

General information

Public comment period begins: October 19, 2020

Public comment period ends: November 11, 2020 at 4:30 p.m.

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to certify the referenced project, with conditions, and has preliminarily determined that the project will satisfy the antidegradation standards in Minn. R. 7050.0265.

Name and address of Applicant:

Andrea Hayden
10 Outer Drive
Silver Bay, MN 55614

Project name and location:

Northshore Railroad Relocation and
Tailings Basin Progression Project
Silver Bay, Lake County

MPCA contact person:

Jen Oknich – 2nd floor
Resource Management & Assistance Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Email: 401Certification.pca@state.mn.us

Federal Permitting Agency:

Mr. Chad Konickson
U.S. Army Corps of Engineers
Regulatory Branch Chief Director
180 Fifth Street East, Suite 700
St. Paul, MN 55101

A draft Section 401 Water Quality Certification with antidegradation determination is available for review on the MPCA Public Notices webpage at <http://www.pca.state.mn.us/publicnotices>. The MPCA will mail or email a copy of the draft certification upon request. Comments, petitions, and other requests must be received at the MPCA in writing on or before the public comment period end date and time identified above.

Major Watershed: Lake Superior South (#2) (HUC 04010102)

Description of Issuance for 401 Water Quality Certification for Northshore Railroad Relocation and Tailings Basin Progression Project

Northshore Mining Company is proposing to directly impact 264 acres of wetland and deepwater Waters of the State (WOTS) (of which 193 acres are WOTUS); indirectly impact 45.49 acres of WOTS (of which 33.16 acres are WOTUS) by inundation and watershed alteration (a total of 309.57 acres of WOTS); and directly impact 5,150 feet of Big Thirtynine and 3,420 feet of Little Thirtynine (both streams are WOTS and WOTUS) in order to relocate the West Ridge railroad 4,000 feet to the northwest, and to expand the tailings basin to a total of approximately 3,700 acres, near Silver Bay, Minnesota. This action requires approval from MPCA, DNR and USACE. The proposed wetland impacts must be mitigated by purchase of credits from banks, and stream impacts must be mitigated by local stream restoration. The draft 401 requires BMP and monitoring to ensure water quality standards are met in the adjacent wetlands and stream sites upstream and downstream of the tailings basin expansion.

The preliminary determination on this request for a 401 Water Quality Certification is to Certify with Conditions.

Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are three formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

- (1) Submit written comments on the draft certification and antidegradation determination.
- (2) Petition the MPCA to hold a public informational meeting.
- (3) Petition the MPCA to hold a contested case hearing.

Submitting written comments

To submit comments or petitions to the MPCA through the mail or email, you must state:

- (1) Your interest in the request for 401 water quality certification or the draft 401 water quality certification.

- (2) The action you wish the MPCA to take, including specific references to the section of the draft 401 water quality certification you believe should be changed.
- (3) The reasons supporting your position, stated with sufficient specificity as to allow the MPCA to investigate the merits of the position.

Public informational meeting

A public informational meeting is an informal meeting during which interested persons can ask questions concerning the proposed facility. MPCA staff will be present to provide information. If an interested person would like the MPCA to hold a public informational meeting, the person should include all information identified above and in addition include a statement of the reasons the person desires the MPCA to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting.

Contested Case Hearing

A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. As described in Minn. R. 7000.1800, persons who submit petitions for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (which may be in the form of proposed findings) supporting an MPCA decision to hold a contested case hearing. Failure to comply with these rules exactly may result in a denial of the request. To the extent known, the petitioner may also submit a list of prospective witnesses to be called at a hearing, a proposed list of publications, references, or studies to be introduced at a hearing and the approximate time required for the petitioner to present the matter at a hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.