

# Attachment A

Comment letters received during 30-day public comment period

(July 8, 2013 – August 7, 2013)

July 19, 2013

Jill Townley  
Environmental Review Planner, DNR  
500 Lafayette Road  
St. Paul, MN 55155

Reference: Gilmore Creek Restoration, Alango Township, St. Louis County  
Environmental Assessment Worksheet (EAW)

Dear Ms. Townley:

I have reviewed the Environmental Assessment Worksheet (EAW) for the proposed meander creations along 1,384 feet of a ditched portion of Gilmore Creek, located approximately 6 miles north of the Dark River, near Britt, Minnesota. I offer the following comments for your consideration in identifying adverse impacts to natural resources, determining accuracy and completeness of information, and potential impacts to resources that warrant mitigation or further investigation and if the project requires preparation of an Environmental Impact Statement (EIS).

**Question 6. Project Description**

As written in this EAW, I believe that the project, and associated documents, inordinately portray Gilmore Creek as highly degraded, with resultant exaggerated the project benefits. Furthermore, I contend that the metrics and site conditions do not support the EAW's portrayal of the project site. For example, I did not see existing W/D ratios of the project reach, but only proposed project W/D ratios. There was no statistical analysis done to support the benefit: cost ratio of the Gilmore Creek project (The cost should include the harm done to the unnamed tributary to the Dunka River that Cliffs Natural Resources will absorb in their mine expansion at Babbitt). Moreover, although I noted that the new stream channel will be one to two feet higher than the existing channel, I don't know how much the existing channel is entrenched and some key metrics (e.g., loss of connectivity from the floodplain and channel is down-cut from pre-ditching meanders) cannot be found in the EAW document; yet, the EAW uses these un-quantified terms to buttress the "purpose and need" for the project. Other than pre-approval by the DNR staff to grant the easement for the project site on State of Minnesota land, there is nothing in the record that indicated that key fish/wildlife/forestry staff pre-approved the project, and agreed with its projected benefits. Moreover, there is no record that Gilmore Creek has been adversely affected by mining; therefore, the mitigation offered by Cliffs Natural Resources seems misdirected. Rather, proposed stream mitigation should be focused on those streams that the company has adversely impacted by its mining activities closer to the Iron Range.

There is no record that the historical gradient/slope of Gilmore Creek ever supported the riffle to pool sequence, or will support riffle to pool frequency as shown in Figure 7.

The EAW lacked sufficient detail about the "Regional Curve" on which the proposed channel dimensions were described. Three years ago, the Dark River Restoration Project, a similar project located just 6 miles south of Gilmore Creek, cited a "Regional Curve" that would be used to design that channel; however, no details/data points were given by the DNR on how the regression was derived. Because no data points were provided, it cannot be questioned (aka peer reviewed) by others who want to follow Rosgen-type river geomorphology projects in NE Minnesota. Because of the lack of regional curve data points, this has caused me to believe that, once again, a one-size-fits-all Rosgen science is inappropriately-driving the Gilmore Creek Project (Kondolf, G. M. 2006. River restoration and meanders. *Ecology and Society* 11(2): 42.).

**Question 9. Land Use**

Because there are private landowners in close proximity to the project site, the project create potential conflicts with neighboring land owners (i.e. change of flow regimes, potential flooding, use of chemicals to control reed canary grass, proposed expansion of project to include private land owners, etc.). Therefore, since there was no public meeting to address landowner concerns and questions, the EAW fails to identify all potential impacts. (On May 11, 2013, I sent an email to DNR's Steve Colvin and asked about a public meeting, but I got no response from him).

The EAW stated that the Gilmore Creek site was recommended by St. Louis County SWCD; yet, the DNR is the RGU for the EAW; and was supposed to provide the expertise to evaluate the merits of the project. Why was the appropriate DNR offices not consulted in the choice of Gilmore Creek? It seems that this lack of agency coordination, contributed to a misguided attempt to mitigate for lost stream values on a stream that appears to be stabile, yet, popular with SWCD; but instead, caused a lost opportunity to mitigate for lost values, where adverse mining impacts from Cliffs Natural Resources closer to the Iron Range can be clearly shown.

Except for looking at possible project sites, there appeared to be no effort to get public buy-in for the project. Such lack of citizenry input is especially irresponsible by the St. Louis County SWCD. That's their job---to work with the citizens of their county, especially when Gilmore Creek was SWCD's preferred site choice. Clearly, Question #9 of the EAW has not been adequately covered since there could be some incompatibility issues with local landowners that could have been addressed by a public meeting.

**Question # 10. Cover types**

The EAW seems to ignore any influence that before-and-after beaver activity has played (or will play) in the cover types. The EAW seemed to indicate that riparian cover types resulted solely from the Gilmore Creek ditching (and forest management), not any other factor like beaver activity, weather, farming, etc.

**Question 11. Fish, wildlife, and ecologically sensitive resources**

The EAW failed to adequately compare what fish/wildlife and ecological features are at the project site; therefore, it cannot adequately describe potential benefits of the project, and its ability to mitigate for lost values on the unnamed tributary to the Dunka River. It follows that, if features are not adequately compared, benefits from the project cannot be described; but more importantly, nor is the projects potential harm to resources along Gilmore Creek, and the ability to determine the need for an EIS? Moreover, other than numerical tables among sites, there were no statistical analyses done to show the difference in biota among the project site, reference site, and the unnamed tributary to the Dunka River. Without statistical analyses, for example, the Chi-Square procedure, site comparisons; or before and after benefits, could merely be due to chance and conjecture on the part of project proponents. That is, is the ditched portion of Gilmore Creek truly degraded and destabilized, and in need of restoration; or is this hyperbole?

Again, the EAW seems to ignore the past or future presence of beaver at the project site. The document only mentions that beaver activity forced the survey crew collecting stream parameters to relocate at the reference site. Furthermore, Page 4 of 23 of the EAW references the higher than expected W/D ratio of 10-12 due to beaver activity at the reference site, but how will it affect the project site? Beaver activity has been known to cause stream flow changes, stream biota changes, flooding of riparian vegetation, and plugged culverts; and is sure to negate any proposed alteration to the stream as a result of the project. If beaver control is needed, the Gilmore Creek project is no longer a restoration, but becomes a high maintenance project. Maintenance is not restoration; therefore, the EAW is not complete without a full recognition of how beaver have historically affected and will affect Gilmore Creek, once the project is complete. Moreover, the use of the term: "adaptive management" in the EAW, that is, "identifying and correcting post-construction problems" appears to be a euphemism for maintenance—especially if long-term beaver problems are ignored by the project proponents (and the government regulators).

Question #11 of the EAW discussed the possible expansion of the proposed project to other areas of the stream, in order to enhance the northern pike population. However, the apparent lack of communication by the SWCD with other important DNR Offices and the local landowners suggests that this idea may not have much support at this time.

**EAW Question # 12 *Surface Water Impacts:***

The EAW references a monotypic stand reed canary grass at the project site, and that care will be taken not to introduce exotic species from the excavating equipment. However, there was no mention of the need to use chemicals to control new exotic species and to stop the re-introduction of reed canary grass. Since chemicals are the only way to control reed canary grass; clearly, the EAW is not accurate and complete; therefore, it cannot measure the significance of resource impacts; and, therefore, the need for an EIS.

**EAW Question # 29 *Cumulative impacts:***

The EAW did not adequately answer this question since, although it projected that other private landowners could participate in a similar project on their lands to leverage benefits and monies; there was as no public meeting to get land owner buy-in and answer other questions. Moreover, if the project succeeds in increasing northern pike production, this seems to be at cross-purposes with the DNR Fisheries efforts to de-emphasize northern pike reproduction. More pike could cause harm to DNR's current northern pike strategy.

**EAW Question # 31 *Summary of issues: (and recommended mitigation measures)***

I believe that the Gilmore Creek Restoration EAW does not fully, and objectively, describe the project's potential benefits and impacts to the natural resources to and around Gilmore Creek. I believe, because of the abundance of speculative data, and lack of supportive data, a balanced environmental analysis and evaluation of impacts by the DNR (Responsible Government Unit) is not possible and a solid Findings of Fact and Record of Decision cannot be reached; and, therefore, its decision on the need for an EIS will be arbitrary and capricious.

Jill Townley  
July 19, 2013  
Page 4

Pursuant to MN Rules 4410.1700, subpart 7, when determining whether a proposed project has the potential for significant environment effects, the Responsible Government Unit (RGU) must consider four factors:

- A. TYPE, EXTENT, AND REVERSIBILITY OF ENVIRONMENTAL EFFECTS;
- B. CUMULATIVE POTENTIAL EFFECTS OF RELATED AND ANTICIPATED PROJECTS;
- C. THE EXTENT TO WHICH THE ENVIRONMENTAL EFFECTS ARE SUBJECT TO MITIGATION BY ONGOING PUBLIC REGULATORY AUTHORITY; AND
- D. THE EXTENT TO WHICH ENVIRONMENTAL EFFECTS CAN BE ANTICIPATED AND CONTROLLED AS A RESULT OF OTHER ENVIRONMENTAL STUDIES UNDERTAKEN BY PUBLIC AGENCIES OR THE PROJECT PROPOSER, INCLUDING OTHER EISs.

I believe that because the Gilmore Creek Restoration Project EAW lacked information about beaver activity, the project's impact on local citizenry, and that there are other streams, which have been more directly and adversely impacted by Cliffs Natural Resources; therefore, it's reasonable to expect the DNR and other agencies with regulatory authority to implement mitigation efforts either by rule, laws, or other actions on other streams with more direct, visible, and measurable mining impacts. Some mitigation strategies can include:

- A. Monitor flows from Hibbing Taconite operations that discharge into streams (e.g. East Swan River) flows from its minesite into various receiving waters. Look for destabilized streams with areas down-cutting, embeddedness, erosion, side-cutting, increased turbidity, nutrient loading, elevated sulfates, etc.
- B. Unlike the streams that have been adversely affected by mining, don't look for these impairments in Gilmore Creek, since it hasn't been destabilized (nor is the floodplain effectively-drained) since the first ditching approximately 70 years ago.

Thank you for the opportunity to review this document. I expect to receive your record of decision, as well as responses to all substantive comments, but not as a courtesy.

Sincerely,

David G. Holmbeck  
614 Walter Ave.  
Grand Rapids, MN 55744

Cc:  
Dalton Straw, Alango Twp. Resident

Date: July 25, 2013

To: Jill Townley  
Environmental Review Planner, DNR  
500 Lafayette Road  
St. Paul MN 55155

Subject: Gilmore Creek Restoration, Alango Township, St. Louis Co. MN,  
Environmental Assessment Worksheet (EAW)

Dear Ms. Townley: I have reviewed the EAW and along with a colleague have visited this site. The following comments address the accuracy and completeness of the information provided; the purpose, need and justification of this "restoration"; potential adverse impacts to natural resources and whether this project requires the preparation of an Environmental Impact Statement (EIS).

Reading this EAW brings to mind a certain Dark River "Restoration" Project that was proposed (and subsequently "dropped") a few years ago. All the buzzwords and buzzphrases are here: "degraded", "disconnected from the floodplain", "diminished habitat", "sediment loading", "Regional Curves", etc. but no hard data to back up these statements. And the goals of this project are to "reestablish natural stream processes (physical and hydrologic)", "reconnect the channel to the surrounding floodplain", "improve aquatic and floodplain habitat", "reduce sediment loading" etc., again with no data to support the realization of these goals. These words and phrases are only being used to manufacture a "purpose and need" for this project. In fact the most data I've seen anywhere is in a Stream Mitigation Plan prepared for the Northshore Mining Company (NSM) by Barr Engineering dated April 26, 2013, Appendix E and F. The Macroinvertebrate Study looks like a toss-up but the Fish Study looks to me like the Mitigation Site contains more fish than the Reference Site or the Impact Site. But even this data is highly questionable because these studies took place "outside of MPCA's biological monitoring index period (June-September)" thereby "making it nearly impossible to draw conclusions regarding the biological condition of these streams" (Northshore Mine Expansion and Mitigation Report by the Minnesota Pollution Control Agency North Biological Monitoring Unit, dated April 2012, ppg 10 and 11). Why isn't this mentioned in the EAW?

Question 9 concerns Land Use. Have any of the local landowners complained about Gilmore Creek? Has anyone complained about Gilmore Creek? Since this project was recommended by the North St. Louis Co. SWCD who are supposed to be working with county residents, one would think that the local landowners would have been notified about this project and a few public meetings held to discuss changed flows, possible flooding issues, spraying to control "invasive species" (Reed Canary Grass) and to listen to what the locals have to say. But no, the locals knew nothing about this project until we notified them. This is irresponsible and inappropriate behavior by the SWCD. This question has not been answered.

Much is made in the EAW about Gilmore Creek being "disconnected from the floodplain". Please explain where and how this occurs and provide data to back up this statement.

On page 8 of the EAW, question d. asks, "Are future stages of this development including development on any other property planned or likely to happen?" The box is checked "no". Page 11 of the EAW states that "if continued efforts were focused on Gilmore Creek it could be a good candidate for a Northern Pike spawning stream, which may result in improving the fishery in the Sturgeon River". Please explain the contradiction between the box checked "no" and "if continued efforts were focused on Gilmore Creek". The Northern Pike spawning stream strategy seems to contradict current MNDNR

policy which is to not focus on Northern Pike reproduction. Please explain this contradiction. I also couldn't help noticing the "could" and the "may" in the above quoted sentence. Please explain why I should read this as anything other than supposition and wishful thinking.

In the Barr Stream Mitigation Plan for NSM, the mitigation site is given a Minnesota Stream Habitat Assessment (MSHA) score of 44 and the reference site a score of 48.5. Please explain why a 4.5 point increase mitigates the loss of the unnamed stream at NSM and please explain why any more time and money should be frittered away on this project.

I don't see beaver discussed in the EAW. How will beaver activity affect the "restoration"? If beaver need to be controlled, this "restoration" becomes a Long-Term, High Maintenance, High Priced Beaver Control Project. Please explain why beaver activity and beaver control are not discussed in the EAW.

In the Barr Stream Mitigation Plan for NSM pg. 16 is this statement; "The Sturgeon River has been impacted by mining in its upper reaches. NSM's proposed project would therefore mitigate the impacts of mining in a stream within the same major watershed (Rainy River), but not in the immediate minor watershed (Dunka River-Birch Lake) of the impacted stream". Please explain where and how the "Sturgeon River has been impacted by mining in its upper reaches". But the bigger question is how does this "restoration" of a creek, out in the middle of nowhere, relatively undisturbed for the last 70 years or so, not impacted by mining, mitigate the loss of this unnamed stream at NSM?

If "The Sturgeon River has been impacted by mining in its upper reaches" then Cliffs Natural Resources and NSM's mitigation should be focused on bodies of water that actually are being visibly and measurably impacted by mining. A good place to start would be the Hibbing Taconite Company(HTC) tailings basin. Any seeps and discharges from the tailings basin need to be monitored and tested for sulfates, heavy metals, conductivity etc. Another issue is HTC's pit dewatering which not only affect Hibbing's wells but winds up in the East Swan River, causing bank erosion and destabilization which the SWCD blames on local landowners.

I'm not blaming NSM for all this. After all, why not take the easy way out when it's so willingly offered. But this project and the EAW is based on too much wishful thinking and needs an EIS.

I want to receive the Record of Decision plus the Responses to Comments.

Thanks for your time

Dennis Good  
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STATE HISTORIC PRESERVATION OFFICE

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July 31, 2013

Ms. Jill Townley, Planner  
Environmental Policy and Review Unit  
Division of Ecological and Water Resources  
Department of Natural Resources  
500 Lafayette Rd  
St. Paul, MN 55155-4025

RE: EAW – Northshore Mining Company's Gilmore Creek Restoration  
T61 R19 S20 SW  
Alango Twp., St. Louis County  
SHPO Number: 2013-2461

Dear Ms. Townley:

Thank you for the opportunity to comment on the above project. It is being reviewed pursuant to the responsibilities given to the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Due to the nature and location of the proposed project, we recommend that an archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For your information, we have enclosed a list of consultants who have expressed an interest in undertaking such surveys.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office by the responsible federal agency.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson at (651) 259-3455.

Sincerely,

  
Mary Ann Heidemann  
Manager, Government Programs and Compliance

Enclosure: List of Consultants





MINNESOTA HISTORICAL SOCIETY  
State Historic Preservation Office  
Contract Archaeologists  
Last Updated: 8/18/2012

This listing is comprised of individuals and firms who have expressed an interest in undertaking contract archaeology in the State of Minnesota. It is provided for informational purposes to those who may require the services of an archaeological consultant. Inclusion on the list does not constitute an endorsement of the consultant's professional qualifications or past performance. The SHPO may remove contractors from the list if no work is completed in Minnesota over a two year period. The SHPO reserves the right to reject contract reports if the principal investigator or other contract personnel do not meet certain minimal qualifications such as the Secretary of the Interior's professional qualifications standards (Federal Register 9/29/83).

It is recommended that work references be checked and multiple bids be obtained before initiating a contractual agreement. The SHPO will not recommend specific contractors, but may be able to comment on previous work reviewed pursuant to state and federal standards and guidelines. The SHPO can be contacted at the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, MN 55102, 651-259-3450.

**10,000 Lakes Archaeology, Inc.**  
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**University of South Dakota Archaeology  
Laboratory**

Contact: Richard Fox  
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**WAPSI Valley Archaeology**

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# Minnesota Pollution Control Agency

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800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

August 6, 2013

Ms. Jill Townley, Planner  
Environmental Policy and Review Unit  
Division of Ecological and Water Resources  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155

RE: Gilmore Creek Stream Restoration Environmental Assessment Worksheet

Dear Ms. Townley:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Gilmore Creek Stream Restoration project (Project) located in St. Louis County, Minnesota. The Project consists of restoration of Gilmore Creek to its original plan and profile. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and have no comments at this time.

We appreciate the opportunity to review this project. Please provide the notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW please contact me at 651-757-2508.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kären Kromar".

Kären Kromar  
Planner Principal  
Environment & Energy Section  
Resource Management & Assistance Division

KK:jlr

cc: Craig Affeldt, MPCA, St. Paul  
Tom Estabrooks, MPCA, Duluth  
Patrick Carey, MPCA, Duluth