

1 **4.2 NORTHMET PROJECT PROPOSED ACTION**

2 **4.2.1 Land Use**

3 This section describes the lands that may be affected by the NorthMet Project Proposed Action.
 4 Local, federal, and tribal management frameworks regulate the use of the lands. The Mine Site,
 5 Transportation and Utility Corridor, Plant Site, and non-federal lands fall within the 1854 Ceded
 6 Territory. [The Mine Site](#) and a portion of the Transportation and Utility Corridor fall within the
 7 Superior National Forest and are managed by the [Land and Resource Management Plan for](#)
 8 [Superior National Forest \(the Forest Plan\)](#).

9 The Plant Site and existing LTVSMC Tailings Basin are located in a brownfield area dominated
 10 by the existing facilities and infrastructure of the former LTVSMC processing plant. In 2002,
 11 Cliffs Erie conducted a Phase I Environmental Site Assessment (Phase I ESA) of the former
 12 LTVSMC processing plant and identified 62 potential AOCs. The Legacy Contamination
 13 discussion in Section 4.2.1.4.2 elaborates on the status of AOCs.

14 **4.2.1.1 Regulatory Considerations**

15 The lands that may experience direct or indirect effects from the NorthMet Project Proposed
 16 Action (as well as the non-federal lands evaluated in Section 4.3.1) are located within the
 17 following jurisdictions:

- 18 • The cities of Babbitt and Hoyt Lakes;
- 19 • [The 1854 Treaty Authority \(including the 1854 Ceded Territories Conservation Code\)](#);
- 20 • [Fond du Lac Tribal Conservation Codes for 1854 Ceded Territories](#)
- 21 • St. Louis, Lake, and Cook counties; and
- 22 • Superior National Forest.

23 County and municipal land use controls are described in Section 4.2.1.1.1; federal and tribal
 24 management frameworks are described in Section 4.2.1.1.2. Table 4.2.1-1 summarizes the
 25 relationship between these land use controls and project components.

26 **Table 4.2.1-1 Land Use Controls Affecting the NorthMet Project Proposed Action**

	Mine Site	Plant Site	Transportation and Utility Corridor
City of Hoyt Lakes Zoning Ordinance		X	X
City of Babbitt Zoning Ordinance	X		X
City of Babbitt Comprehensive Land Use Plan	X		X
St. Louis County Comprehensive Land Use Plan	X	X	X
Land and Resource Management Plan for Superior National Forest	X		X
1854 Treaty Authority	X	X	X

27 **4.2.1.1.1 Local Land Use Management**

28 Land use is regulated by municipal or county zoning ordinance, while comprehensive land use
29 plans provide additional guidance for future development (League of Minnesota Cities 2011). A
30 zoning designation identifies a list of allowed uses. If a proposed activity is one of these allowed
31 uses, then it can be developed “as of right.” If a potential use is not specifically allowed, the
32 zoning ordinance will indicate that a variance or some similar action is required. The lands
33 potentially directly affected by the NorthMet Project Proposed Action are in areas currently
34 zoned for mining and/or industrial use. Some of these areas have already been affected by
35 historic mining activity.

36 **4.2.1.1.2 Federal and Tribal Land Use Management**

37 The Mine Site, Transportation and Utility Corridor, Plant Site, and non-federal lands are within
38 the territory ceded by the 1854 Treaty between the U.S. Government and the Chippewa of Lake
39 Superior. Hunting, fishing, gathering, and other traditional uses under the 1854 Treaty are
40 exercised on public lands within this territory, and on private lands with the permission of the
41 land owner.

42 In addition, a portion of the Mine Site and Transportation and Utility Corridor are within the
43 Superior National Forest. As such, they are governed by the Forest Plan. The Forest Plan uses
44 the management area framework (see Section 4.2.1) to define the management approach for the
45 Superior National Forest. The Forest Plan provides direction on desired conditions for forestry
46 resources, mineral resources and extractive activity, vegetative communities, wildlife
47 management, public recreation opportunities, and visual character, among other characteristics
48 (USFS 2004b).

49 **4.2.1.2 Mine Site**

50 The federal lands, comprising 6,495.4 acres, are located in St. Louis County, approximately 70
51 miles north of the City of Duluth, 20 miles south of the BWCAW, 6 miles south of the City of
52 Babbitt, and less than 2 miles south of the Northshore taconite mine. The federal lands are
53 bounded on the south by the Transportation and Utility Corridor.

54 Except for an area south of the Transportation and Utility Corridor (see Section 4.2.1.3 below),
55 the Mine Site is contained within the federal lands on part of the Superior National Forest and
56 within the municipal limits of the City of Babbitt (see Figure 4.2.1-1). Most of the Mine Site and
57 adjoining federal lands are part of the General Forest – Longer Rotation Management Area,
58 while the remainder is within the General Forest Management Area (see Figure 4.3.1-1).

59 The General Forest – Longer Rotation Management Area is characterized by a diverse array of
60 land and resource management uses, goods and services (including commercial goods), scenic
61 quality, developed and dispersed recreation opportunities, and habitat for wildlife and fish.
62 Roads open to public travel in this Management Area provide access to resources and road
63 recreation opportunities. Non-motorized recreation opportunities also exist. The USFS allows
64 exploration, development, and production of mineral resources on National Forest lands used for
65 timber productions under conditions where the activities “are conducted in an environmentally
66 sound manner so that they may contribute to economic growth and national defense” (USFS
67 2004b).

68 The characteristics and use of the General Forest Management Area are similar to the General
69 | Forest – Longer Rotation Management Area, except that timber harvests are more frequent, more
70 uniform in age, and more extensive. The General Forest Management Area has the highest
71 amount of young forest and the largest sized timber harvest units.

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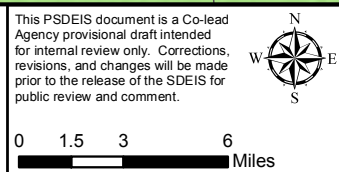
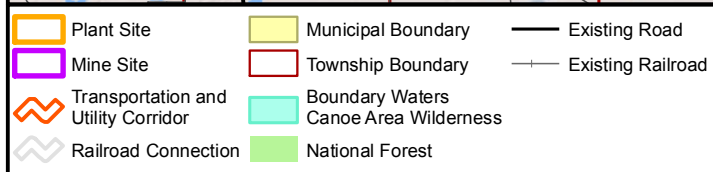
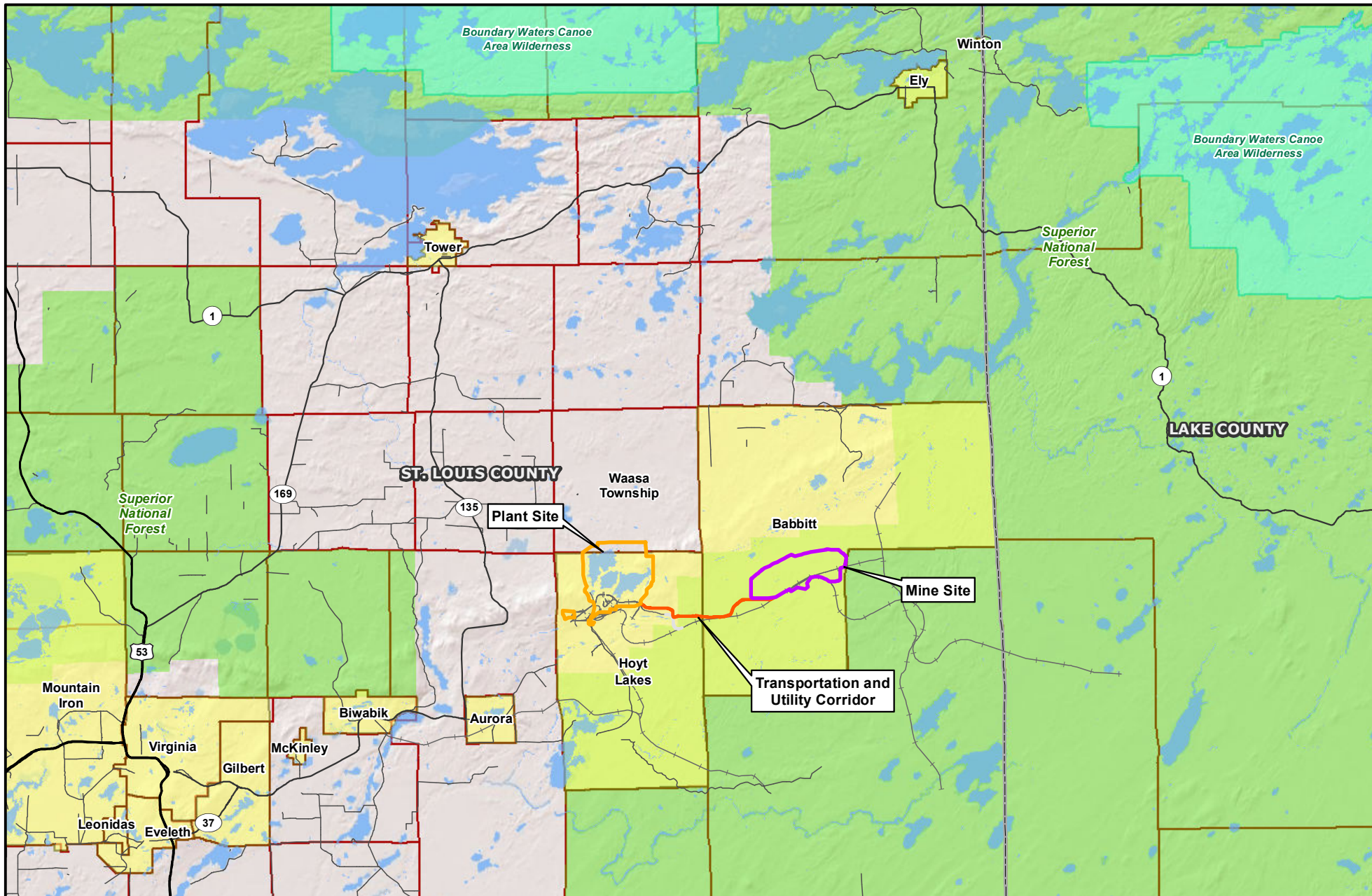


Figure 4.2.1-1
Area Municipalities
 NorthMet Mining Project and Land Exchange PSDEIS
 Minnesota

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75 Federal lands designated for the Mine Site have been subject to mineral exploration since 1969.
76 As of 2011 (the most recent year for which data were available), this exploration included 123
77 exploration drill sites, soil borings, and the construction of approximately 0.5 mile of temporary
78 road access. Final reclamation of the closed portions of the temporary access roads has been
79 completed (USFS 2011a). There is no known existing contamination by hazardous materials at
80 the Mine Site.

81 The federal lands are a part of the territory ceded by the Chippewa of Lake Superior to the
82 United States in 1854 (1854 Treaty Authority 2006). The Chippewa reserve rights to hunt, fish,
83 and gather on public lands (and on private land with permission) in the 1854 Ceded Territory.
84 Harvest levels and other activities are governed by either individual tribal entities (in the case of
85 the Fond du Lac Band) or the 1854 General Codes and subsequent Amendments under the 1854
86 Treaty Authority (in the case of the Grand Portage and Bois Forte Bands [MDNR 2011r]).

87 The federal lands drain to the Partridge River, a tributary of the Upper St. Louis River. These
88 lands, therefore, also fall within the jurisdiction of the St. Louis County Comprehensive Land
89 Use Plan in the management of the St. Louis River Watershed. The goals of the plan are to
90 actively manage development in the watershed to promote preservation and improvement of
91 water quality, recreational opportunities, ecological health, and archaeological resources (St.
92 Louis County 2005).

93 The City of Babbitt's zoning ordinance classifies the Mine Site area as a Mineral Mining district.
94 This allows for existing and potential mineral mining, processing, and tailings and waste
95 disposal, as well as accessory and support activities needed for the proper operation of mining
96 activities outside the limits of open pit and ore formations. The zoning ordinance falls within the
97 city's broader Comprehensive Land Use Plan, which was revised in 2011 (Arrowhead 2011).
98 The draft plan includes goals and objectives in support of mining-related economic development
99 opportunities.

100 Use of the area surrounding the Mine Site is varied. The area to the north/northwest of the Mine
101 Site is within the City of Babbitt Mineral Mining district. The district includes part of the Plant
102 Site and the Transportation and Utility Corridor, and the Northshore Mine (City of Babbitt
103 1996). The area to the east of the Mine Site is Superior National Forest land that is within the
104 General Forest – Longer Rotation Management Area. The area to the south of the federal lands is
105 within the City of Babbitt's Mineral Mining district and is a mix of private use (railroad and
106 buffer area), Superior National Forest land within the General Forest Management Area, and
107 state-owned lands.

108 **4.2.1.3 Transportation and Utility Corridor**

109 The Transportation and Utility Corridor connects the Plant Site and Mine Site, and includes
110 Dunka Road, a railroad, and the land between them. The corridor traverses an area that straddles
111 the boundary between the City of Babbitt and City of Hoyt Lakes (see Figure 4.2.1-1). The
112 corridor passes through private, state, and Superior National Forest lands, some of which were
113 previously mined. The private lands are within the City of Babbitt Mineral Mining zoning
114 district and the City of Hoyt Lakes Mineral Mining district. The Superior National Forest areas
115 are within the General Forest – Longer Rotation Management Area.

116 Dunka Road is a private road, with segments owned and leased by Cliffs Erie, PolyMet, and
117 Minnesota Power. It serves as the access point for USFS Roads 125, 108, and 109, which are

118 used for forest maintenance in the area of the Mine Site. Dunka Road also provides access to an
119 existing electrical transmission line that runs parallel to and south of the road. The railroad is
120 privately owned and in operating condition, but has not been extensively used since operations at
121 LTVSMC ceased in 2001.

122 The Transportation and Utility Corridor crosses over Wyman, Longnose, and Wetlegs Creeks,
123 which drain to the Partridge River, a tributary of the Upper St. Louis River (see Figure 3.2-1). It
124 therefore also falls within the jurisdiction of the St. Louis County Comprehensive Land Use Plan
125 in the management of the St. Louis River Watershed (see Section 4.2.1.1 above).

126 **4.2.1.4 Plant Site**

127 **4.2.1.4.1 Summary of Land Use Conditions**

128 The Plant Site is west of the Mine Site, in an area dominated by the existing facilities and
129 infrastructure of the former LTVSMC processing plant and Tailings Basin, along with additional
130 acreage purchased for the purpose of plant upgrade and buffer zones. The site is characterized by
131 historical heavy industrial use, with extensive mechanical facilities, rail lines, mine workings,
132 tailings storage, and closed pits. The majority of the Plant Site is located within the incorporated
133 limits of the City of Hoyt Lakes and governed by the City of Hoyt Lakes Zoning Ordinance, last
134 updated in 2010 (Hoyt Lakes Planning Commission 2010). The City does not have a
135 comprehensive land use plan. The Hoyt Lakes portion of the Plant Site is in the City's Mineral
136 Mining district, which identifies areas of existing and potential mineral mining, processing,
137 tailings and waste disposal, and related activities, outside of the boundaries of the open mine pit
138 and ore formations themselves.

139 The northern section of the Tailings Basin within the Plant Site is located within unincorporated
140 Waasa Township (see Figure 4.2.1-1) and governed by the St. Louis County Comprehensive
141 Land Use Plan. This area of the county is zoned for industrial use (the IND-4 zoning district; St.
142 Louis County 2011). This district designates land for mining and quarrying, manufacturing,
143 mineral exploration and evaluation, and a number of other related activities.

144 The Plant Site is accessible by Dunka Road from the east and from County Road 666 from the
145 south. The Plant Site drains to the Partridge and Embarrass rivers, tributaries of the Upper St.
146 Louis River. It therefore is within the jurisdiction of the St. Louis County Comprehensive Land
147 Use Plan in the management of the St. Louis River Watershed (see Section 4.2.1.1 above).

148 The NorthMet Project Proposed Action includes the use of an existing water pipeline which runs
149 from the northernmost section of Colby Lake northward to the Plant Site. The pipeline corridor is
150 within the City of Hoyt Lakes Mineral Mining district. Colby Lake is an in-stream lake within
151 the Partridge River. The corridor therefore is within the jurisdiction of the St. Louis County
152 Comprehensive Land Use Plan in the management of the St. Louis River Watershed.

153 **4.2.1.4.2 Legacy Contamination**

154 In 2002, Cliffs Erie commissioned a Phase I ESA of the former LTVSMC processing plant and
155 improvements (NTS 2002), which identified 62 potential AOCs. Designation as an AOC means
156 that these areas require further investigation, but does not necessarily mean that contamination
157 occurred in the past or is currently present.

158 As shown in Table 4.2.1-2, PolyMet would assume responsibility for 29 of the 62 AOCs upon
159 | acquiring the property from Cliffs Erie (Barr Engineering [Barr] 2007f). Of the 29 AOCs to be
160 | acquired, four have been closed or received a no further action letter from the MPCA; one is a
161 | permitted former landfill under post-closure monitoring pursuant to the Minnesota solid waste
162 | landfill requirements; and 24 require further investigation, including AOC #8, another closed
163 | permitted landfill, which requires further investigation to assess a groundwater plume. Table
164 | 4.2.1-2 summarizes the potential issues and status of these AOCs. PolyMet intends to continue
165 | the VIC program initiated by LTVSMC and continued by Cliffs Erie, and will investigate and
166 | remediate as necessary these AOCs on a schedule approved by the MPCA.

167 All historic and any potentially operational AOCs **not already addressed by the start of mine**
168 **closure** would be investigated and remediated as necessary. The MDNR has indicated that any
169 | associated cleanup costs for the legacy AOCs would be included in the financial assurance
170 | requirements for any Permit to Mine issued to PolyMet for the NorthMet Project Proposed
171 | Action (Vadis, Pers. Comm., April 3, 2009).

172 The status of the remaining 33 AOCs for which PolyMet does not have any responsibility are as
173 | follows:

- 174 • ten sites have been closed through the VIC program;
- 175 • six sites are pending closure through the VIC program or awaiting confirmatory sampling;
- 176 • four sites have completed initial investigations, sampling plans in place, and are awaiting
177 | MPCA review;
- 178 • three sites have not yet been investigated;
- 179 • eight sites have a status that is unknown or not readily available;
- 180 • one site is being managed through the NPDES program; and
- 181 • one site will likely require additional remediation (i.e., Pellet Plant).

182 Table 4.2.1-3 summarizes the potential issues and status of these AOCs.

183 Additionally, the LTVSMC Tailings Basin seeps are being managed under the Cliffs Erie
184 | Consent Order using short-term measures until long-term mitigation measures are determined.

185 **Table 4.2.1-2 NorthMet Project Proposed Action Area of Concern Summary List for Voluntary Investigation and Cleanup**
 186 **Program**

AOC	Location	Site Description	Identified Potential Issues	Status
1	Area 1	Area 1 Shops and Reporting	Domestic septic systems and drain field.	A Phase I ESA/SAP has been prepared.
6	Area 1	Oily Waste Disposal Area	Waste from general shop area floor drains.	No actions have been taken with regard to this site.
7	Area 1	Bull Gear Disposal Area	One time 1970s disposal of heavy lubricant.	No actions have been taken with regard to this site.
8	Area 1	Private Landfill	Permitted industrial waste landfill that operated until 1993. <i>Identified presence of groundwater plume.</i>	<i>The closed LTVSMC Private Landfill exists within the site of active permitted Industrial Waste Landfill (SW-619). Monitoring activities for the closed LTVSMC Private Landfill are incorporated into the active SW-619 permit (held by Cliffs Erie). Work plan submitted to MPCA to define the extent of the facility's groundwater plume, assess the stability of the groundwater, and assess the ability of the gas vents to aid in the remediation of the groundwater plume.</i>
9	Area 1	Area 1 RR Panel Yard	Railroad tie disposal area co-mingled with scrap metal, wood, and demolition debris.	<i>Scrap and trash were disposed. Some items remain to be removed. A SAP was submitted to the MPCA and was implemented. A historic release was identified. Further recommendations for cleanup are ongoing to the MPCA.</i>
10	Area 1	Area 1 Airport	Some areas of soil staining.	No actions have been taken with regard to this site.
11	Area 1	Stoker Coal Ash Disposal	Disposal area until 1980s with marginal cover.	No actions have been taken with regard to this site.
12	Area 1	Mill Rejects Area	Solid waste from concentrator building.	Site closed: No Further Action required.
13	Area 2/2E/3	2001 Storage Area	Some areas of soil staining.	No actions have been taken with regard to this site.
14	Area 2/2E/3	Large Equipment Paint Area	Buildup of blasting sand.	No actions have been taken with regard to this site.
24	Area 5	Area 5 Reporting	Scrap and salvage area with some stained soils.	Site closed through the VIC program in letter dated 7/30/08.
25	Area 5	Area 5 Loading Pocket & Storage	Some areas of stained soils along rail siding.	Site closed through the VIC program in letter dated 7/30/08.
35	Plant Site	Dunka W ^W T ^P Sludge Staging Area	Little evidence of any residue remaining.	Water treatment plant sludge residue removed.

AOC	Location	Site Description	Identified Potential Issues	Status
36	Plant Site	Coal Ash Landfill	Cover appears to be in good condition.	Permitted Landfill. Closed and subject to post-closure monitoring.
37	Plant Site	Line 9 Area 5 Petroleum Contaminated Soil	Permitted petroleum land application site with 25,000 cubic yards of soils.	The MPCA sent a closure letter for this site on February 24, 2006.
38	Plant Site	Area 2 Shops	Contains a locomotive fueling station and a septic system.	Excavation conducted Summer 2007. Pending MPCA PRP conditional closure. Full closure is contingent on sampling results for the land treated soils.
40	Plant Site	Heavy Duty Garage	Formerly used for equipment maintenance.	Building and one UST removed. <i>Site reuse planned, further investigation at PolyMet closure.</i>
42	Plant Site	Bunker C Tank Farm	Large ASTs which previously contained #4 and #6 fuel oil.	<i>Some excavation and removal of surface stains complete. Pump house demolished, day tanks removed and will be scrapped, petroleum-impacted soils removed. Further work required to remove large ASTs and some fuel lines.</i>
43	Plant Site	Administration Building	One heating oil UST was abandoned in place.	Facility still in use. <i>Further investigation at PolyMet closure.</i>
44	Plant Site	Main Gate Vehicle Fueling Area	Contains several AST used for fueling trucks.	Facility still in use. <i>Further investigation at PolyMet closure.</i>
46	Plant Site	Plant Site Proper/General Shops	Former taconite processing area – no specific issues identified.	<i>Reuse planned, further investigation at PolyMet closure.</i>
47	Tailings Basin	Tailings Basin Reporting	Septic system remains.	Two USTs removed.
48	Tailings Basin	Transformers	Several transformers present, but records indicate that <u>they</u> do not contain PCBs.	No actions have been taken with regard to this site.
49	Tailings Basin	Coarse Crusher Petroleum Contaminated Soil Stockpile	Contained floor sweepings (containing oil).	All contaminated soil was removed in 1990s.
50	Tailings Basin	Emergency Basin	<i>Received water from process sumps in the Concentrator during power outages and emergency conditions, and stormwater outfall.</i>	<i>A SAP was submitted to the MPCA and was implemented. No releases were identified and a report will be prepared requesting no further action related to this site.</i>
51	Tailings Basin	Salvage and Scrap Areas	Some areas of soil staining.	No actions have been taken with regard to this site.
52	Tailings Basin	Cell 2W Salvage Area	Several small stained soil areas as well as the remnants of a mobile AST.	No actions have been taken with regard to this site.

AOC	Location	Site Description	Identified Potential Issues	Status
53	Tailings Basin	Cell 2W Hornfels waste rock	Sulfide waste rock disposed under a MPCA/MDNR approved plan.	NPDES monitoring ongoing.
59	Colby Lake	Colby Lake Pumping Station	One transformer remaining.	One heating oil AST removed in 1970. <i>Reuse planned, further investigation at PolyMet closure.</i>

187 Sources: NTS 2002; Scott 2009, Pers. Comm., 2011.

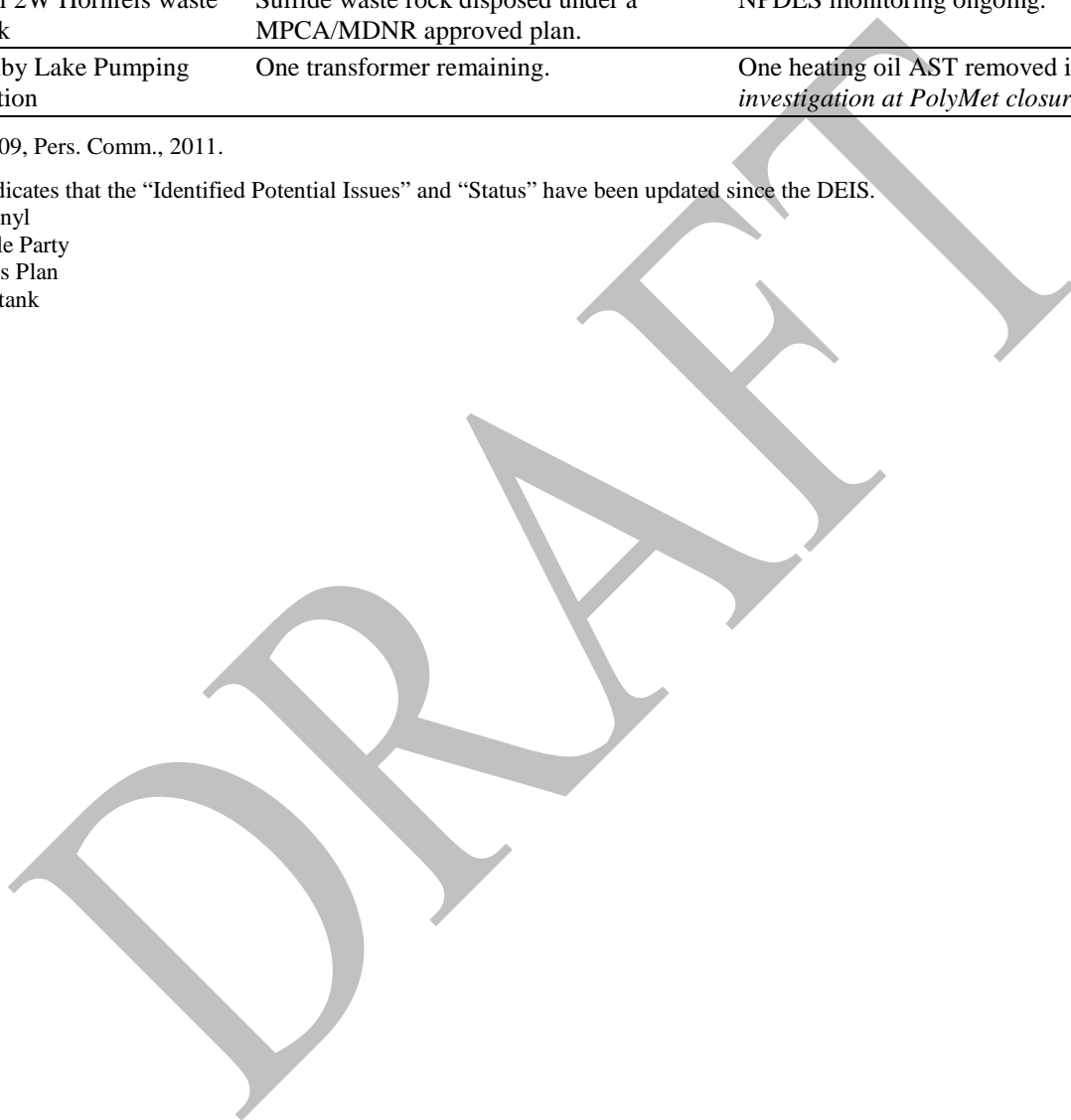
188 | *Italic* text in Table 4.2.1-2 indicates that the “Identified Potential Issues” and “Status” have been updated since the DEIS.

189 PCB = Polychlorinated biphenyl

190 PRP = Potentially Responsible Party

191 SAP = Sampling and Analysis Plan

192 UST = Underground storage tank



193 **Table 4.2.1-3 Non-NorthMet Project Areas of Concern Status**

AOC	Responsible Party	Site Description	Issues	Status
2	Mesabi Nugget	Area 1 petroleum contaminated soil	Petroleum contaminated soil.	Unknown.
3	Mesabi Nugget	Sludge site	Sludge contaminated soil.	Unknown.
4	Mesabi Nugget	1004 storage area	Soil staining and debris.	Unknown.
5	Mesabi Nugget	Roofing disposal site	Roofing debris.	Unknown.
15	Cliffs Erie	Railroad storage area	Debris.	No action to date.
16	Cliffs Erie	Area 2 vibratory loading pocket		Phase II submitted November 2008, requested no further action.
17	Cliffs Erie	Area 2 truck fueling		Site closed through the VIC program.
18	Cliffs Erie	Area 2 superpocket		Phase II submitted November 2008, requested no further action.
19	Mesabi Nugget	Area 2WX reporting		Site closed through the VIC program in letter dated 7/31/08.
20	Mesabi Nugget	Area 2WX shovel salvage		Site closed through the VIC program in letter dated 7/31/08.
21	Mesabi Nugget	Area 2WX truck fueling		Site closed through the VIC program.
22	Mesabi Nugget	Area 2WX vibratory loading pocket		Site closed through the VIC program in letter dated 7/31/08.
23	Mesabi Nugget	Area 2WX superpocket		Site closed through the VIC program.
26	Mesabi Nugget	Area 6 truck fueling		Site closed through the VIC program.
27	Mesabi Nugget	Area 6 misfired blast		Site closed through the VIC program.
28	Mesabi Nugget	Area 9S former Aurora dump site	Debris.	Unknown.
29	Mesabi Nugget	Stockpile #9021	Debris related to Aurora dump site.	Unknown.
30	Mesabi Nugget	Pre-taconite plant	Debris.	Unknown.
31	Mesabi Nugget	Area 9N vibratory loading pocket	Septic tank and drain field.	Unknown.
32	Duluth Metals	Dunka shops and reporting	Demolition debris, closed leak site.	Phase I ESA and SAP complete, but not yet submitted.
33	Duluth Metals	North loading pocket – Dunka	Abandoned wells and septic system.	Phase I ESA and SAP complete, but not yet submitted.

AOC	Responsible Party	Site Description	Issues	Status
34	Duluth Metals	South loading pocket – Dunka	Abandoned wells and septic system.	Phase I ESA and SAP complete, but not yet submitted.
39	Cliffs Erie	Knox Railroad fueling station		Pending closure based on confirmatory sampling.
41	Cliffs Erie	Oxygen plant		Pending closure.
45	Cliffs Erie	Pellet storage area and load-out	Soil staining and petroleum residue.	No action to date.
54	Cliffs Erie	Taconite Harbor marine fueling ASTs		Pending closure based on confirmatory sampling.
55	Cliffs Erie	Taconite Harbor oil track		Pending closure based on confirmatory sampling.
56	Cliffs Erie	Coal ash landfill - Taconite Harbor		Managed through NPDES permit, no VIC action.
57	Cliffs Erie	Murphy City	Soil staining, well and septic system.	Phase I ESA and SAP complete, but not yet submitted.
58	Cliffs Erie	Rail lubricators	Stained soil.	No action to date.
60	Cliffs Erie	Brick recycling area		Site closed through the VIC program.
61	Cliffs Erie	PCB ditch investigation (pellet plant)		Site closed through the VIC program.
62	Cliffs Erie	Pellet plant	Soil staining and debris.	Phase I ESA and SAP submitted in December 2008, additional action likely.

194 Cliffs Erie received a permit (SW-625) in 2006 from the MPCA to locate two individual land
195 treatment sites within Cell 2W of the existing LTVSMC Tailings Basin. This facility is being
196 used to land farm petroleum-contaminated (i.e., diesel fuel) soils excavated from AOCs #38
197 (Area 2 Shops) and #39 (Knox Railroad fueling station).

198 In May 2009, Cliffs Erie conducted a detailed assessment of both surface and groundwater
199 quality at the existing LTVSMC Tailings Basin, including testing for volatile organic compounds
200 (VOCs), SVOCs, PCBs, and other parameters to determine if there was any organic
201 contamination that could be transported off site via stormwater runoff or groundwater seepage.
202 The laboratory analyses showed no evidence of organic contamination leaving the site (Cliffs
203 Erie 2009). Based on the investigations and laboratory analyses to date, which include sampling
204 at seven monitoring wells, 14 surface discharges, 12 internal waste streams, and six downstream
205 surface water monitoring stations, and visual observation and limited field analyses at 33 seeps at
206 or near the existing LTVSMC Tailings Basin, no off-site contamination has been documented.
207 The extent of on-site contamination from the legacy sites appears to be limited to localized soils
208 and groundwater.

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