

APPLICANT: Hibbing Taconite Company

c/o Adam Osborne

Public Notice

ISSUED: 22 March 2024 EXPIRES: 6 April 2024

REFER TO: MVP-2019-02609-MJG SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 16.6 acres of wetlands tributary to the Shannon River in association with a proposed berm and access roads for stability and safety of the Eastern Perimeter Dam of the Hibbing Taconite Tailings Basin.

2. SPECIFIC INFORMATION

AGENT SEH Inc

c/o John Thayer

418 W Superior St, Suite 200 Duluth, Minnesota 55802

PROJECT LOCATION: The project site is located in Section 12, Township 58 North, Range 21 West, St. Louis County, Minnesota. The approximate UTM coordinates are N 500639.899281, E 5260450.685486. Latitude 47.49389, Longitude -92.94905.

DESCRIPTION OF PROJECT: In order to reduce risk at Hibbing Taconite Company (HTC), a re-evaluation of the dam design has occurred and downstream berming was identified as the method to reduce risk and allow HTC to continue to operate a safe tailings storage facility. Three locations for berming, in front of the dam, have been selected at HTC. The total length of the downstream berms on the eastern dam would be approximately 3,350 feet long and extend outward up to a maximum of 475 feet. The Eastern Perimeter Dam impounds the East Area tailings storage cell at HTC. The Eastern Perimeter Dam requires long term stabilization due to increasing artesian pressures beneath the dam. The weight of the tailings within the basin compresses the natural aquifer beneath the dam, which causes natural aquifer water to continually seep out at/near the toe of the dam slope. The downstream berming plan calls for utilizing an estimated total volume of 250,000 cubic yards of dam fill (coarse tailings) to accomplish the reinforcement of the existing dam structure. Coarse tailings have been selected as the dam construction material that is a bi-product of mining at HTC, which is a free-draining material ideal for dam construction.

Construction methods for berms on the Eastern Perimeter Dam are similar with the removal of any soft soils ("muck cut") not suitable to be used as the foundation of additional berming efforts at HTC. The majority of the soft soils are likely to be found within wet, low-lying areas at the toe of the dam slope. The soft soils will be excavated and immediately backfilled using the "muck cut" excavation method where a haul truck brings a load of coarse tailings dam fill material and leaves with a load of soft soils. The soft soils will be brought into the existing HTC tailings basin and be repurposed on the downstream slopes of existing dams at HTC. The spreading of soft organic materials on downstream slopes of dams at HTC has been a successful method to reclaim and vegetate the downstream slopes of dams. After the soft soils are removed and a coarse tailings foundation/suitable native ground (clay glacial till) is established at approximately the original native ground elevation at the toe of the dam, the "muck cut" is completed. A 90-

foot-wide access road would be required for heavy-equipment access to construct the downstream berms and would be used for dam safety inspections after construction is complete.

The second part of the downstream berm construction at HTC focuses on the establishment of a conveyance ditch into the downstream berm. Water conveyances (i.e., culvers or French drains) would maintain the flow of stormwater and allow the continued flow of water through the wetland northward to HTC's permitted NPDES discharge monitoring station (PN Figure 3). The design of the drain would incorporate a header trench and finger system. This includes a stone-coarse filter material to function as drain material, and this would be surrounded by a filter envelope that will consist of washed coarse tailings (tailings finer than the 200-sieve removed) and standard coarse tailings.

Access roads would be required for HTC to facilitate maintenance of the constructed conveyance ditch, which conveys water through onsite wetlands and northward towards HTC's NPDES discharge monitoring station. This component was completed before the submittal of the permit application and resulted in the permanent discharge of dredged and fill material in approximately 0.0814 acre of wetlands, after the fact.

QUANTITY, TYPE, AND AREA OF FILL: The proposed berming and access road improvements will result in approximately 16.6 acres of permanent wetland impact for placement of fill.

The aquatic resources on site are being evaluated further to determine the appropriate extent of Corps jurisdiction under Section 404 of the Clean Water Act, as identified in Section 4 of this public notice.

VEGETATION IN AFFECTED AREA: The natural upland plant communities beyond the existing tailings basin and surrounding access road infrastructure are early-successional fire-dependent forests with a canopy dominated by aspen (Populus tremuloides), paper birch (Betula papyrifera), and balsam poplar (P. balsamifera). Many of the surrounding wetlands adjacent to the tailing's basin and access road infrastructure within the proposed berming project area are present as wetland complexes, including shallow marsh, hardwood swamp, and shrub-carr as the primary communities. Shallow marsh is the most prominent wetland community habitat and consists of cattails (Typha spp.) and reed canary grass (Phalaris arundinacea). This shallow marsh habitat is often contiguous with deep marsh, which contains emergent vegetation or open water. Hardwood swamp wetlands are dominated by aspen and balsam poplar, with lesser amounts of red maple (Acer rubrum) and black ash (Fraxinus nigra). Shrub-carr habitat contains a mix of willows (Salix discolor, S. petiolaris, and S. bebbiana) and specked alder (Alnus incana).

SOURCE OF FILL MATERIAL: The applicant proposes to use coarse tailings, an angular sand-like fill material that is a byproduct of mining operations at HTC.

SURROUNDING LAND USE: The project area is entirely contained within property owned by HTC. The area of impact includes the existing tailings basing berm, site access roads, adjacent wetlands, and adjacent upland plant communities.

DESCRIPTION OF STRUCTURE: Three locations for berming have been selected at HTC. The total length of the downstream berms on the eastern dam would be approximately 3,350 feet long and extend outward up to a maximum of 475 feet.

DESCRIPTION OF DREDGING OR EXCAVATION: Construction methods for the berm structures on Eastern Perimeter Dam are similar with the removal of any soft soils ("muck cut") not suitable to be used as the foundation of the additional buttressing efforts at HTC. The majority of the soft soils are likely to be found within the wet low-lying areas at the toe of the dam. The soft soils will be excavated and immediately back filled using a "muck cut" excavation method where a haul truck brings a load of coarse tailings dam fill material and leaves with a load of soft soils.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: It is anticipated that hazardous materials normally associated with construction projects would be used on site, include gasoline and diesel fuels.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant would be required to obtain an individual Clean Water Act 401 Water Quality Certification or waiver, as discussed in Section 5 of this public notice. There is an existing NPDES/SDS permit for the site. This project will remain in compliance with that permit and implement best management practices (BMPs) as required by that permit, to protect waters within and downstream of the project area. To prevent erosion, a silt fence will be placed at the edge of the project limits to protect resources downslope from the project area, so as to maintain the permitted work area and placement of fill remains onsite.

MITIGATION: HTC proposes to debit 16.4772 credits for the proposed wetland impacts, and 0.1008 credits for the after-the-fact wetland impacts, totaling 16.5780 credits as compensatory mitigation to offset the unavoidable losses of wetland functions and values associated with the project proposal.

3. FEDERALLY LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT

Based on the Official Species List generated for the project site from the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) website, the following Federally listed species were identified:

Northern Long-Eared Bat Endangered - Hibernates in caves and mines. Swarming (Myotis septentrionalis) in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.

Tricolored Bat (*Perimyotis subflavus*) Threatened - Hibernates in caves and mines – Roosts and forages in forests during spring, summer, and fall.

Canada lynx (*Lynx canadensis*) Threatened - Forested areas.

Gray Wolf (Canis lupus) Threatened - Forested areas.

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.

4. JURISDICTION

This application 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.

5. SECTION 401 WATER QUALITY CERTIFICATION

Valid Section 404 permits cannot be issued for any activity unless water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority for this project is the Minnesota Pollution Control Agency (MPCA). A Department of the Army permit will not be granted until the MPCA has issued or waived Section 401 WQC certification and the U.S. Environmental Protection Agency (USEPA) neighboring jurisdiction process is completed. Corps Section 404 Clean Water Act decisions may not be finalized until after the USEPA completes this process.

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 Section 401 of the Clean Water Act (33 U.S. Code 1341 (a)(1)). The MPCA has indicated that if, at a later date, it makes a preliminary anti-degradation determination regarding Section 401 Water Quality Certification, it will at that time plan to issue an additional public notice under Minnesota Rules Part 7001.

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 401Certification.PCA@state.mn.us

6. HISTORICAL/ARCHAEOLOGICAL

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.

7. 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.

8. PUBLIC INTEREST REVIEW

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.

REPLIES/COMMENTS

Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. 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.

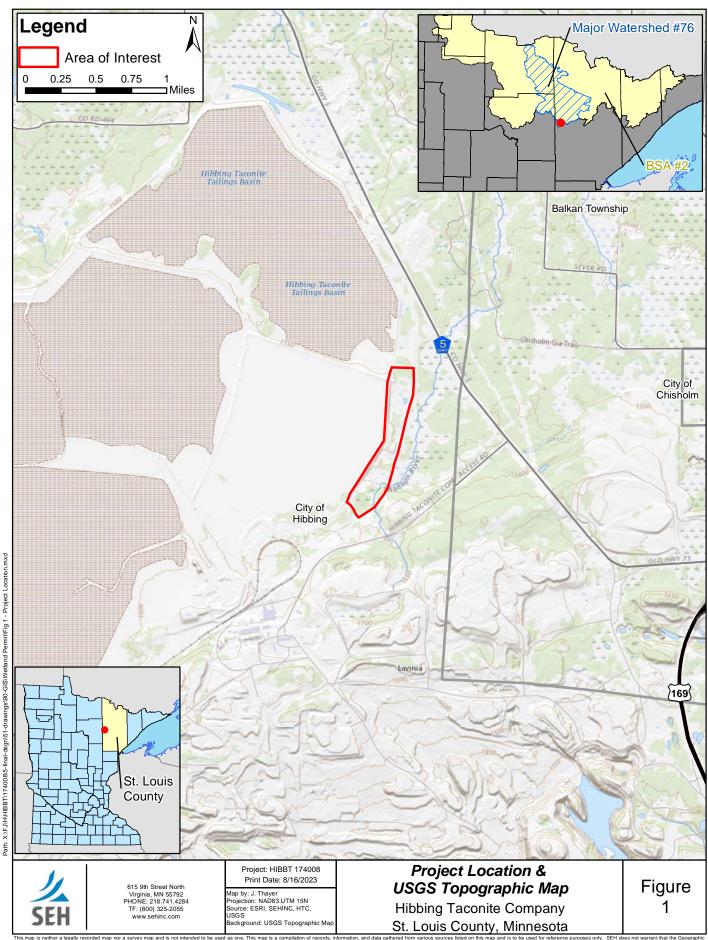
Replies may be sent to Mallory Gross at Mallory.J.Gross@usace.army.mil

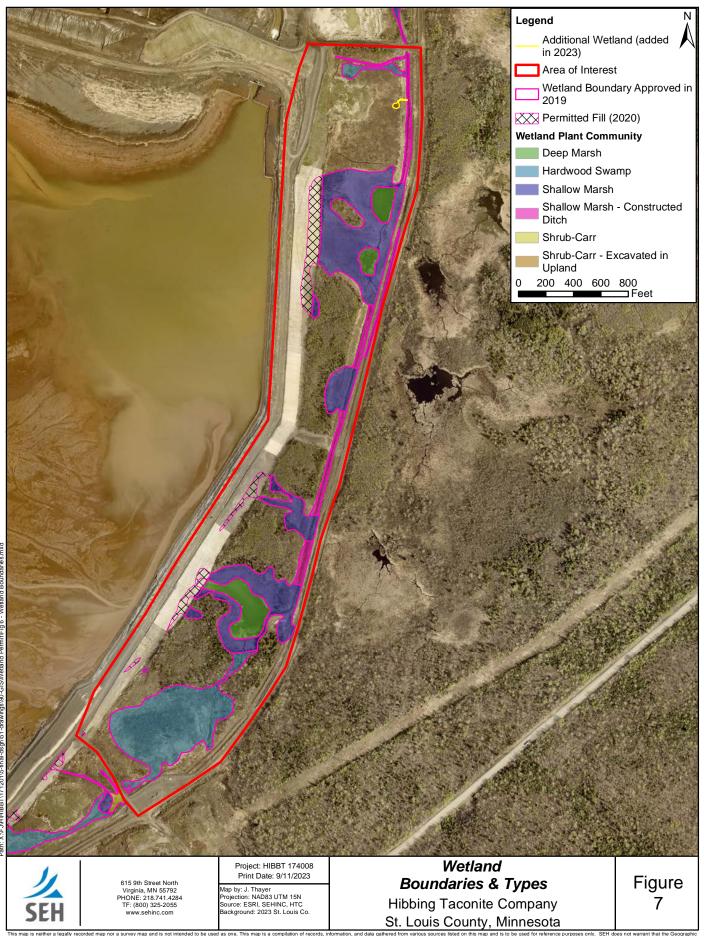
IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Mallory Gross at (651) 290-5363 or Mallory.J.Gross@usace.army.mil.

To receive Public Notice notifications, go to: https://www.mvp.usace.army.mil/Contact/RSS/ and subscribe to the RSS Feed for which you would like to receive Public Notices.

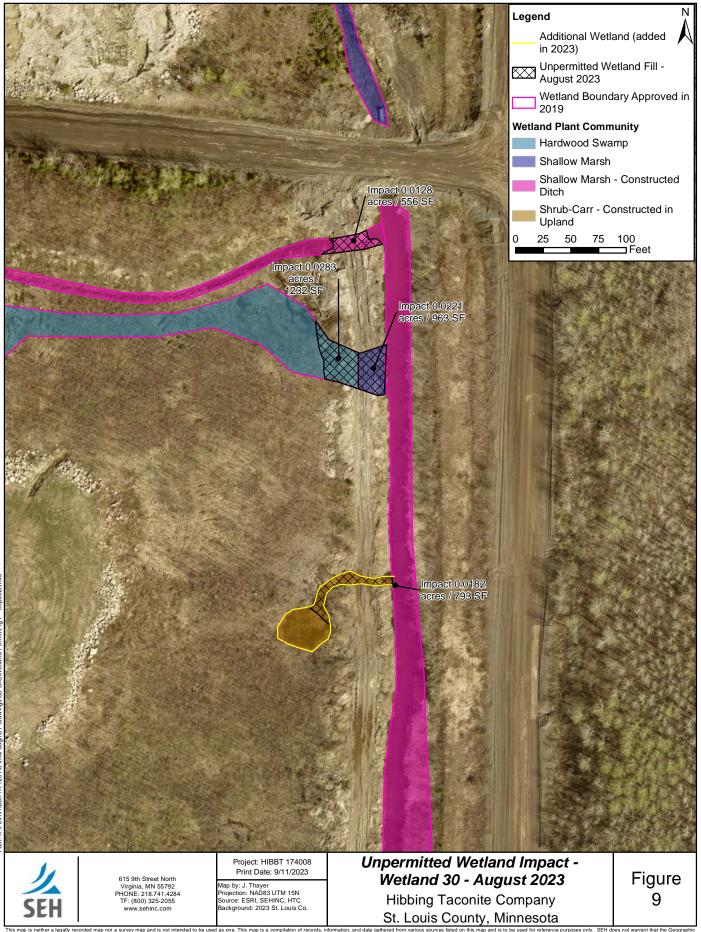
Enclosures:

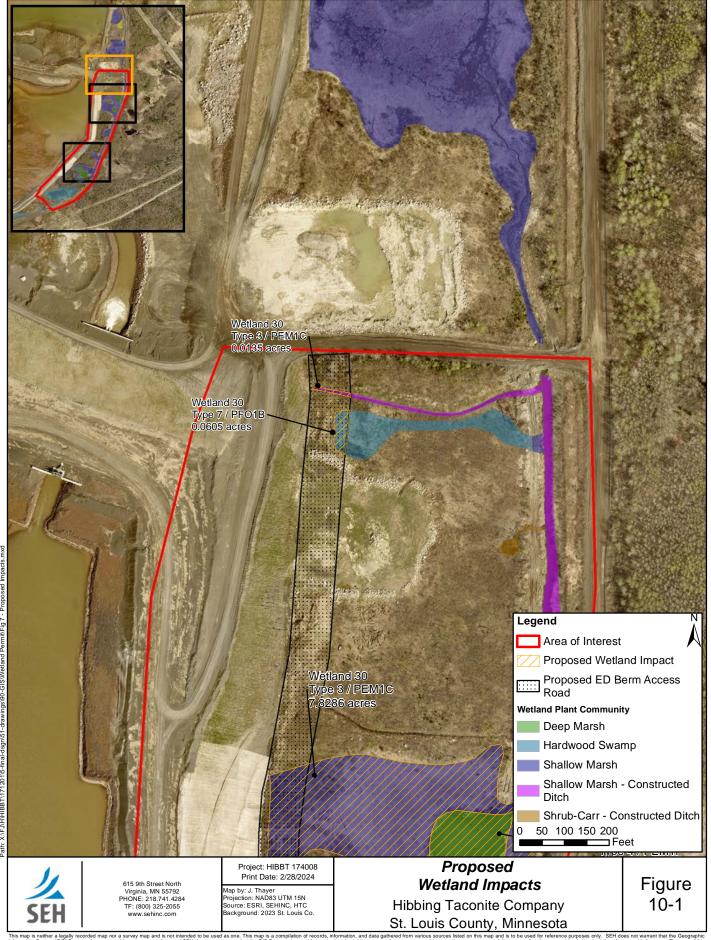
MVP-2019-02609-MJG, PN Figures 1-14

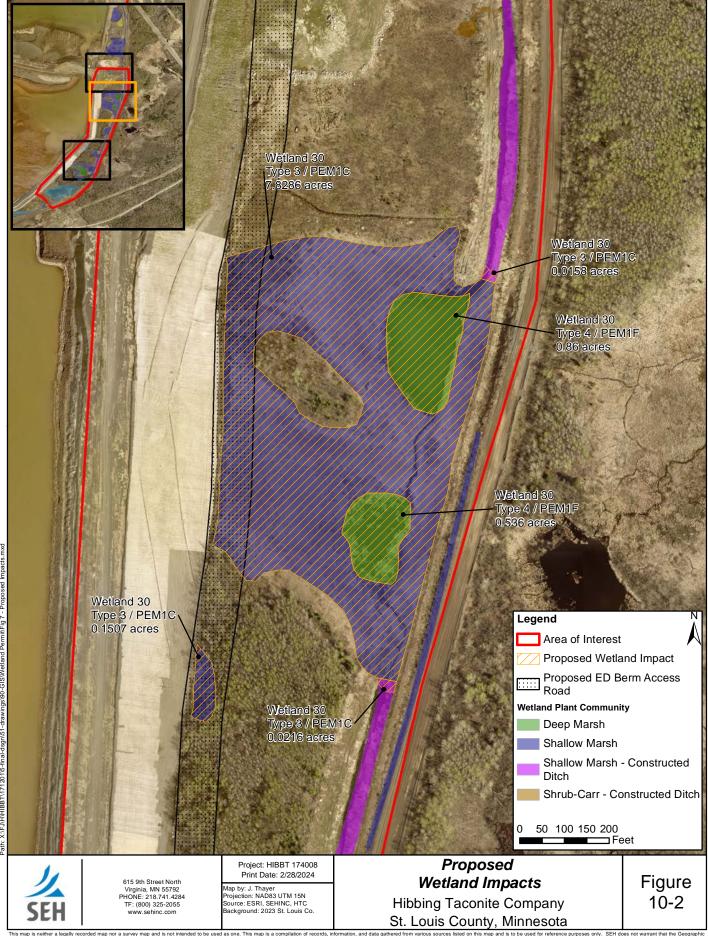


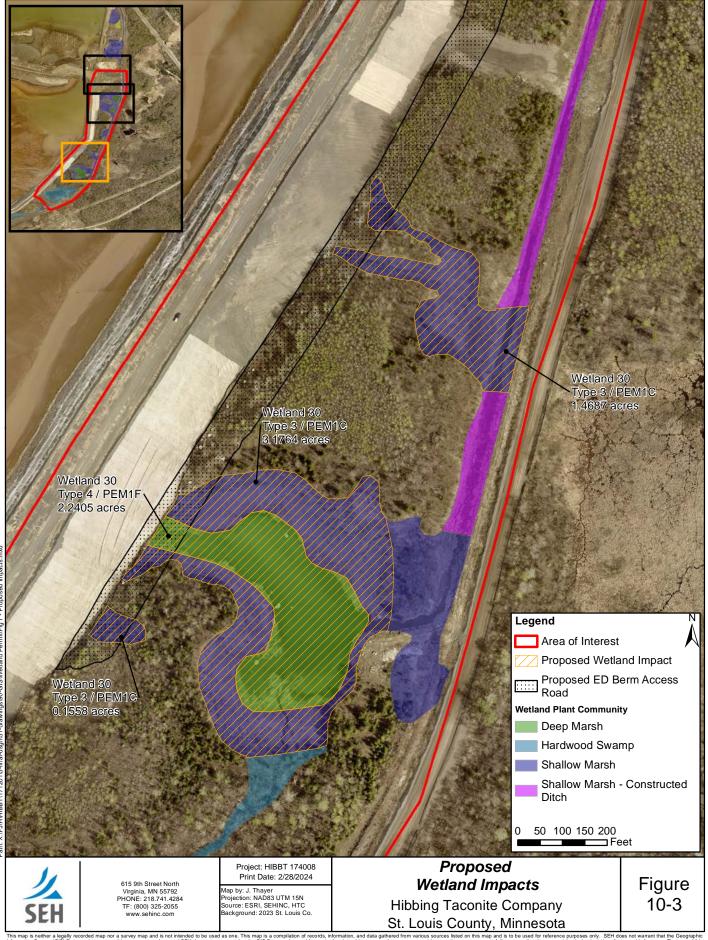




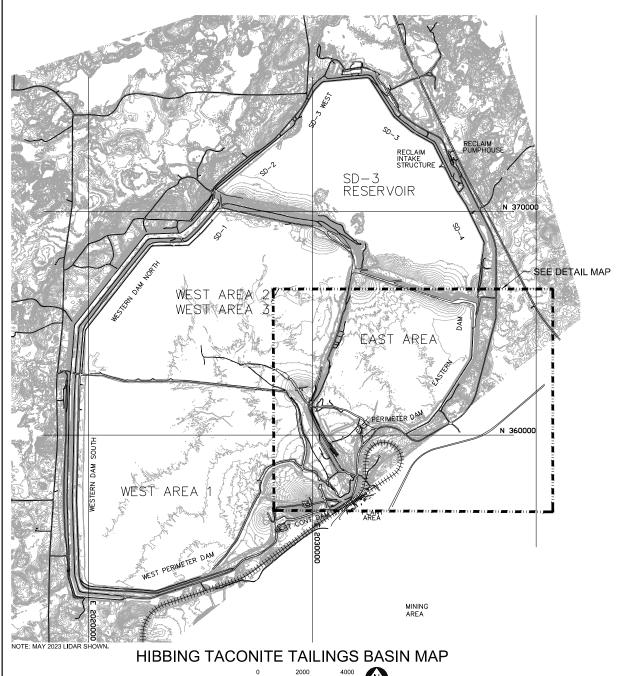


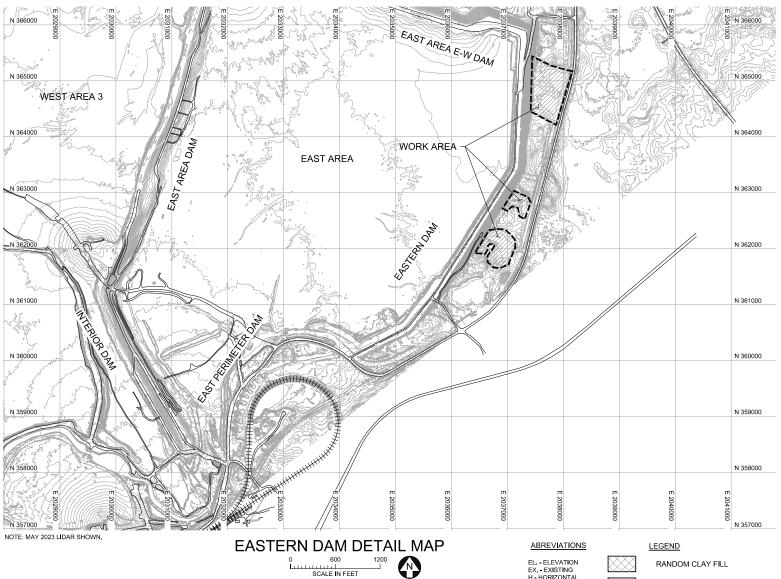






HIBBING TACONITE COMPANY TAILINGS BASIN, EASTERN DAM DOWNSTREAM BERM CONSTRUCTION





INDEX OF SHEETS

C-01 TAILINGS BASIN MAP, EASTERN DAM DETAIL MAP, AND INDEX OF SHEETS

C-02 CONSTRUCTION PLAN

C-03 STA. 2+00 TO 16+00 AND STA. 25+00 TO 40+00 CONSTRUCTION PLANS

C-04 SECTION STATION 9+00 C-05 ... SECTION STATION 35+50

C-06 CONSTRUCTION DETAILS

EC-01 TEMPORARY EROSION CONTROL PLAN AND DETAILS

EL. - ELEVATION EL. - ELEVATION
EX. - EXISTING
H - HORIZONTAL
T.O. - TOP OF
TYP. - TYPICAL
V - VERTICAL
APP. - APPROXIMATE

SELECT CLAY FILL

RANDOM CLAY FILL

COARSE TAILINGS

SELECT FILTER STONE - COARSE

60% DRAFT NOT FOR CONSTRUCTION

REVISION DESCRIPTION

BARR ENGINEERING CO.
4300 MARKETPOINTE DRIVE
Suite 200 MINNEAPOLIS MN 55435

TJK RHV TCD

HIBBING TACONITE COMPANY HIBBING, MINNESOTA

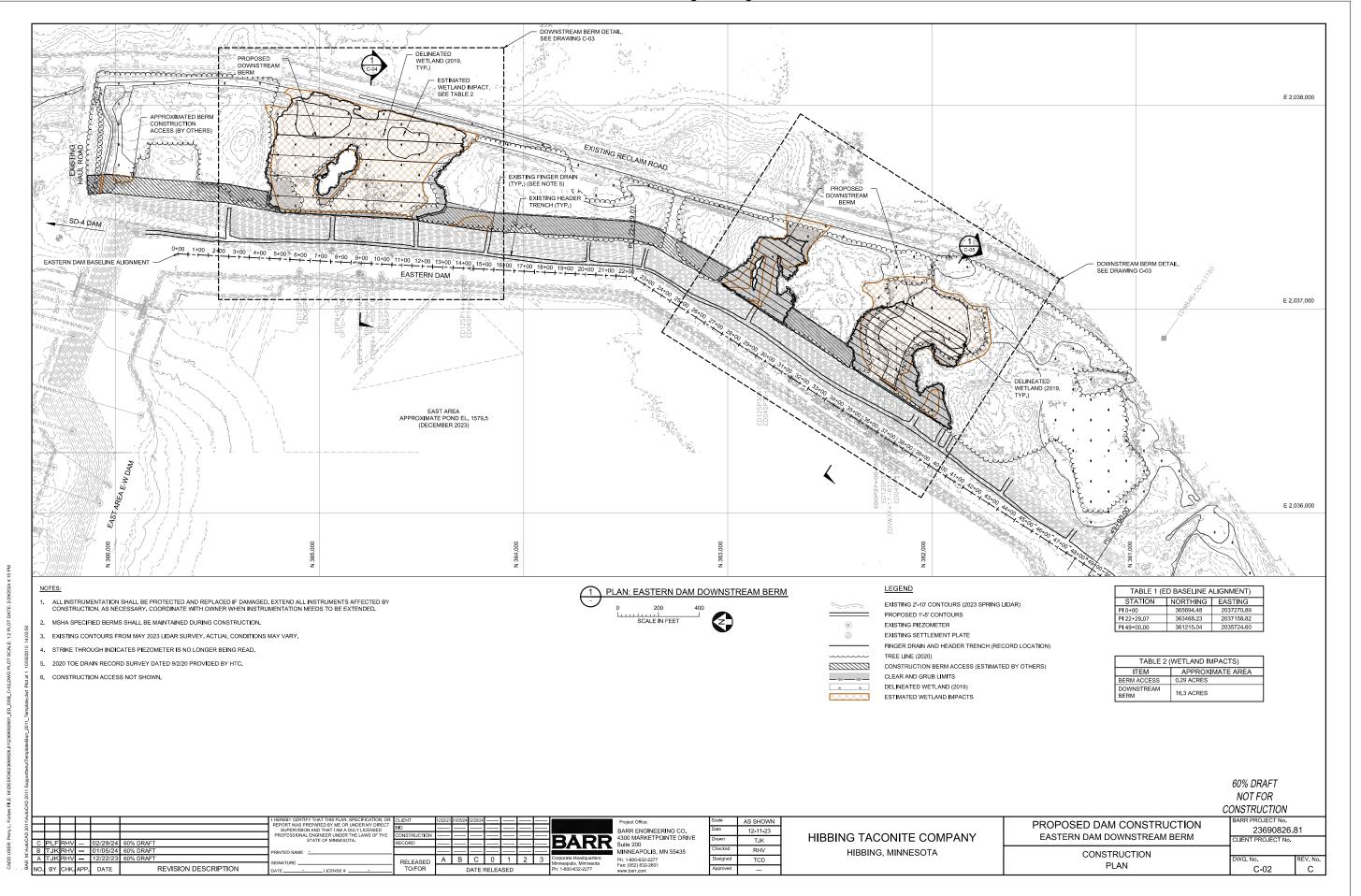
PROPOSED DAM CONSTRUCTION EASTERN DAM DOWNSTREAM BERM TAILINGS BASIN MAP, EASTERN DAM DETAIL MAP,

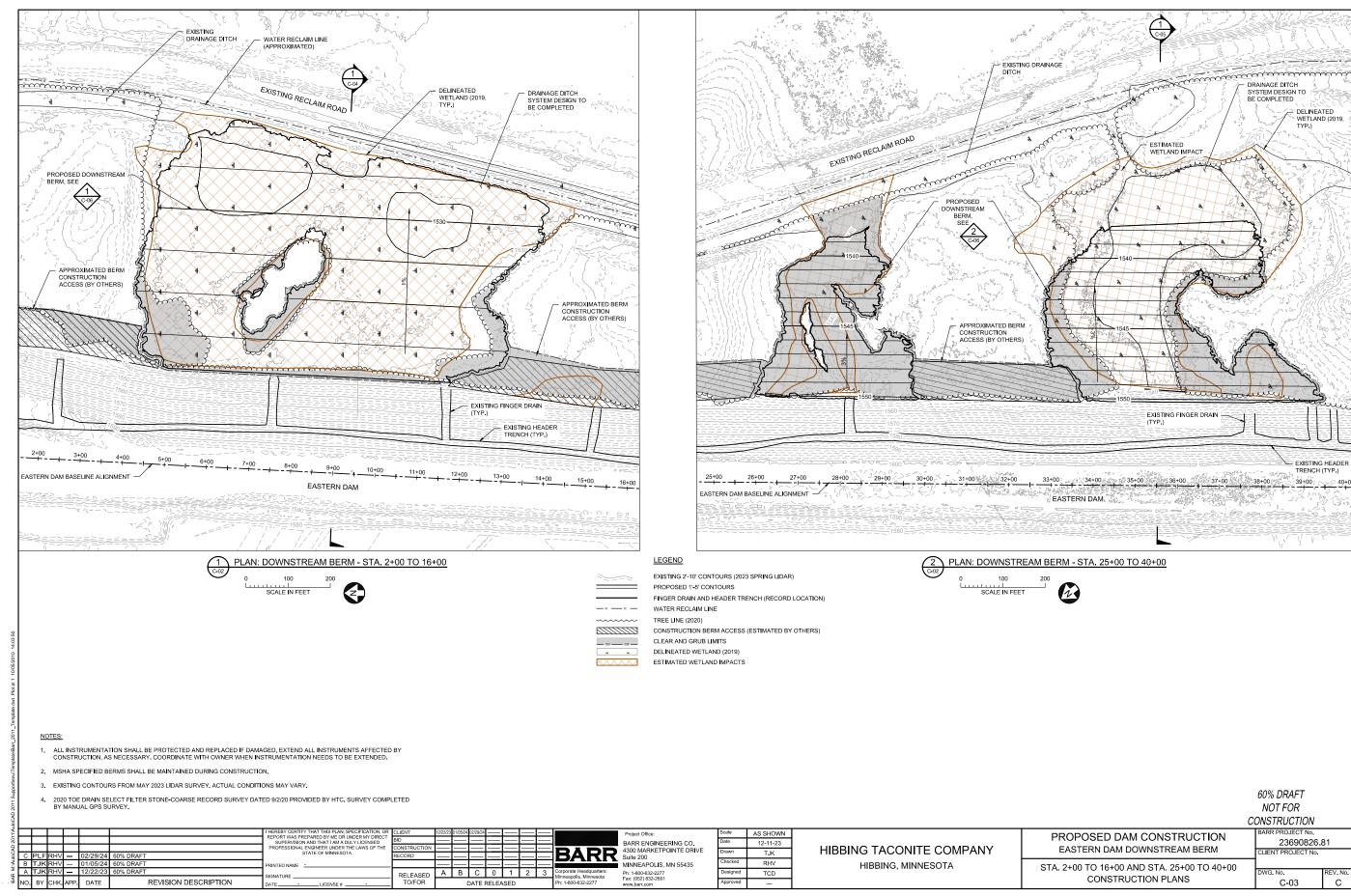
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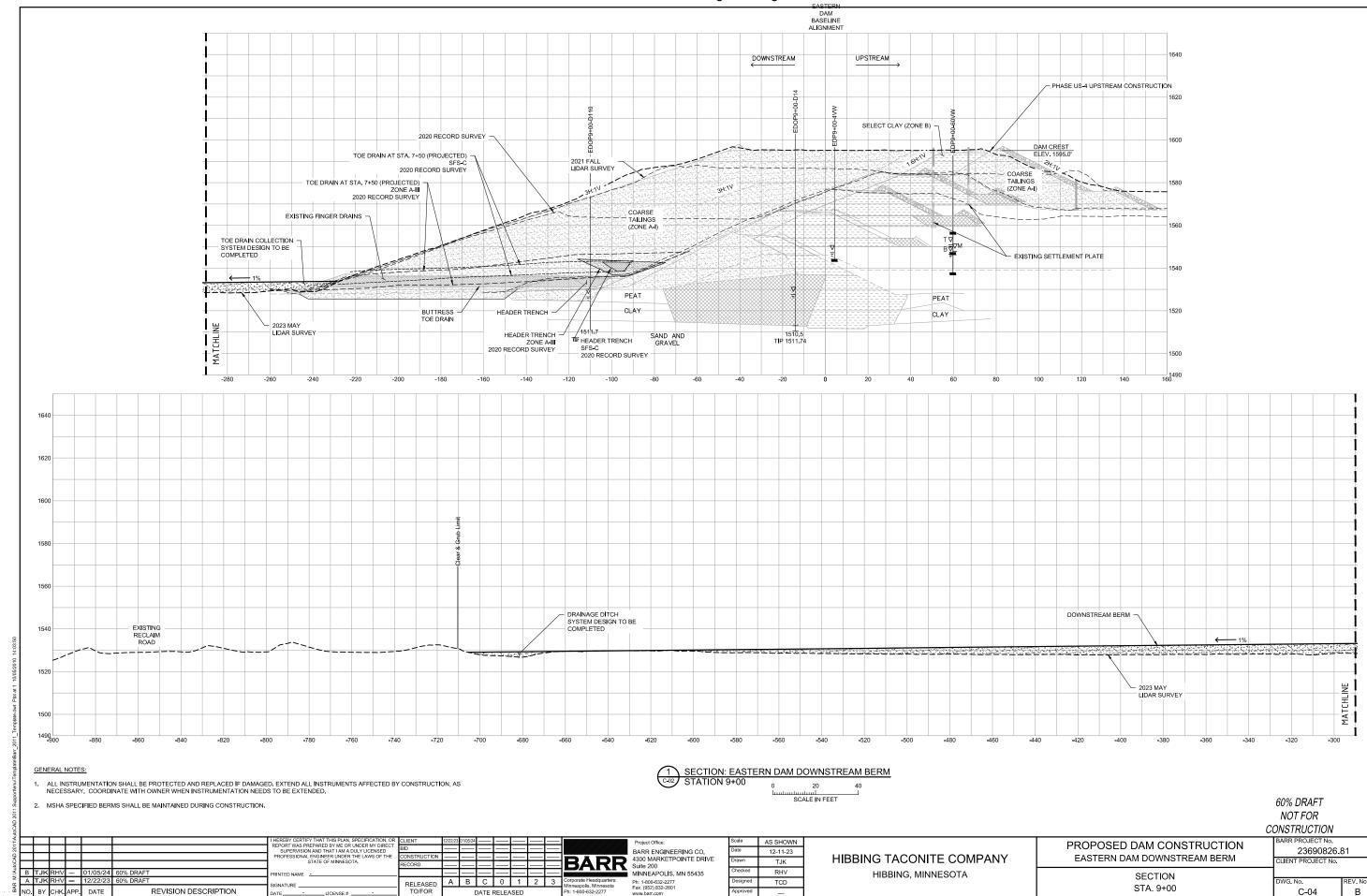
REQUIRED REFERENCED DRAWINGS

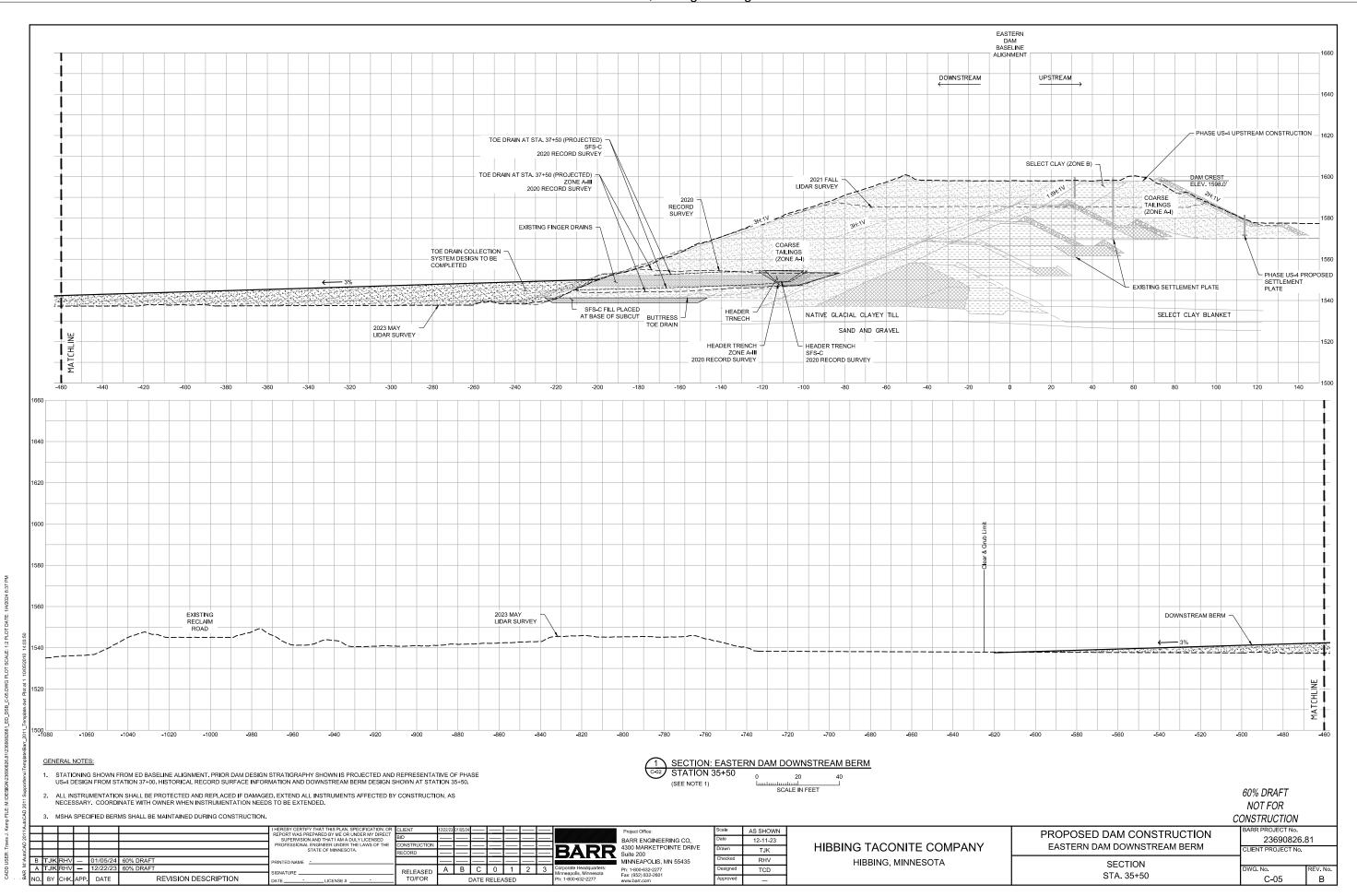
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control base 2369082681_ED_USB_CONTROL BASE.DWG
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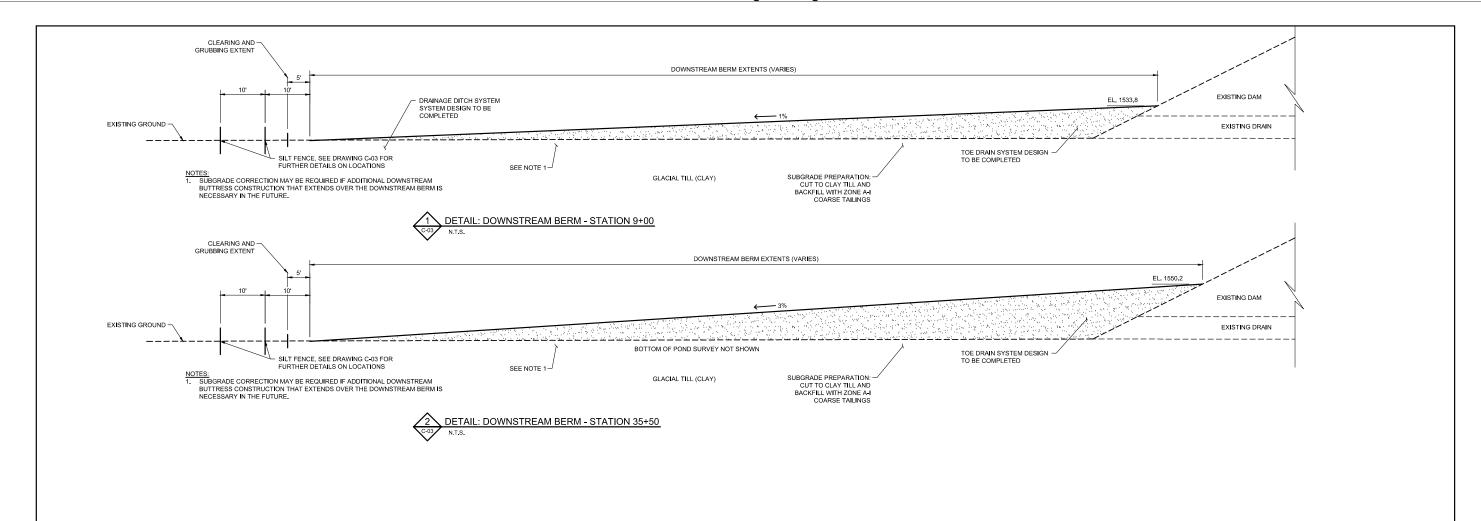




CADD USER: Perry L. Forbes FILE: M:DESIGNI23690826.81/2369082681 ED_DSB_C-03.DWG PLOT SCALE: 1.2 PLOT







NOTES:

1. CONTRACTOR SHALL MAKE ALL EFFORT TO DEWATER, WHERE NECESSARY, AND PLACE MATERIAL IN THE DRY PER THE SPECIFICATIONS.

2. SEE EC-01 FOR EROSION CONTROL AND DEWATERING DETAILS.

60% DRAFT
NOT FOR
CONSTRUCTION
BARR PROJECT No.

R: Travis J. K toCAD 2011\					REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	BID CONSTRUCTION	12/22/23 01/05/24		BARE	Project Office: BARR ENGINEERING CO. 4300 MARKETPOINTE DRIVE Suite 200	Date Drawn	AS SHOWN 12-11-23 TJK	HIBBING TACONITE COMPANY	PROPOSED DAM CONSTRUCTION EASTERN DAM DOWNSTREAM BERM	23690826 CLIENT PROJECT No.	.81
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2 K	A TJK	RHV -	12/22/23	60% DRAFT	SIGNATURE	RELEASED	A B C	D 0 1	2 Corporate Headquarters: Minneapolis Minnesota	Ph: 1-800-632-2277 Fax: (952) 832-2601	Designed	TCD	THE BITTO, MINUTES OF THE		DWG. No.	REV. No.
3 ≧	NO. BY	CHK. APF	P. DATE	REVISION DESCRIPTION	DATELICENSE #	TO/FOR	DATE I	RELEASED	Ph: 1-800-632-2277	www.barr.com	Approved	-		DETAILS	C-06	В

