



US Army Corps  
of Engineers  
St Paul District

APPLICANT: U.S. Steel Corporation  
Minnesota Ore  
Operations - Minntac

# Public Notice

ISSUED: 22-JAN-2014  
EXPIRES: 6-FEB-2014

REFER TO: 2011-00832-JCB

SECTION:404 - Clean Water Act

1. **REQUEST TO MODIFY PERMIT MVP-2011-00832-JCB** to: (1) authorize U.S. Steel Corporation (USS) to discharge dredged or fill material into waters of the United States to construct a pipeline and access road to transfer water from Minntac's #6 Sump to a new Transfer Sump to be constructed near the Mt. Iron Pit; and, (2) extend the completion date for the #6 Sump project from June 1, 2014 to October 31, 2014

The original Public Notice associated with the Minntac Western Progression project was published on April 5, 2011 (MVP-2010-04976-JCC). A Department of Army permit (MVP-2011-00832-JCB) was issued on December 10, 2012 and modified on December 13, 2012.

## 2. SPECIFIC INFORMATION

### APPLICANT'S ADDRESS:

Mr. Thomas Kelly  
U.S. Steel Corporation  
Minnesota Ore Operations  
P.O. Box 417  
Mt. Iron, Minnesota 55768

**PROJECT LOCATION:** The project is located in Sections 1, 2, 7, 8, and 9 of Township 58 North, Range 18 West; and Sections 11 and 12 of Township 58 North and Range 19 West, St. Louis County, Minnesota. The project area and details are shown on the attached figures labeled 2011-00832-JCB, 1 of 4 through 4 of 4.

**DESCRIPTION OF PROJECT:** The proposed project would involve the installation of approximately 30,000 linear feet of 20" diameter high-density polyethylene (HDPE) pipeline to allow for the transfer of water from Minntac's #6 Sump to a new South Transfer Sump to be constructed near the Mt. Iron Pit for the purpose of improving process water quality at the mine. The pipeline would be placed on an 8-inch coarse tailings sub base with a 6 inch rough top that would serve as structural support as well as an access road for periodic maintenance. The top width of this road would be 15.5 feet with an additional 2:1 slope on both sides.

Construction of the pipeline project would be completed during the winter months as much as possible to minimize wetland impacts from heavy equipment movement. However, in response to equipment supply problems and weather conditions USS has requested an additional five months of time to complete construction. Light clearing and brushing will be performed as necessary prior to material placement. Backhoes and front-end loaders will be used for all phases of construction. Upon completion of construction, the pipeline access road will serve to provide continual support for the

**Operations - Regulatory (2011-00832-JCB)**

**SUBJECT: U.S.Steel Minntac Western Progression Permit Modification**

structural integrity of the associated piping. It will also serve as an access road for periodic maintenance activities.

QUANTITY, TYPE, AND AREA OF FILL: The fill material that would be used to support the pipeline and construct an associated access road would consist of an estimated 5,050 long tons of coarse tailings. Course tailings and gravel would be discharged into a total of 1.38 acres of wetlands. Additional temporary impacts to wetlands associated with project construction would total 0.37 acre, with restoration to be completed upon project completion.

Wetland Fill Areas:

Wetland Type	Pipe Length (ft)	Permanent (acre) (22 feet wide)	Temporary (acre) (3 feet each side of road)
Shrub swamp	1900	0.96	0.26
Fresh Meadow	170	0.09	0.023
Wooded Swamp	650	0.33	0.09

Based on chemical analyses of the ore that is supplied to the Minntac Concentrator, it is estimated that the coarse tailings that would be used as fill contain approximately 0.1% sulfur, bound within the mineral matrix. Oxidation of sulfur contained in coarse tailings can result in the generation and leaching of a small amount of sulfate. At 0.1% concentration and with limited availability for oxidation, the Company has stated that sulfate levels in any runoff from the course tailings pipeline base material would be immeasurable.

VEGETATION IN AFFECTED AREA: The project area is located within the Laurentian Mixed Forest Province (MnDNR's Ecological Classification System). Wooded habitat covers approximately 35% of the land area, most of which is second growth forest composed of aspen and birch. Wetland communities found within the corridor include shallow marsh, shrub-carr, and hardwood swamp/coniferous swamp. Shallow marsh (Type 3) wetlands typically support cattails, bulrushes, water plantains, arrowheads and lake sedges. Shrub-Carr (Type 6) wetlands typically support shrub communities consisting of alders and willows. Hardwood/coniferous swamp (Type 7) wetlands typically support tamarack, northern white cedar, black spruce, balsam fir, balsam poplar, and black ash. Grassland areas also exist within the proposed progression area and consist of neglected landscaped yards or areas that have recently been logged. The grassland habitat typically contains old field and pioneer species and not native grassland species. The remainder of the habitat is fragmented by existing haul roads and older mine features.

SOURCE OF FILL MATERIAL: Stockpiled course taconite tailings from on-site, and local commercial sources.

SURROUNDING LAND USE: The project area is adjacent to an active mine. Typical mining activities conducted include operation of excavators, mining trucks, and weekly blasting of material. The project area is zoned as a mineral mining district. Mining, processing, storage and transportation of taconite and other metallic ores are permitted uses. Land use in the project area is dominated by the existing Minntac mine operations. Trunk Highway 169 extends east and west one to two miles south

**Operations - Regulatory (2011-00832-JCB)**

**SUBJECT: U.S.Steel Minntac Western Progression Permit Modification**

along the length of the existing East and West mine pits. The municipalities of Kinney, Mountain Iron, Parkville, and Virginia along with the associated residential and commercial development are located south and at the west end, midpoint, and east end of the pits, respectively. Cumulatively, these cities have an approximate population of 16,250 (2000 Census Data). Other, more rural development exists along County Road 708 between Kinney and Mountain Iron. The remainder of the area remains undeveloped, with expanses of wooded habitat with open agricultural areas, wetlands and both natural and man-made water bodies (abandoned natural ore mine pits). Land use within the proposed project area consists of similar undeveloped land with land cover dominated by wooded habitat, old field/grasslands, wetlands, and other openings such as roads used for mine operations. No residential or other development exists within the Western Progression. The project area is located within the St. Louis River watershed.

**PROJECT ALTERNATIVES:** *Alternative 1*– Redirect the #6 Sump water directly to a new process water sump adjacent to the existing Mt. Iron Pit. The West Two River Reservoir (W2RR) water and #3 Sump dewatering can then be redirected to the new process water sump. Conveying the three water sources to a central process water sump will reduce process water sulfate levels, and keep the W2RR and pit dewatering volumes separate from the potable water source. This is the preferred alternative.

*Alternative 2* – Route the #6 Sump directly to the plant-side process water reservoir. This route would be located within pit operations. The costs associated with continual pipe movement to accommodate mobile equipment avoidance and blasting operations make this alternative not feasible. In addition, this alternative would not address the potable/process water segregation concerns, and not provide full volume benefits.

*No Action* – Continue pumping water from the W2RR and Mt. Iron Pit. W2RR water contains elevated levels of organic carbon and turbidity, which impacts potable water supplies. In addition, the W2RR will not resolve the Minntac sulfate concerns associated with the Progression 404 permit No. 2011-00832-JCB. Based on these concerns, the No Action alternative is not considered feasible.

**DESCRIPTION OF DREDGING OR EXCAVATION:** None.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** None.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** Silt fencing, silt curtains, and other standard erosion control measures would be implemented by the applicant.

**MITIGATION:** Compensatory mitigation would be required for unavoidable wetland impacts in accordance with St. Paul District compensatory mitigation policy. USS is proposing to compensate for the unavoidable impacts to wetlands through permittee responsible mitigation from their Palisades site (referred to as Palisades II) or through bank credits from their Palisades mitigation bank.

**3. REPLIES/COMMENTS.**

**Operations - Regulatory (2011-00832-JCB)**

**SUBJECT: U.S.Steel Minntac Western Progression Permit Modification**

Interested parties are invited to submit to this office written facts, arguments, or objections within 15 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, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Mr. Tom Hingsberger at the St. Paul office of the Corps, telephone number (651) 290-5367.

To receive Public Notices by e-mail, go to: [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.**

The Corps reviewed information for DA Permit 2011-00832-JCB on the known threatened or endangered species and critical habitat areas within and adjacent to the project area. The results of that review were coordinated with the US Fish and Wildlife Service independent of this public notice. The threatened (T) species known to exist or have historic range in St. Louis County:

<u>Species</u>	<u>Habitat</u>
Gray wolf (T) <i>Canis lupus</i>	Northern Forested Areas (critical habitat)
Canada lynx (T) <i>Lynx canadensis</i>	Northern Forested Areas
Piping plover (T) <i>Charadrius melodus</i>	Great Lakes Shorelines

A Biological Assessment (BA) was prepared with information found in the draft environmental assessment prepared for the Minntac Mine Progression project as well as various studies and surveys related to the action area and its surrounding landscape.

- Based on the lack of evidence of the occurrence of Piping plover in the project area, or the existence of suitable habitat there, the St. Paul District determined that the proposed project would have no effect on this species.
- Based on the assessment that the project would have effects to lynx habitat, and that the potential effects of increased truck traffic are discountable, we have determined that the Proposed Project may affect, but is not likely to adversely affect, Canada lynx.
- The Gray wolf is no longer a federally-listed threatened or endangered species.

Bald eagles are no longer federally-listed as a threatened or endangered species, but remain protected under the Bald and Golden Eagle Protection Act. This act prohibits anyone from “taking” bald eagles. There are no known occurrences of bald eagle nests within the action area. As a result, impacts from the Proposed Project on bald eagles would not be anticipated.

**Operations - Regulatory (2011-00832-JCB)**

**SUBJECT: U.S.Steel Minntac Western Progression Permit Modification**

No additional listed species or habitat areas were identified in connection with the proposed modification to DA Permit 2011-00832-JCB. This notice will be coordinated with the U.S. Fish and Wildlife Service.

**5. JURISDICTION.**

This application to modify DA Permit MVP-2011-00832-JCB is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

**6. STATE SECTION 401 WATER QUALITY CERTIFICATION.**

The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided the applicant's request for a modification of their Section 404 permit to the MPCA. If the MPCA needs any additional information in order for the Section 401 application to be considered complete, they 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.**

The Corps reviewed information on known cultural resources and/or historic properties within and adjacent to the Minntac Progression project area. The results of this review and the Corps' determination of effect were coordinated with the State Historic Preservation Office independent of this public notice.

**Operations - Regulatory (2011-00832-JCB)**

**SUBJECT: U.S.Steel Minntac Western Progression Permit Modification**

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review new 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. 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.**

The decision whether to issue a permit modification 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.

**Operations - Regulatory (2011-00832-JCB)**

**SUBJECT: U.S.Steel Minntac Western Progression Permit Modification**

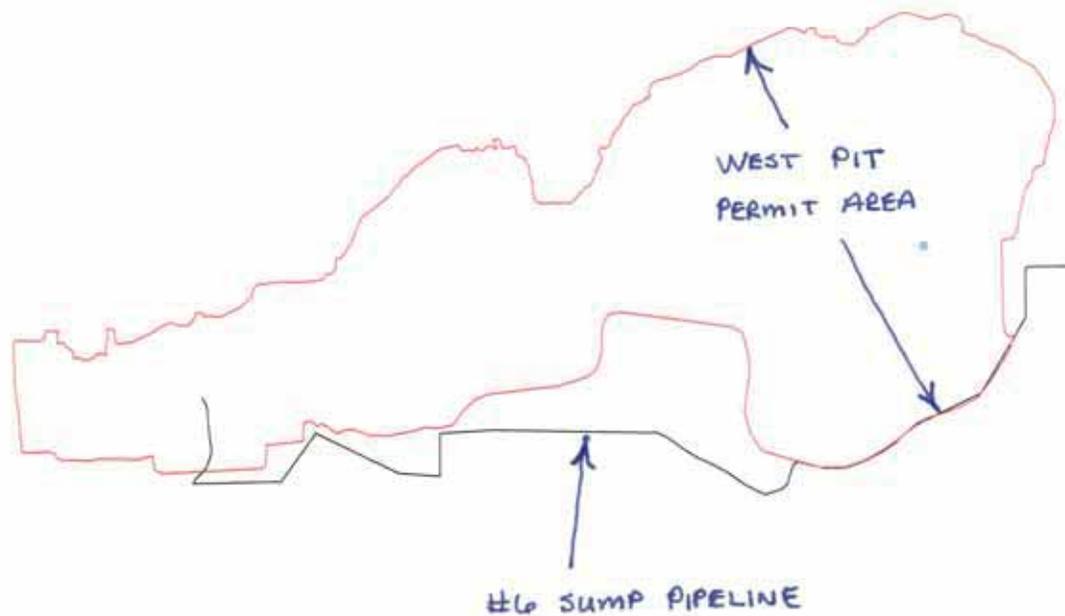
Tim Smith  
Chief, Technical Services Section

Enclosures

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



# KEY PLAN



NOT FOR CONSTRUCTION

<b>HATCH</b> <small>AN IRVING-CLOUD COMPANY</small> <small>10000 WEST 100TH AVENUE, SUITE 1000</small> <small>MINNEAPOLIS, MN 55438</small> <small>TEL: 612-345-4000</small> <small>FAX: 612-345-4001</small> <small>WWW.HATCH.COM</small>	NO.	DATE	REVISION	MINNESOTA ORE OPERATIONS	UNITED STATES STEEL - MINNAC
	1 2 3 4	11/15/14 11/15/14 11/15/14 11/15/14	ISSUED FOR PERMIT REVIEW ISSUED FOR PERMIT REVIEW ISSUED FOR PERMIT REVIEW ISSUED FOR PERMIT REVIEW		#6 SUMP WATER RECLAIM PROJECT KEY PLAN DISK NO. DWG. NO. 33443-0-4-03

2011 - 00832 - JCB

FIGURE 2 OF 4



WETLANDS CROSSING 1  
SCALE: 1"=300'

**NOTES:**

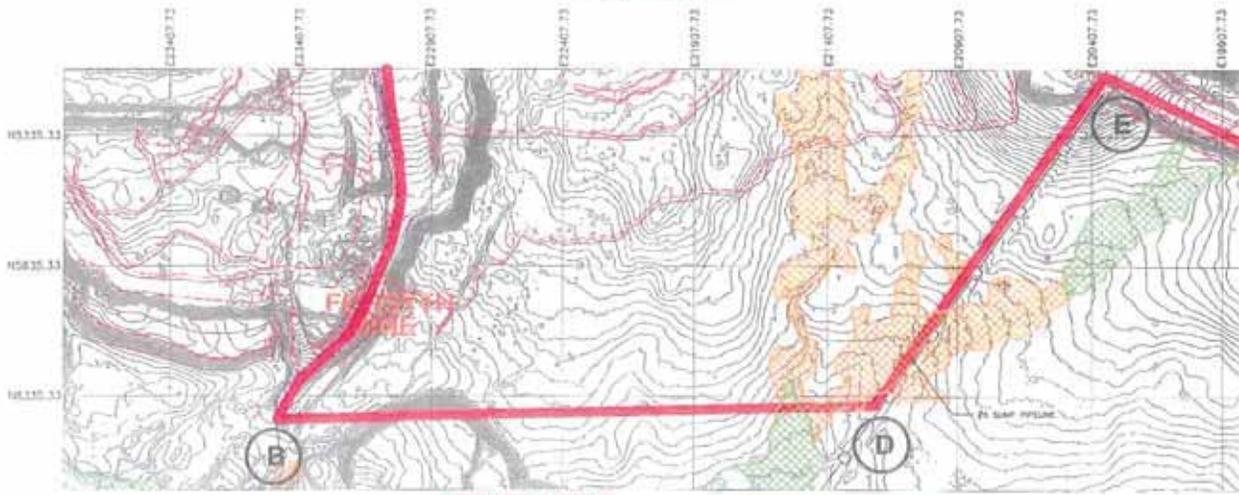
1. DISCHARGE FROM DAMPS SHALL BE ROUTED AWAY FROM WETLANDS
2. ADD CULVERTS IN LOW POINTS TO ALLOW WATER PASSAGE, WHERE APPLICABLE.
3. WOODS TO BE CLEANED UP.

**LEGEND:**

- SHRUB SWAMP
- FRESH MEADOW
- WOODED SWAMP

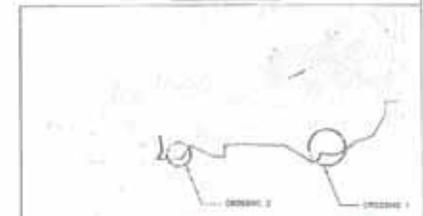
**REFERENCE DRAWINGS:**

- 1. WETLAND WORK - 2008-04-07
- 2. PROFILE PROFILE - 2008-04-07



WETLANDS CROSSING 2  
SCALE: 1"=200'

**KEY PLAN**



**NOT FOR CONSTRUCTION**



<b>HATCH</b>	
PROJECT NO. 11-00000000 PROJECT NAME PROJECT LOCATION PROJECT DATE PROJECT STATUS	NO. DATE REVISION 1 11/11/11 2 11/11/11 3 11/11/11 4 11/11/11 5 11/11/11 6 11/11/11 7 11/11/11 8 11/11/11 9 11/11/11 10 11/11/11

DRAWN BY: [Signature] CHECKED BY: [Signature] DATE: 11/11/11 SCALE: AS SHOWN	MINNESOTA ONE OPERATIONS UNIFIED STATE STEEL - MINNETONKA "B" SUMP WATER REGAM PROJECT WETLAND CROSSINGS DISK NO. 11-00000000-0-23
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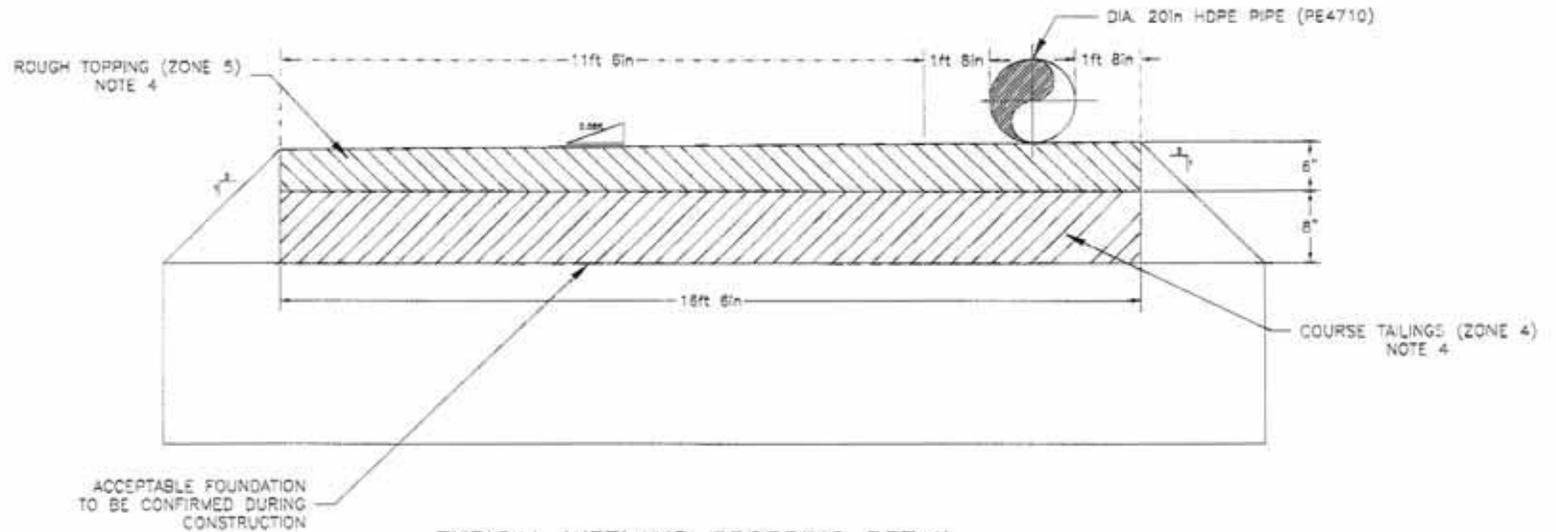
U.S. MINNESOTA ONE OPERATIONS DRAWN BY: [Signature] CHECKED BY: [Signature] DATE: 11/11/11 SCALE: AS SHOWN	UNIFIED STATE STEEL - MINNETONKA "B" SUMP WATER REGAM PROJECT WETLAND CROSSINGS DISK NO. 11-00000000-0-23
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2011-00832 - JCB  
Figure 3 of 4



**NOTES:**

1. FOR WETLAND AREAS, REFER TO DRAWING 28483-U-P-01.
2. THE GEOTECHNICAL PROPERTIES OF SOIL SHALL BE CHECKED FOR STABILITY.
3. ADD CULVERTS IN LOW POINTS TO ALLOW WATER PASSAGE, WHERE APPLICABLE.
4. ZONE 4 AND ZONE 5 MATERIALS AND COMPACTION AS PER H341353-CC001-011119.



**TYPICAL WETLAND CROSSING DETAIL**  
(N.T.S)

**NOT FOR CONSTRUCTION**

<b>HATCH</b> <small>1000 WEST CHURCH STREET ANN ARBOR, MI 48106-1500 481-967-1200</small>	NO.	DATE	REVISION	<b>MINNESOTA ORE OPERATIONS</b>	<b>UNITED STATES STEEL - MINNAPAC</b> <b>#6 SLUMP WATER RECLAIM PROJECT</b> <b>#6 SLUMP PIPELINE WETLAND CROSSING</b>
	<small>DESIGNED BY: JCB  CHECKED BY: JCB  DATE: 11/27/13</small>				

2011-00832-JCB  
FIGURE 4 OF 4