



**US Army Corps  
of Engineers**  
St Paul District

**APPLICANT:  
Hibbing Taconite  
Company, owned and  
managed by Cliffs  
Natural Resources, Inc**

# **Public Notice**

**ISSUED: 28-MAY-2014  
EXPIRES: 30-JUNE-2014**

**REFER TO: 2014-00396-DWW**

**SECTION:404 - Clean Water Act**

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1. APPLICATION FOR PERMIT TO discharge dredged and fill material into wetlands for the purpose of facilitating a portion of the open-pit and stockpile progression at the existing taconite mine operation of the Hibbing Taconite Company (HTC) facility. The applicant proposes to discharge dredged and fill material into 24.18 acres of wetlands, that are waters of the United States adjacent to the headwaters of an unnamed tributary system that flows into the Mississippi River, in association with the proposal.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Hibbing Taconite Company  
P.O. Box 589  
County Road 5  
Hibbing, Minnesota 55746

AGENT: Tanaya Perpich

AGENT'S ADDRESS: Cliff's Natural Resources, Inc.  
P.O. Box 180  
Eveleth, Minnesota 55734

PROJECT LOCATION: The project site is located in St. Louis and Itasca Counties, Minnesota at the HTC mine facility near City of Hibbing, Minnesota.

DESCRIPTION OF PROJECT: HTC submitted a request for authorization under Section 404 of the Clean Water Act (CWA) for unavoidable wetland impacts associated with the progression of mining operations. HTC owns and operates an iron ore mining and processing facility in the central portion of the Mesabi Iron Range in northern Minnesota. The facility mines taconite ore from leased properties across the Biwabik Iron Formation near the City of Hibbing, with the taconite ore processed on-site and tailings material disposed of within the HTC 6,400-acre tailings basin. The overall purpose of the mine progression is to maintain an economically viable taconite mining and iron ore pellet processing facility for the next seven years.

The proposed mine progression activities at HTC would extend three existing open pits; 136.43 acres for the Group I review area in the northeast portion of the facility; 13.88 acres for the Group V review area in the southwest portion of the mine facility; and 335.0 acres for the Group V review area in the

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southwest portion of the mine facility. HTC would also convert the Group III, Webb Stockpile, and Sesquehanna review areas to new open pits with a combined area of 361.42 acres.

The proposed stockpile progression activities at HTC would create two new stockpiles; a 34.56-acre stockpile in the northeast portion of the HTC mine facility (5001 Stockpile) and a 42.42-acre stockpile (unnamed) in the southwest portion of the mine facility in the Group V review area.

The Corps completed approved jurisdictional determinations (AJDs) for aquatic resources proposed to be impacted within the project review area. As a result of the AJD process, the Corps determined that many of the aquatic resources were non-jurisdictional and would not require a Department of the Army permit under Section 404 of the CWA. From the AJD process, it was determined that 55.98 acres of wetlands in review areas Group I; Group III; Group V; the Webb Stockpile; and 5001 Stockpile were isolated, which did not support a link to foreign or interstate commerce and, therefore, are not subject to Corps of Engineers jurisdiction. It has been determined that 24.18 acres of wetlands within the 335.0 acres of the Group V review area for the mine progression are jurisdictional under Section 404 of the CWA. Please see Table 1 (below) for a summary of the work areas, work description, and proposed impacts to wetlands, including those that are and are not jurisdictional waters of the United States under the CWA:

Table 1: 2014 HTC mine and stockpile progression

<b>Work Area</b>	<b>Acres</b>	<b>Work description</b>	<b>Work in Wetlands</b>	<b>USACE Jurisdictional Wetlands</b>
Group I	136.43	Mine progression	17.58 acres	0.00 acre
Group III	32.13	Mine progression	1.42 acres	0.00 acre
Group V	13.88	Mine progression	0.34 acre	0.00 acre
	335.0	Mine progression	27.30 acres	24.18 acres
	42.42	Mine stockpile	21.14 acres	0.00 acre
Webb Stockpile	268.02	Mine progression	0.74 acre	0.00 acre
Sesquehanna	61.27	Mine progression	0.00 acre	0.00 acre
5001 Stockpile	34.65	Mine stockpile	11.64 acres	0.00 acre
<b>Totals</b>	923.8 acres		80.16 acres	24.18 acres

Please also see attached drawings, 2014-00396-DWW Drawings 1 of 8 through 8 of 8.

The remainder of this public notice 2014-00396-DWW addresses the evaluation of the proposed 24.18 acres of jurisdictional wetland impacts for the mine progression within the 335.0 acres of the Group V review area. The proposed HTC progression would extend the existing open pit mine area of the HTC mine facility where economic ore reserves are located with suitable stripping ratios. The HTC mine progression would need to continue into areas where the ore body exists in economically mineable quantities in order to maintain a viable taconite mining and iron ore pellet-producing facility. The mining would be controlled to a large extent by the geology of the ore deposits, ore quality and distribution, amount of stripping materials to be removed, and operating efficiencies and economic considerations.

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The Minnesota Department of Natural Resources Division of Lands and Minerals has authorized a WCA permit for the HTC mine and stockpile progression project dated April 24, 2014.

**QUANTITY, TYPE, AND AREA OF FILL:** The project is proposed to result in the discharge of dredged and fill materials into 24.18 acres of waters of the United States, specifically 24.18 acres of wetlands, for the mine progression in the Mississippi River – Grand Rapids watershed. The location of these wetlands is within the 335.0 acres of the Group V project review area.

**VEGETATION IN AFFECTED AREA:** The Group V project review area consists of three identified jurisdictional wetlands W32, W33, and W34:

1. W32 (21.70 acres) vegetation is dominated by green ash, sensitive fern, fox sedge, northern bedstraw, sphagnum moss, red maple, and marsh marigold;
2. W33 (0.79 acre) vegetation is dominated by balsam fir, speckled alder, interrupted fern, and sphagnum moss; and
3. W34 (1.69 acres) vegetation is dominated by green ash, quaking aspen, sensitive fern, broom sedge, and Canada bluejoint grass.

**SOURCE OF FILL MATERIAL:** All materials would be obtained on-site.

**SURROUNDING LAND USE:** The 335.0 acres is adjacent to existing mine pits and stockpile areas, and disturbed forested communities. The drainage within and around the proposed project review area has been altered by past mining activities and road construction.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** Use of heavy mining equipment could result in minor spills of gas, oil, fuel oil, or other petroleum products.

No other potentially toxic materials would be used at the project site.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** The project would require permits and/or the modification of existing permits from the Department of Natural Resources and the Minnesota Pollution Control Agency would contain provisions to protect water quality, including: reclamation guidelines for abandoned mine areas, contouring of benches to eliminate or reduce run-off and erosion, the use of settling basins to treat run-off before it leaves the site, and other standard mine practices.

**MITIGATION:** HTC is proposing compensatory wetland mitigation for the proposed 24.18 acres of wetland impacts with the purchase of wetland bank credits at a 1:1 mitigation ratio within the same watershed (Mississippi River – Grand Rapids watershed 9) and Bank Service Area (BSA) 5 as the proposed work in wetlands. Any indirect wetland impacts, for example hydrologic impacts, which are associated with a regulated discharge of dredged and/or fill material into waters of the U.S. will also be evaluated and may also require mitigation.

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3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, Two Harbors office, 1554 Highway 2, Suite 2, Two Harbors, MN 55616.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Mr. Daryl W. Wierzbinski at the Two Harbors office of the Corps, telephone number (651) 290 - 5691.

To receive Corps Public Notices by e-mail, go to the below web address:

[http://mvp-extstp.mvp.usace.army.mil/list\\_server/](http://mvp-extstp.mvp.usace.army.mil/list_server/) and add your information in the New Registration Box.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, St. Louis is within the known or historic range of the following Federally-listed threatened (T) species:

<u>Species</u>	<u>Habitat</u>
Canada lynx ( <i>Lynx Canadensis</i> )	Northern forested areas

The open pit progression site with the proposed 24.18 acres of wetland loss does not contain critical habitat for the species and is not part of an identified travel corridor within the Mesabi Iron Range. Therefore, the site would not result in decreased or increased use of the area by Canada lynx.

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made a determination that the 24.18 acres of wetlands that are proposed to be impacted by the proposed mine progression are regulated by the Corps of Engineers under Section 404 of the CWA.

The approved jurisdictional determinations after EPA review and concurrence are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

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THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency, Resource Management and Assistance Division,  
Attention: 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

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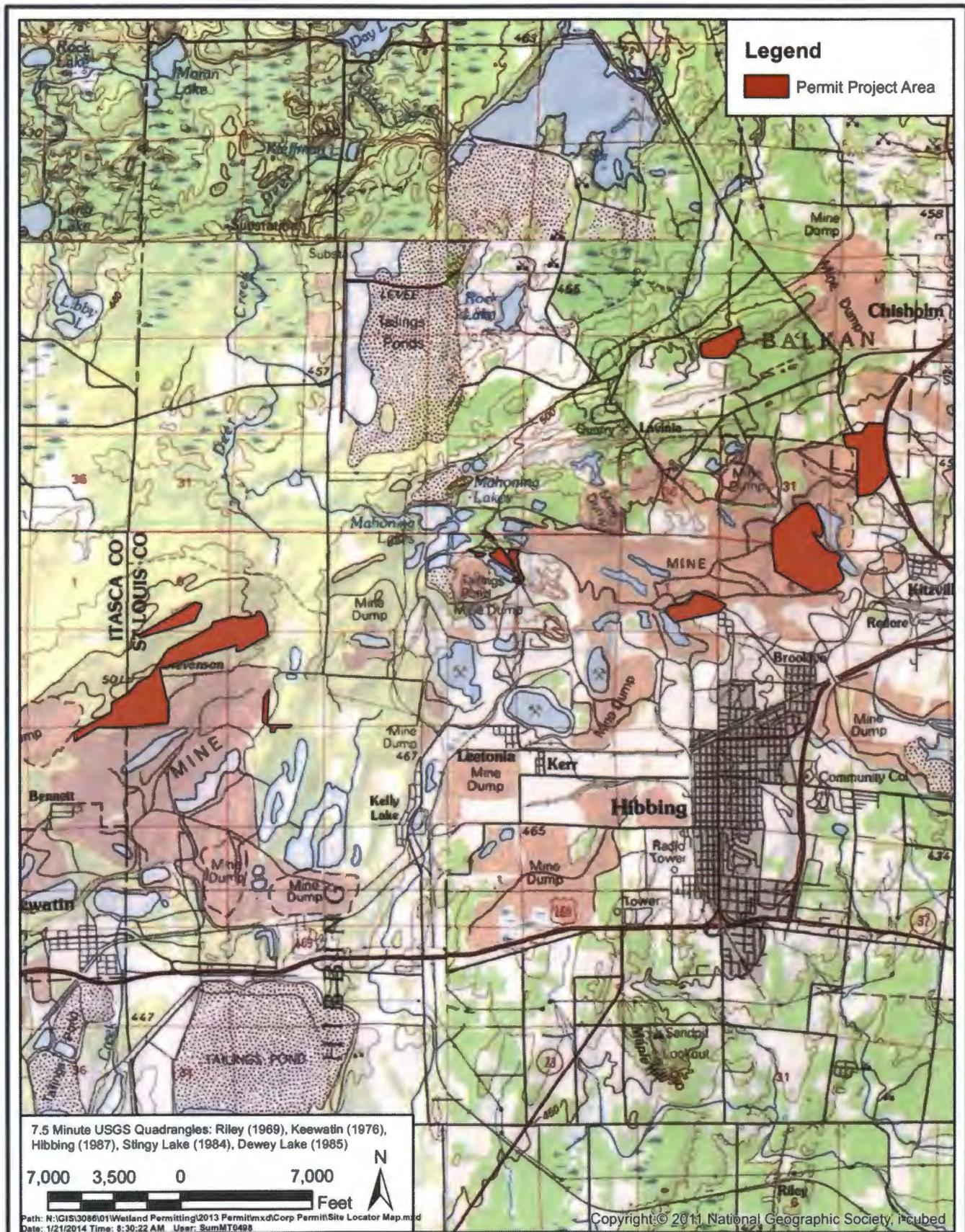
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Desiree Morningstar  
Acting Chief, Northwest Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



HIBBING TACONITE COMPANY

Site Locator Map



Wenck

DEC 2013

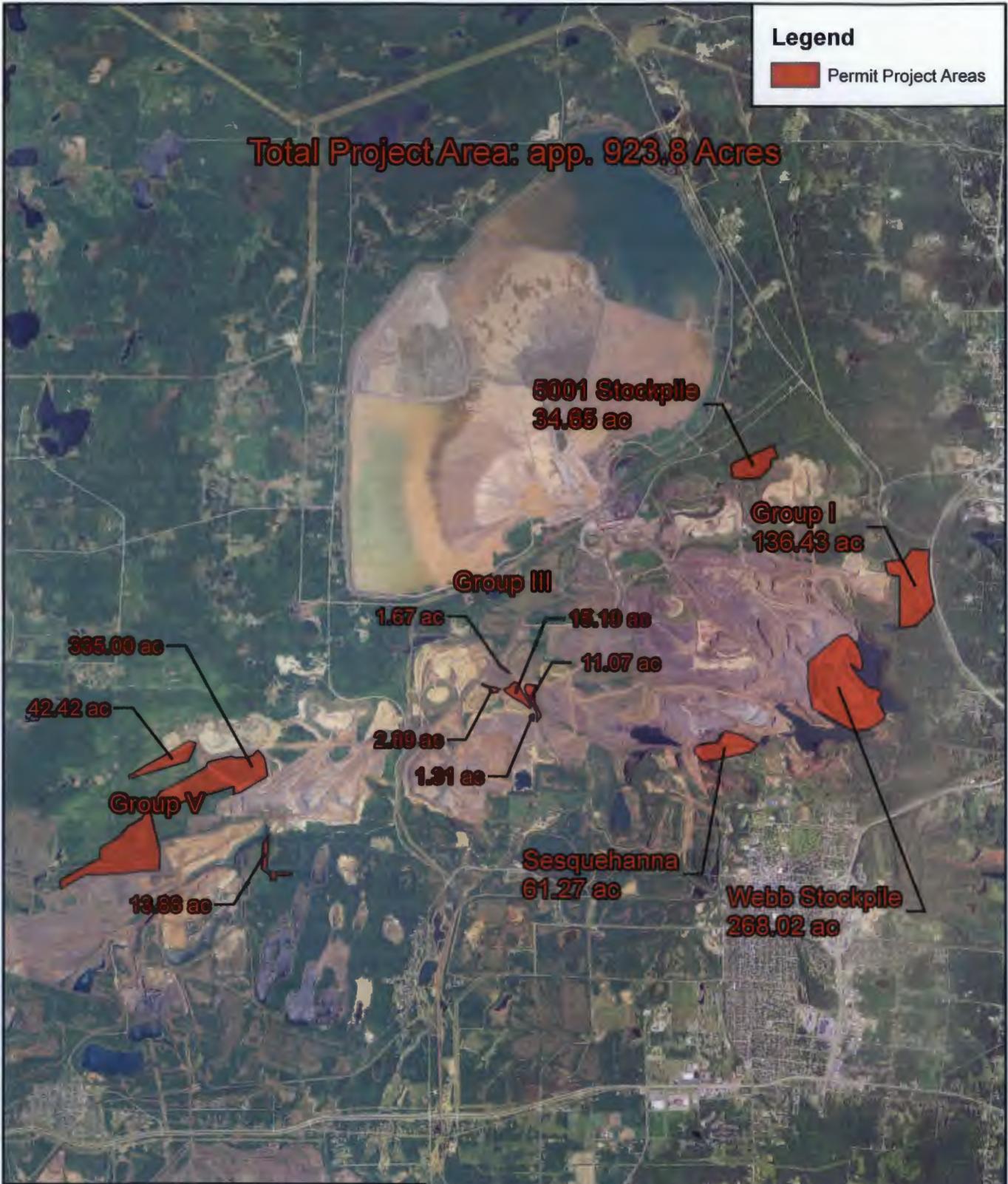
Figure 1

2014-00396-DWW  
Drawing 1 of 8

**Legend**

 Permit Project Areas

**Total Project Area: app. 923.8 Acres**



2010 Aerial Photograph (Source: MnGEO)

7,000 3,500 0 7,000  
Feet

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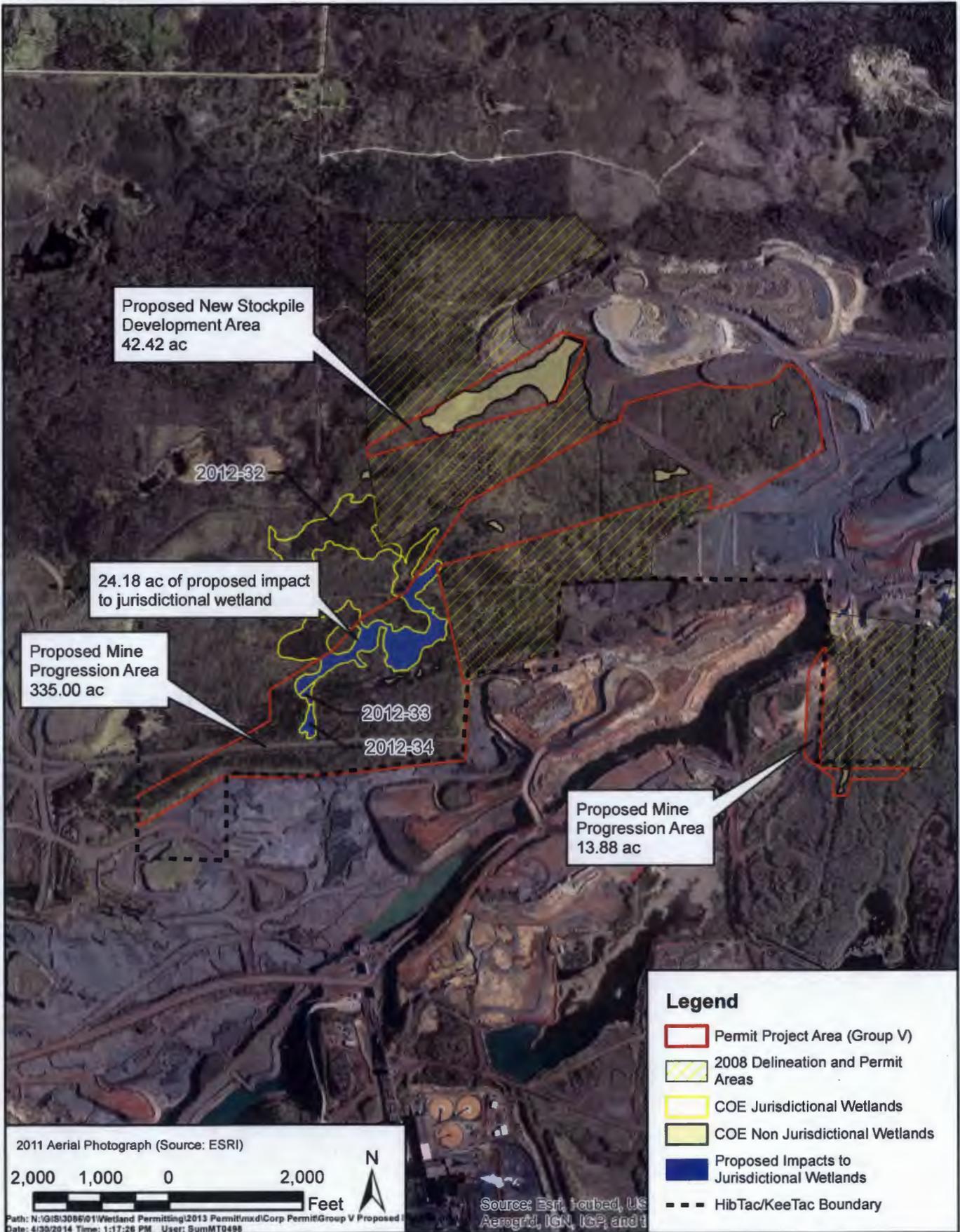
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**2014 Project Area Overview**

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Drawing 2 of 8

**DEC 2013**

**Figure 2**



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Group V Proposed Wetland Impacts

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Figure 3

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Drawing 3 of 8



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Group III Proposed Wetland Impacts

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Figure 4

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Drawing 4 of 8



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Group I Proposed Wetland Impacts

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Drawing 5 of 8

DEC 2013

Figure 5



Material will be removed from existing stockpile and relocated to 5001 Stockpile area

**Legend**

- Permit Project Area (5001 Stockpile Area)
- COE Jurisdictional Wetlands (None in 5001 Stockpile Area)
- COE Non Jurisdictional Wetlands
- Proposed Impacts to Jurisdictional Wetlands (None in 5001 Stockpile Area)

2011 Aerial Photograph (Source: ESRI)

1,000 500 0 1,000 Feet

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Source: Esri, Incubed, US Aerialgrid, IGN, IGP, and I



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 Historic Webb Stockpile Area



DEC 2013  
 Figure 7



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Sesquehanna Area

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DEC 2013

Figure 8