency over time.
- The Corps must consider the quality and types of wetlands that would be degraded, in comparison to the proposed wetlands mitigation. The indication that only wetlands banks would be used for mitigation would be improper, as preservation is not the preferred mitigation option because it does not replace lost wetlands. This especially true where the wetlands that would be "protected" through the wetlands bank are not under any foreseeable threat of development.
- The proposed mitigation must address all anticipated impacts to wetlands and stream reaches. Delaying consideration of any foreseeable impacts is improper and unacceptable.

We believe that a full Environmental Impact Statement, including quality public notice and at least one public hearing, should be required for this project, before the Corps reaches any decision on the permit application. The Corps must also consult with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, to assess the potential impacts of the project on listed and proposed wildlife species. And the Corps must consult with affected Tribes, pursuant to the National Historic Preservation Act.

We look forward to providing more detailed comments when more information is provided concerning this proposed action, and ask that you please keep us informed on this proposal. For further communication on this matter, please contact Andrew Slade, Great Lakes Program Director, andrew@mepartnership.org or (218) 727-0800.

Signed,



Steve Morse, Executive Director
Minnesota Environmental Partnership

Audubon Chapter of Minneapolis

Center for Biological Diversity

CURE (Clean Up the River Environment)

Friends of Minnesota Scientific and Natural Areas

Friends of the Boundary Waters Wilderness

Izaak Walton League Minnesota Division

League of Women Voters Duluth

Mankato Area Environmentalists

Minnesota Center for Environmental Advocacy

Minnesota Native Plant Society

Save Lake Superior Association

Save Our Sky Blue Waters

Sierra Club North Star Chapter

WaterLegacy

Wetlands Action Group

Cc: Federal Consistency Coordinator, Minnesota's Lake Superior Coastal Program, 1568 Highway 2, Two Harbors, MN 55616