

EPA-R5-2014-001593-92

**Michael
Sedlacek/R5/USEPA/US**
09/10/2012 10:54 AM

To Christine Wagener, Thomas Poleck, Melanie Haveman,
James Grimes, Krista McKim, Jennifer Darrow, Mary
Portanova
cc
bcc
Subject Fw: Minntac 2011 "West Pit Progression" and Minntac 2012
Mine "Extension"

NorthMet Team:

An associated mining comment letter from Water Legacy of MN, in regard to the Minntac Mine Expansion EA. This is more of an FYI for your individual programs (no action needed), as Paula brings up many separate issues in her letter that you may be interested in.

Mike Sedlacek
Environmental Scientist
U.S. EPA Region 5
NEPA Implementation Section
Phone: [REDACTED]
Fax: (312) 697-2689
Email: sedlacek.michael@[REDACTED]

----- Forwarded by Michael Sedlacek/R5/USEPA/US on 09/10/2012 10:50 AM -----

From: Kenneth Westlake/R5/USEPA/US
To: Michael Sedlacek/R5/USEPA/US [REDACTED]
Date: 09/10/2012 10:44 AM
Subject: Fw: Minntac 2011 "West Pit Progression" and Minntac 2012 Mine "Extension"

Mike,
FYI and file. Whether an EIS is prepared or not is MDNR's decision at the state level and USACE's decision at the federal level.
Ken

----- Forwarded by Kenneth Westlake/R5/USEPA/US on 09/10/2012 10:41 AM -----

From: Paula Maccabee <pmaccabee@[REDACTED]>
To: Kenneth Westlake/R5/USEPA/US [REDACTED], <jill.c.bathke@[REDACTED]>, Kerryann
Weaver/R5/USEPA/US [REDACTED], Krista McKim/R5/USEPA/US [REDACTED],
<Michelle.Beeman@[REDACTED]>,
Cc: Margaret Watkins <watkins@[REDACTED]>, Nancy Schuldt <nancyschuldt@[REDACTED]>
Date: 09/05/2012 03:59 PM
Subject: Minntac 2011 "West Pit Progression" and Minntac 2012 Mine "Extension"

Dear Mr. Westlake, Ms. Bathke, Ms. Weaver, Ms. McKim, Ms. Beeman:

Attached with this email, please find WaterLegacy's comments in response to the Minnesota Department of Natural Resources ("MDNR") Environmental Assessment Worksheet for the Minntac Mine "Extension," which was placed on public notice on August 6, 2012. WaterLegacy has requested that MDNR prepare an environmental impact statement due to the potential for significant environmental effects of the proposed "Extension" and the cumulative impacts of other Minntac

expansions and mining activities.

We understand that a decision has not been made yet at the federal level whether or not to require an environmental impact statement for the 2011 expansion, which Minntac described as the "West Pit Progression." As described in detail in our attached comments, the 2012 "Extension" and the 2011 "Progression" as well as other permitted and unpermitted encroachments on aquatic resources during the past several years have a significant impact on wetlands, streams and watersheds. WaterLegacy believes that neither the "West Pit Progression" nor this year's Mine "Extension" should be permitted without an environmental impact statement. It may be most efficient to consolidate both projects in a single environmental review process. As suggested in the attached comments, there are numerous significant adverse impacts on water resources, water quantity and water quality that should be analyzed in a comprehensive manner.

WaterLegacy understands that the Minnesota Pollution Control Agency ("MPCA") provided Section 401 certification for the "West Pit Progression" and may be in the process of considering certification for this year's Mine "Extension." WaterLegacy believes that certification of the "West Pit Progression" was premature and failed to consider pertinent information. We don't know what notice was provided prior to certification. We understand that the MPCA has recently developed a policy to provide public notice of 401 certification review if a project is controversial. WaterLegacy would advise that Minntac's current Mine "Extension" is quite controversial and would request general notification to the public and specific notice to persons who have commented in the EAW process if the MPCA considers waiving or approving certification of this Minntac expansion project.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,

Paula Maccabee, Esq.

JUST CHANGE LAW OFFICES

1961 Selby Ave.

St. Paul MN 55104

phone: [REDACTED]

fax: 651-646-5754

Cell: [REDACTED]

e-mail: pmaccabee [REDACTED]

<http://www.justchangelaw.com>

Counsel/Advocacy Director for Water Legacy

CONFIDENTIALITY NOTICE: The information contained in this e-mail is confidential, may be legally privileged, and is intended only for the use of the party named above. If the reader of this e-mail is not the intended recipient, you are advised that any dissemination, distribution, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at 651-646-8890 and destroy this e-mail.

[attachment "WaterLegacyMinntacCmt(9-5-12).pdf" deleted by Thomas Poleck/R5/USEPA/US]