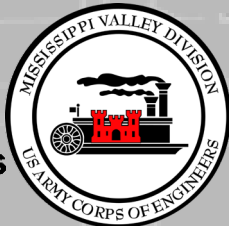


MISSISSIPPI VALLEY DIVISION

Colonel Karl Jansen
Commander
U.S. Army Corps of Engineers
St. Paul District
3-5 May 2022



US Army Corps
of Engineers®





U.S. Army Corps of Engineers, St. Paul District
Colonel Karl Jansen

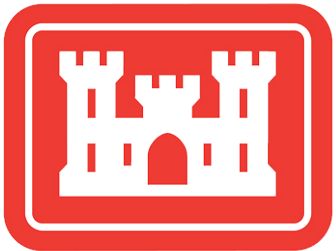
Public Hearing

Clean Water Act 401(a)(2) Decision

PolyMet Mining/NorthMet Mine

Fond du Lac Band of Lake Superior Chippewa objection to Section 404 Clean Water Act permit for the PolyMet Mine and the Band's determination the Project "will affect" its downstream waters

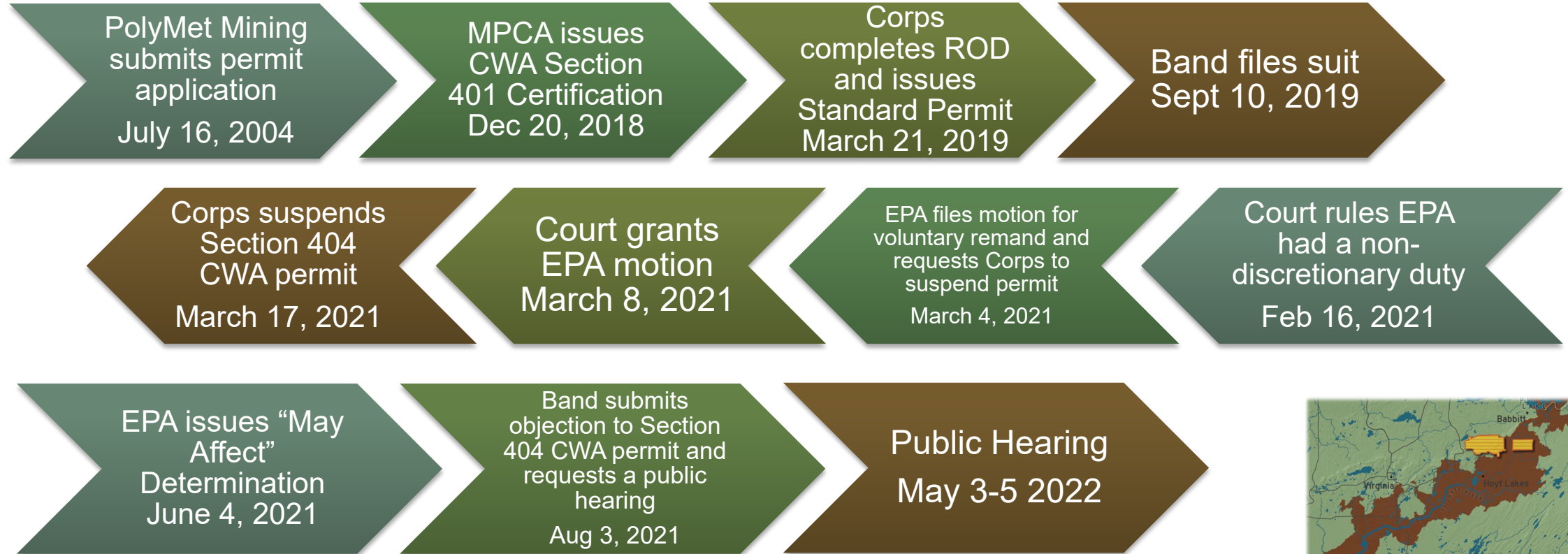
May 3-5, 2022





PROJECT BACKGROUND

3



- **Standard CWA Section 404 Permit for NorthMet Mine**
- *Authorized 901 acres of wetlands fill and 27 acres of indirect loss of wetlands*
- **Permit is suspended and no authorized work has occurred on site**





POLYMET 401(A)(2) HEARING



Intent

- Hear verbal comments: FDL Band, Polymet, EPA, Public

Focus

- Water Quality Impacts on the FDL Reservation from NorthMet Mine project

Next Steps - Permit Evaluation

- Revoke, Reinstate As-Is, Modify with New Conditions





PROJECT LINKS



Hearing Availability

- <https://www.youtube.com/user/usacemvppao>

Polymet Project Page

- <https://www.mvp.usace.army.mil/Missions/Regulatory/PolyMet/>



HEARING AGENDA DAY 1 & 2



Day One

08:00 - 08:30	Presiding officer Colonel Jansen opens
08:30 - 09:00	Fond du Lac opens, provides overview of their objection
09:00-10:00	EPA provides overview of its evaluation and recommendations
10:00-10:30	<i>Recess</i>
10:30-12:00	Fond du Lac views, opinions, and recommendations
12:00-1:00	<i>Recess/Lunch</i>
1:00-6:00	Fond du Lac views, opinions and recommendations continued
6:00-6:05	Presiding officer provides overview of day two schedule and adjourns day one

Day Two

8:00-8:05	Presiding officer opens
8:05 – 9:00	Fond du Lac views, opinions and recommendations continued
9:00 – 9:30	<i>Recess</i>
9:30-11:30	PolyMet views, opinions, and recommendations
11:30 -12:30	<i>Recess/Lunch</i>
12:30-2:30	Fond du Lac rebuttal opportunity
2:30-3:00	<i>Recess</i>
3:00-5:00	PolyMet rebuttal opportunity
5:00-5:05	Presiding officer provides overview of day three schedule and adjourns day two



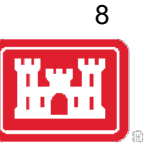
GROUND RULES



- District Engineer will serve as presiding officer
- Hearing will follow the Hearing Agenda schedule
- Cross examination of witnesses is not permitted, however prompting of own witnesses with questions is allowable.
- Speakers are encouraged to focus their comments:
 - how the suspended Section 404 CWA permit including its conditions, if reinstated, would violate water quality requirements of the Band.
 - Whether new conditions could be added to a modified Section 404 CWA permit that would ensure water quality compliance



HEARING AGENDA DAY 3



Day 3

- | | |
|--------------|---|
| 4:00 p.m. | Presiding Officer opens |
| 4:05 p.m. | Public verbal comment opportunity |
| 9:00-9:05 pm | Presiding officer closing remarks and adjourns Public Hearing |

- Comments will be recorded for the administrative record and will be made available to the public
- Written comments can be submitted up to 30 days after this hearing

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