



Minnesota Center for Environmental Advocacy

26 East Exchange Street • Suite 206 • Saint Paul, MN 55101-1667 • [REDACTED]

November 21, 2013

VIA ELECTRONIC MAIL

Ms. Brenda Halter, Forest Supervisor
Attn: TMM Hydrogeologic Study Comments
Superior National Forest
8901 Grand Avenue Place
Duluth, Minnesota 55808

Re: Twin Metals Minnesota LLC's Application to Obtain a Special Use Permit

Dear Supervisor Halter,

I write to provide the comments of the Minnesota Center for Environmental Advocacy (MCEA) on Twin Metal's special use permit (SUP) application to access federal lands within the Forest Service's authority, install hydrogeologic wells, and conduct monitoring activities. This work would be conducted within the South Kawishiwi River and Birch Lake watersheds located within the Superior National Forest (SNF).

MCEA is a Minnesota-based non-profit environmental organization, the legal and scientific voice protecting and preserving Minnesota's wildlife, natural resources and the health of its people. MCEA is interested in and concerned with the potential limited scope of the environmental assessment for the proposed hydrogeologic monitoring activities and we appreciate the opportunity to comment on the proposed action.

Background

The proposed action would result in the construction, testing and maintenance of up to 13 hydrogeologic wells, the construction and maintenance of associated well pads, the construction and maintenance of 3.63 miles of temporary access roads and the use of existing Forest Service or public roads. This work proposed within the SNF is part of Twin Metals' larger hydrogeologic study of the Kawishiwi River and Birch Lake watersheds. Additional well installation and monitoring activities would also be conducted on lands owned or managed by the State of Minnesota, the Bureau of Land Management (BLM), United States Forest Service (USFS) and on private lands.

MCEA has reviewed the SUP application public notice and believes that although the activities subject to USFS SNF jurisdiction may be limited; the scope of the environmental assessment (EA) must consider the potential environmental impacts of the larger hydrogeologic monitoring activities proposed by Twin Metals.

Cumulative Impacts

Cumulative effects on the environment can and have resulted in a significant and adverse impacts the SNF¹ and must not be discounted. Although we understand that the activities proposed in Twin Metals' SUP application are not dependent on activities proposed off SNF land, the cumulative environmental effects of all activities included in the larger hydrogeologic study must be clearly and thoroughly disclosed in the EA. As stated in 40 CFR Part 1508.7:

Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to the other past, present, and reasonable foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Twin Metals' SUP application notes that "...[they] may begin conducting the State Project and the Hydrogeologic Activities Subject to BLM Jurisdiction immediately upon receiving... authorizations from the Minnesota Department of Natural Resources and BLM, regardless of USFS's decision on the SUP Application." This statement clearly indicates that the work proposed off SNF land would occur in the reasonably foreseeable future.

In compliance with National Environmental Policy Act regulations, MCEA the SNF must consider not only the potential impacts associated with access, well drilling and well operation within the forest but also the cumulative effects of those activities not covered under the SUP. Topics in the assessment must include detailed discussions and current research on the cumulative effects of habitat disturbance and fragmentation, noise from both drilling of wells and road construction and increased traffic on state, federal and private lands in the affected environment. The effects of those impacts on state and federal threatened and endangered species, the declining moose population,² tourism and local communities should also be discussed and analyzed at length.

Reducing Potential Adverse Impacts

We recognize the importance of comprehensively describing the hydrogeologic environment across a variety of landscapes and geologic conditions to inform future modeling efforts. However, impacts near known Canada lynx denning sites or to unique or high quality habitats and aquatic resources must be avoided or minimized to the greatest extent possible. Construction and drilling methods that would reduce impacts to the affected environment should be investigated and required as an enforceable condition of the SUP, if issued. Mitigative actions that could be taken on by Twin Metals or their contractors to reduce potential impacts include, but are not limited to:

- Pre and post project site inspections to ensure that rehabilitation work is completed in accordance with reclamation plans
- Rehabilitation of temporary access roads and staging areas to pre-project conditions no later than one growing season post-construction
- Rehabilitation of well pads to pre-project conditions no later than one growing season post medium term testing period

¹ http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5351573.pdf

² <http://news.dnr.state.mn.us/2013/02/06/moose-population-drops-dramatically-hunting-season-will-not-open/>

- Installation and maintenance of appropriate temporary erosion and sediment control measures in work areas prior to beginning of all construction activities
- Use of appropriately sized, located and placed culverts to reduce impacts to wetland and stream hydrology
- Placement of fish-passable culverts in line with the stream's existing pattern
- Construction of access roads during low flow periods (for stream crossings)
- Limitations on the season or time of day which drilling may commence
- Avoidance of work near of known Canada lynx denning sites

In summary, MCEA believes that, in addition to other reasonably foreseeable actions (proposed road construction, forest management activities, bulk sampling etc), the effects of the entire Twin Metals hydrogeologic study must be considered in a detailed cumulative impact assessment included in the proposed action's EA³. Further, activities that avoid or minimize the direct, indirect and cumulative impacts of the proposed action must be thoroughly and sincerely investigated. If a SUP is issued, those activities must be required as enforceable conditions of the permit. These actions would provide greater assurance that adverse and significant impacts to SNF are appropriately identified and reduced to the greatest extent possible.

Thank you for the opportunity to comment on this proposed action. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jill Bathke
Natural Resource Scientist
26 E. Exchange Street, Suite 206
Saint Paul, MN 55101

cc:

Brian Green- Minnesota Pollution Control Agency
Jess Richards- Minnesota Department of Natural Resources
Tom Landwehr- Minnesota Department of Natural Resources
Dean Gettinger- Bureau of Land Management
Tom Melius- U.S. Fish and Wildlife Service

³ "...[T]he the cumulative impacts of an action can be viewed as the total effects on a resource, ecosystem, or human community of that action and all other activities affecting that resource no matter what entity (federal, non-federal, or private) is taking the actions." U.S. Environmental Protection Agency, Office of Federal Activities. *Consideration Of Cumulative Impacts In EPA Review of NEPA Documents*. EPA 315-R-99-002. May 1999.