



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

June 6, 2023

Regulatory File No. MVP-1999-05528-TJH

Ms. Christie Kearney
NewRange Copper Nickel Mining, LLC
444 Cedar Street, Suite 2060
St. Paul, Minnesota 55110

Dear Ms. Kearney:

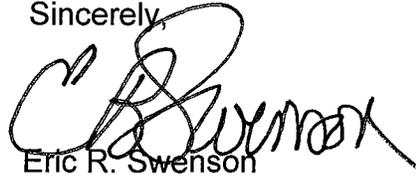
This notice is in reference to your suspended Department of the Army (DA) Permit MVP-1999-05528-TJH, originally issued by the U.S. Army Corps of Engineers, St Paul District (Corps) on March 19, 2019, authorizing discharges of dredged and fill material into 901.24 acres of wetlands and the indirect loss of an additional 26.93 acres of wetlands adjacent to the Partridge and Embarrass Rivers for the purpose of constructing the NorthMet Project. The project is located in Sections 5 and 6, Township 58 North, Range 14 West; Sections 1, 2, 3, 4, 9, 10, 11, 12, 15, 16, 17, and 18, Township 59 North, Range 13 West; Sections 3, 4, 5, 8, 9, 10, 13, 14, 15, 16, 17, 20, 23, 24, 29, and 32, Township 59 North, Range 14 West; and Sections 32, 33, and 34, Township 60 North, Range 14 West, St. Louis County, Minnesota.

Consistent with Clean Water Act (CWA) Section 401(a)(2) and 40 C.F.R. § 230.10(b)(1), I have found the Section 404 permit does not ensure that the project will not violate Fond du Lac Band of Lake Superior Chippewa's water quality standards. The permitting authority granted by regulations empower the District Engineer to suspend, modify and revoke DA permits when it is in the overall public interest to do so (33 CFR. § 325.7(a)-(e)). I have determined that revocation of the suspended DA permit is in the public interest because the permit does not ensure compliance with water quality requirements of the Fond du Lac Band of Lake Superior Chippewa. It is therefore necessary in consideration of the public interest to revoke the Section 404 permit under CWA Section 401(a)(2). Accordingly, no activities authorized under Permit MVP-1999-05528-TJH may occur. I have enclosed the decision document detailing the rationale of my decision.

While the Corps is unable to reinstate the permit or modify the permit with new conditions, this decision does not preclude NewRange from submitting a new CWA Section 404 permit application that will meet all applicable water quality requirements for its project.

If you have any questions, my point of contact is Mr. Chad Konickson, Chief of the Regulatory Division at 651-290-5364.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric R. Swenson". The signature is stylized and cursive.

Eric R. Swenson
Colonel, Corps of Engineers
District Commander

Enclosure

cc:

U.S. EPA, Tera Fong

Fond du Lac Band of Lake Superior Chippewa, Chairman Dupuis

MPCA, Commissioner Strommen

MDNR, Commissioner Kessler

USFS, Superior National Forest Supervisor, Thomas Hall