

Minnesota Wetland Conservation Act

Notice of Decision

Permit to Mine

Approving Authority Department of Natural Resources Division of Lands and Minerals	Address 500 Lafayette Road N, Box 45 St. Paul, MN 55155-4045
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1. PROJECT INFORMATION

Applicant Name	Project Name	Date of Application
U.S. Steel - Keetac	Wetland Delineation and Functional Assessment Report: Keetac Exterior Tailings Basin	August 3, 2022
<input checked="" type="checkbox"/> Attach site locator maps: Figure 1 (Project Location Map)		

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input checked="" type="checkbox"/> Incidental	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

2. APPROVING AUTHORITY DECISION

Date of Decision: August 11, 2023		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (included below)	<input type="checkbox"/> Denied

Approving Authority Findings and Conclusions

<p>On July 13, 2022, U.S. Steel Keetac (Keetac) submitted an application for approval of a wetland delineation and request for incidental determination (Application) to DNR as the WCA Approving Authority. On August 3, 2022, DNR determined that the application was incomplete.</p> <p>On August 3, 2022, Keetac submitted additional information and DNR determined that the application was complete. The Application requests boundary and type concurrence for wetlands in the approximate 498-acre study area which is located in both Itasca and St. Louis Counties in the following major watersheds: Mississippi River – Grand Rapids (#9) and St. Louis River (#3).</p>
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On August 3, 2022, DNR sent a Notice of Application to project reviewers. No comments were received during the comment period.

A site visit was conducted on September 29, 2022. Wetland boundaries within the study area had been field-delineated and were determined to be accurate, except for KETB-21, which was later revised to add a shallow marsh community that was not mapped during the initial field effort.

DNR provided comments to Keetac on February 22, 2023 and received responses and a revised report on March 27, 2023, which included the revised boundary of wetland KETB-21. DNR provided comments on the revised report on August 3, 2023 and received responses and a revised, final report on August 8, 2023. All documents are incorporated by reference.

The delineation of wetlands (137.35 acres) and deepwater (12.03 acres) within the study area (listed on Table 4 and depicted on Figures 6-1 through 6-6 of the Application received August 8, 2023) is approved. Note that while the Application depicts wetlands that extend beyond the study area, this approval applies only to those natural or incidental wetlands within the study area.

DNR reviewed information submitted for the requested incidental determination and has determined the following wetlands or portions thereof, to be incidental (Table 4):

1. Wetlands entirely within the study area: KETB-01, KETB-02, KETB-03, KETB-05, KETB-06, KETB-10, KETB-13, KETB-21, KETB-22, KETB-28, KETB-30, KETB-31, KETB-32, KETB-36, KETB-37, KETB-39, KETB-40, KETB-42, KETB-44, KETB-45, KETB-46, KETB-53, and KETB-54.

2. Wetlands depicted as extending beyond the study area: KETB-11, KETB-24, KETB-27, KETB-29, KETB-33, KETB-34, and KETB-55.

3. Incidental portions of wetlands within the study area: KETB-04a, KETB-07, KETB-12, KETB-23, KETB-25, KETB-26, KETB-35, KETB-41, and KETB-47. Note that a portion of each of these wetlands is natural.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest 0.01 acre)

Replacement Plan Approval Conditions. In addition to any conditions specified by the Approving Authority, the approval of a Wetland Replacement Plan is conditional upon the following:

Financial Assurance: For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

Deed Recording: For project-specific replacement, evidence must be provided to the LGU that the BWSR “Declaration of Restrictions and Covenants” and “Consent to Replacement Wetland” forms have been filed with the county recorder’s office in which the replacement wetland is located.

Credit Withdrawal: For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met.

Approving Authority Authorized Signature:

Name Joseph Henderson	Title Director, DNR Division of Lands and Minerals	
Signature	Date August 11, 2023	Phone Number and E-mail 651/259-5428 joseph.henderson@state.mn.us

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT.
Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

3. APPEAL OF THIS DECISION

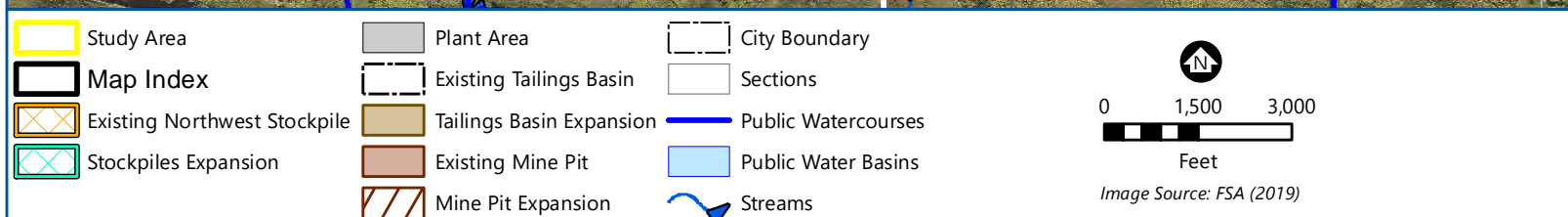
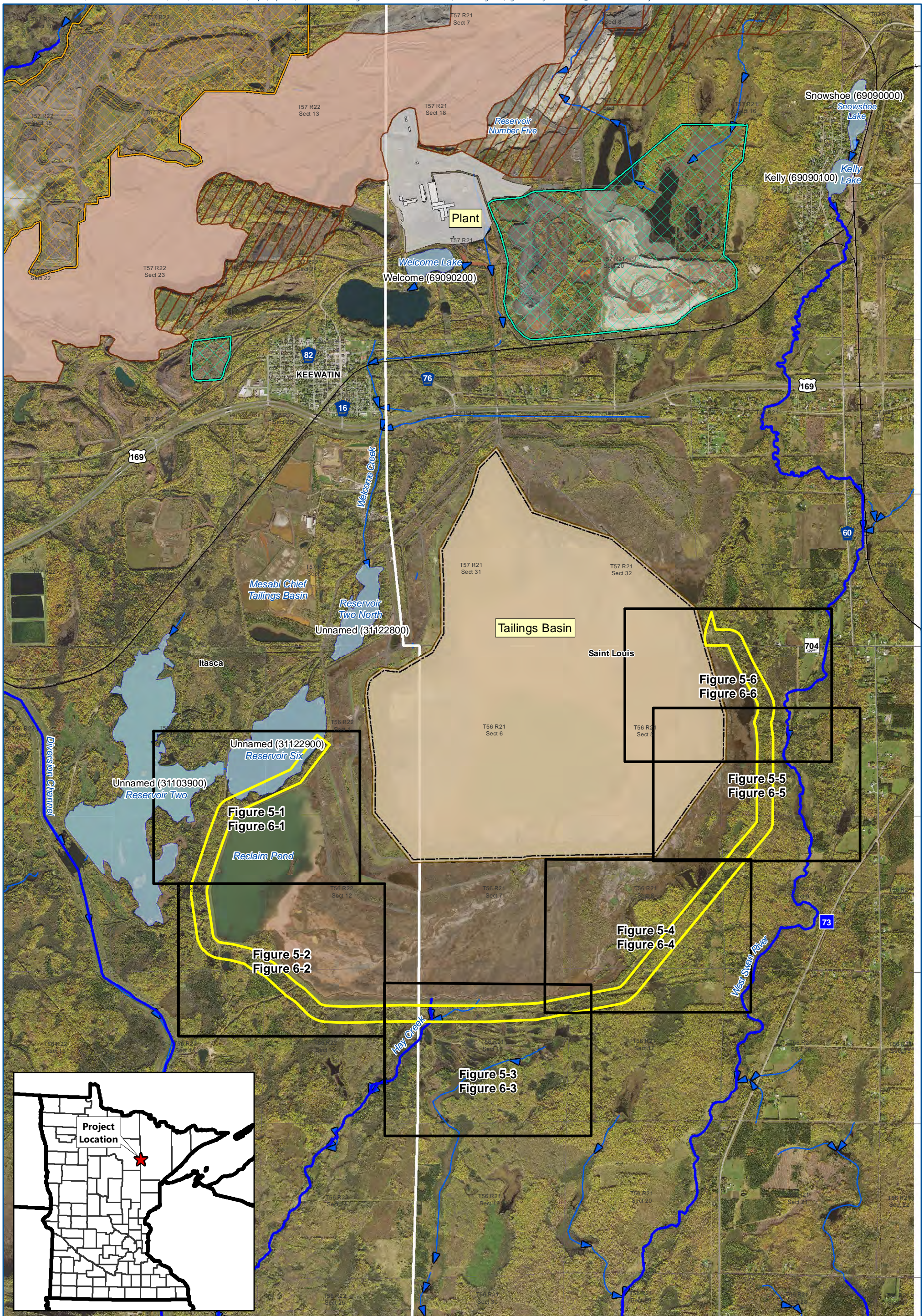
Pursuant to Minn. Stat., sec. 93.50, any person aggrieved by this decision may obtain judicial review under Minn. Stat. 14.63 to 14.69.


4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: Waylon Glienke (Itasca), Phil Norvitch (St. Louis – North)
<input checked="" type="checkbox"/> BWSR TEP member: Matt Johnson (Itasca), David Demmer (St. Louis)
<input type="checkbox"/> LGU TEP member (if different than LGU Contact):
<input checked="" type="checkbox"/> DNR TEP member: Rian Reed (Itasca), Jeff Humphrey (St. Louis – North)
<input checked="" type="checkbox"/> DNR Regional Office: Jessica Parson
<input type="checkbox"/> WD or WMO (if applicable):
<input type="checkbox"/> Applicant and Landowner:
<input checked="" type="checkbox"/> Members of the public who requested notice: Mark Lindhorst, St. Louis County Leo Trunt, Itasca County Ken Powell, BWSR Maggie Wenger, MPCA Jen Oknich, MPCA
<input checked="" type="checkbox"/> Corps of Engineers Project Manager: Andrew Chambers
<input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. ATTACHMENTS

In addition to the site locator map, list any other attachments: <input checked="" type="checkbox"/> Figures 6-1 through 6-6 (2021 Wetland Delineation Maps) <input checked="" type="checkbox"/> Table 4 – Wetland Summary
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 0 1,500 3,000
 Feet
 Image Source: FSA (2019)

PROJECT LOCATION
 Tailings Basin Wetland Review
 U. S. Steel - Keetac

FIGURE 1

Barr Footer: ArcGIS 10.9.1, 2023-08-03 18:16 File: I:\Client\Keetac\23311410\Maps\Reports\2021 Exterior Tailings Basin Wetland Delineation\August 2023\Figure 6 DNR Delineation Figure Rev2.mxd User: maj



- Study Area
- Upland
- Wetland
- Incidental Wetlands

Delineated Wetlands

- Alder Thicket
- Coniferous Bog
- Deep Marsh
- Deep Water
- Fresh (wet) Meadow
- Hardwood Swamp
- Shallow Marsh
- Shrub-carr

0 250 500 750
Feet

2021 Wetland Delineation
Tailings Basin Project
U. S. Steel - Keetac
FIGURE 6-1

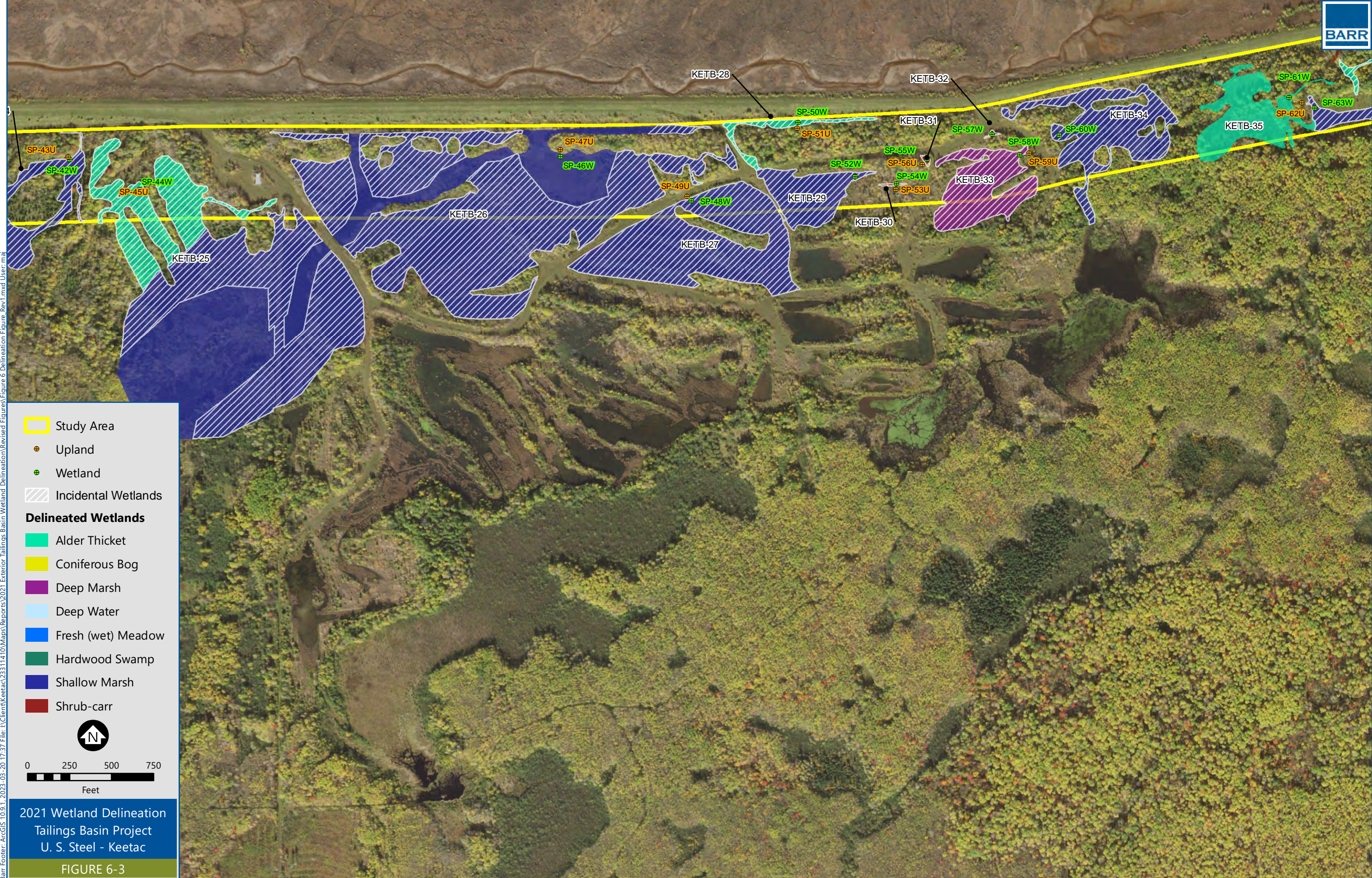


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- Study Area
- Upland
- Wetland
- Incidental Wetlands
- Delineated Wetlands**
 - Alder Thicket
 - Coniferous Bog
 - Deep Marsh
 - Deep Water
 - Fresh (wet) Meadow
 - Hardwood Swamp
 - Shallow Marsh
 - Shrub-carr

0 250 500 750
Feet

2021 Wetland Delineation
Tailings Basin Project
U. S. Steel - Keetac
FIGURE 6-2



- Study Area
- Upland
- Wetland
- Incidental Wetlands

Delineated Wetlands

- Alder Thicket
- Coniferous Bog
- Deep Marsh
- Deep Water
- Fresh (wet) Meadow
- Hardwood Swamp
- Shallow Marsh
- Shrub-carr

N

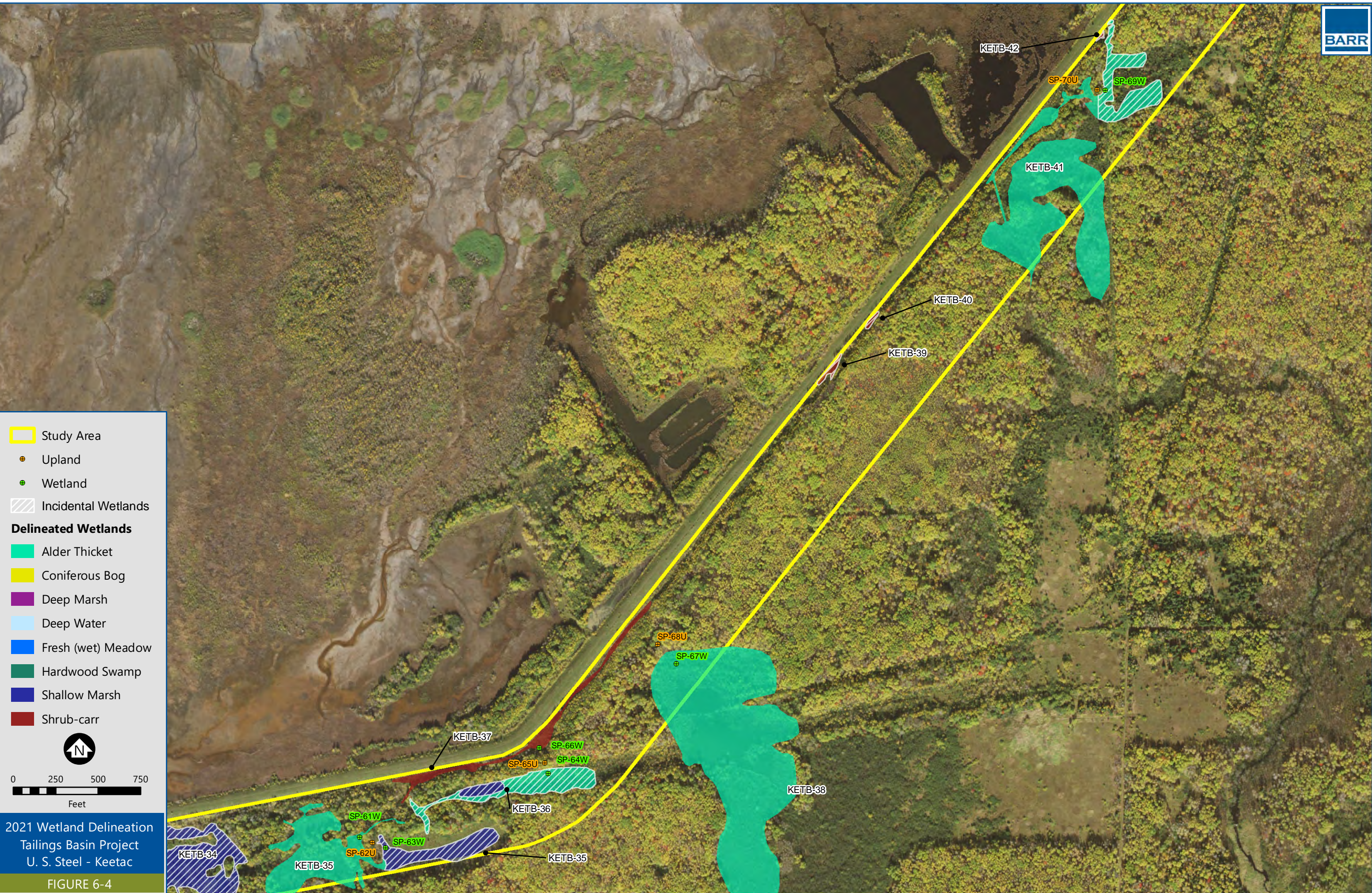
0 250 500 750
Feet

2021 Wetland Delineation
Tailings Basin Project
U. S. Steel - Keetac

FIGURE 6-3

Barr Footer: ArcGIS 10.9.1, 2023-03-20 17:37 File: I:\Client\Keetac\23311410\Maps\Reports\2021 Exterior Tailings Basin Wetland Delineation\Revised Figures\Figure 6 Delineation\Figure_Rev1.mxd User: maj

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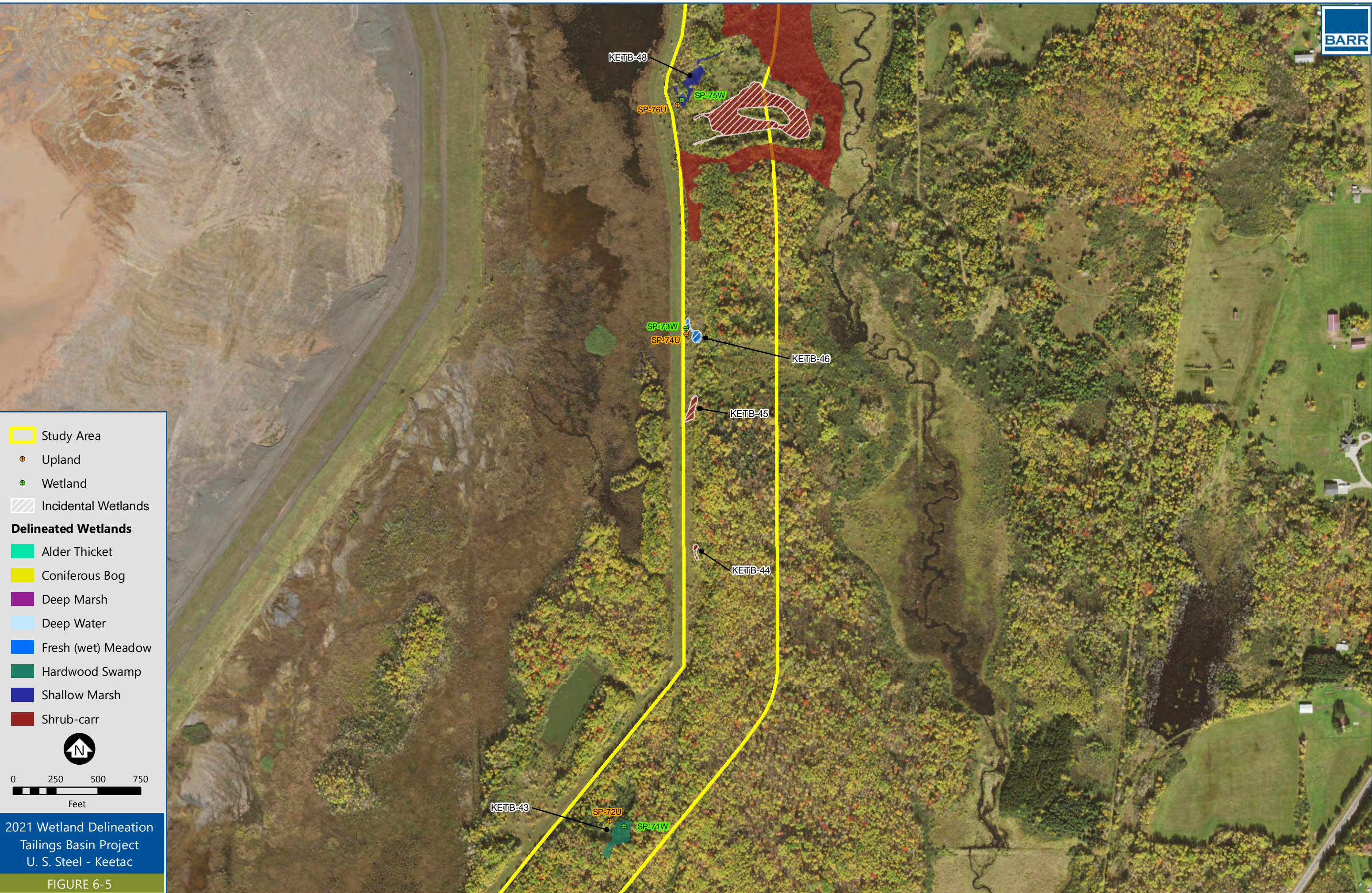


- Study Area
- Upland
- Wetland
- Incidental Wetlands
- Delineated Wetlands**
- Alder Thicket
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- Deep Water
- Fresh (wet) Meadow
- Hardwood Swamp
- Shallow Marsh
- Shrub-carr

0 250 500 750
Feet

2021 Wetland Delineation
Tailings Basin Project
U. S. Steel - Keetac
FIGURE 6-4

Barr Footer: ArcGIS 10.9.1, 2023-03-20 17:37 File: I:\Client\Keetac\23311410\Maps\Reports\2021 Exterior Tailings Basin Wetland Delineation\Revised Figures\Figure 6 Delineation Figure_Rev1.mxd User: maj



- Study Area
- Upland
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- Alder Thicket
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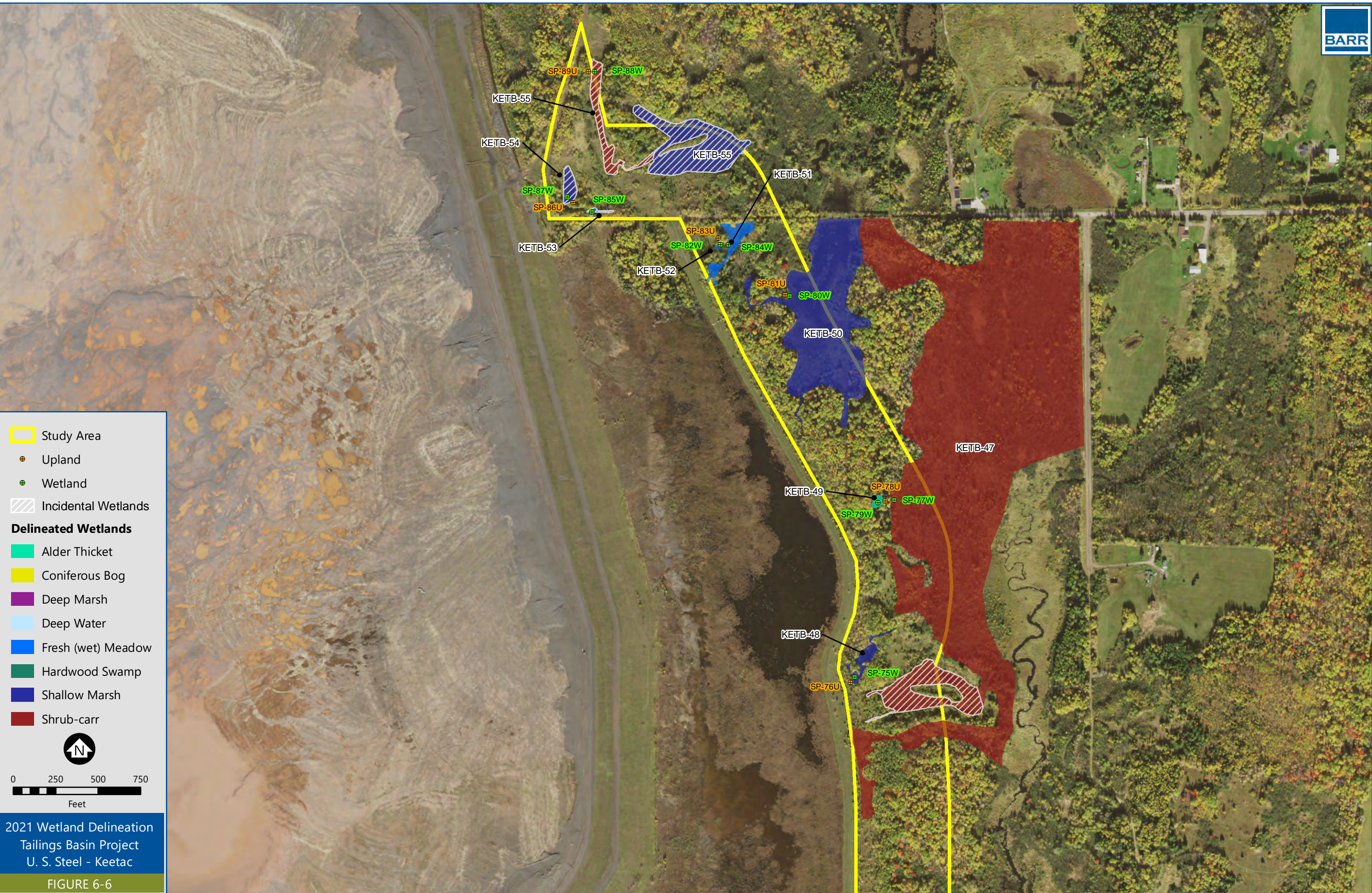
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0 250 500 750
Feet

2021 Wetland Delineation
Tailings Basin Project
U. S. Steel - Keetac

FIGURE 6-5

Barr Footer: ArcGIS 10.9.1, 2023-03-20 17:37 File: I:\Client\Keetac\23311410\Maps\Reports\2021 Exterior Tailings Basin Wetland Delineation\Revised Figures\Figure 6 Delineation Figure_Rev1.mxd User: maj



- Study Area
- Upland
- Wetland
- Incidental Wetlands
- Delineated Wetlands**
- Alder Thicket
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- Deep Marsh
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- Fresh (wet) Meadow
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- Shrub-carr

0 250 500 750
Feet

2021 Wetland Delineation
Tailings Basin Project
U. S. Steel - Keetac

FIGURE 6-6

Table 4
Revised Wetland Summary

Wetland ID	Dominant Eggers and Reed Classification	Secondary Eggers and Reed Classification	Dominant Circular 39 Type	Secondary Circular 39 Type	Dominant Cowardin Type	Secondary Cowardin Type	Field-delineated?	Quality	Total Area (ac)	Area Within Study Boundaries (ac)*	Estimated Origin	Incidental Area Within Study Area (ac)	Major Watershed
KETB-01	Fresh (wet) Meadow		2		PEM1A		Yes	Medium	0.01	0.01	Incidental	0.01	Miss. River-Grand Rapids #9
KETB-02	Alder Thicket		6		PSS1B		Yes	Medium	0.10	0.10	Incidental	0.10	Miss. River-Grand Rapids #9
KETB-03	Alder Thicket		6		PSS1B		Yes	Medium	1.67	1.67	Incidental	1.67	Miss. River-Grand Rapids #9
KETB-04a	Deep Marsh		4		PEM1F		Yes	Low	18.39	18.39	Incidental/ Natural	15.70	Miss. River-Grand Rapids #9
KETB-04b	Deep Water						Yes	Low	12.03	12.03	NA	NA	Miss. River-Grand Rapids #9
KETB-05	Hardwood Swamp		7		PFO1B		Yes	Medium	0.48	0.48	Incidental	0.48	Miss. River-Grand Rapids #9
KETB-06	Shrub-carr		6		PSS1B		Yes	Medium	0.04	0.04	Incidental	0.04	Miss. River-Grand Rapids #9
KETB-07	Hardwood Swamp		7		PFO1B		Yes	Medium	27.38	1.04	Incidental/ Natural	1.04	Miss. River-Grand Rapids #9
KETB-08	Hardwood Swamp		7		PFOB1B		Yes	High	0.22	0.22	Natural	0	Miss. River-Grand Rapids #9
KETB-09	Fresh (wet) Meadow		2		PEM1B		Yes	High	0.19	0.19	Natural	0	Miss. River-Grand Rapids #9
KETB-10	Shallow Marsh		3		PEM1C		Yes	Low	0.77	0.77	Incidental	0.77	Miss. River-Grand Rapids #9
KETB-11	Deep Marsh		4		PEM1F		Yes	Medium	6.72	3.37	Incidental	3.37	Miss. River-Grand Rapids #9
KETB-12	Shallow Marsh	Shrub-carr	3	6	PEM1C	PSS1B	Yes	Medium	6.14	1.22	Incidental/ Natural	0.04	Miss. River-Grand Rapids #9
KETB-13	Shrub-carr		6		PSS1B		Yes	Medium	0.05	0.05	Incidental	0.05	Miss. River-Grand Rapids #9
KETB-14	Shallow Marsh		3		PEM1C		Yes	Medium	1.31	1.31	Natural	0	Miss. River-Grand Rapids #9
KETB-15	Fresh (wet) Meadow		2		PEM1B		Yes	High	0.19	0.04	Natural	0	Miss. River-Grand Rapids #9
KETB-16	Shallow Marsh		3		PEM1C		Yes	High	3.17	1.31	Natural	0	Miss. River-Grand Rapids #9
KETB-17	Deep Marsh		4		PEM1F		Yes	Medium	4.00	1.84	Natural	0	Miss. River-Grand Rapids #9
KETB-18	Coniferous Bog		8		PFO4B		Yes	Medium	42.00	14.66	Natural	0	Miss. River-Grand Rapids #9
KETB-19	Fresh (wet) Meadow		2		PEM1B		Yes	High	0.01	0.01	Natural	0	Miss. River-Grand Rapids #9
KETB-20	Shrub-carr		6		PSS1B		Yes	High	12.82	0.68	Natural	0	Miss. River-Grand Rapids #9
KETB-21	Shallow Marsh	Alder Thicket	3	6	PEM1C	PSS1B	Yes	Medium	0.68	0.68	Incidental	0.68	Miss. River-Grand Rapids #9
KETB-22	Shallow Marsh		3		PEM1C		Yes	Low	0.08	0.08	Incidental	0.08	Miss. River-Grand Rapids #9
KETB-23	Alder Thicket	Deep Marsh	6	4	PSS1B	PEM1F	Yes	High	15.00	10.01	Incidental/ Natural	1.56	Miss. River-Grand Rapids #9
KETB-24	Shallow Marsh		3		PEM1C		Yes	Medium	3.18	2.00	Incidental	2.00	Miss. River-Grand Rapids #9
KETB-25	Alder Thicket		6		PSS1B		Yes	Medium	36.37	3.82	Incidental/ Natural	3.82	Miss. River-Grand Rapids #9
KETB-26	Shallow Marsh		3		PEM1C		Yes	Medium	33.49	20.99	Incidental/ Natural	14.21	Miss. River-Grand Rapids #9
KETB-27	Shallow Marsh		3		PEM1C		Yes	Low	11.28	1.90	Incidental	1.90	Miss. River-Grand Rapids #9
KETB-28	Alder Thicket		6		PSS1B		Yes	Medium	0.71	0.71	Incidental	0.71	Miss. River-Grand Rapids #9
KETB-29	Shallow Marsh		3		PEM1C		Yes	Low	3.04	2.42	Incidental	2.42	Miss. River-Grand Rapids #9
KETB-30	Shrub-carr		6		PSS1A		Yes	Low	0.04	0.04	Incidental	0.04	Miss. River-Grand Rapids #9
KETB-31	Shrub-carr		6		PSS1B		Yes	Low	0.04	0.04	Incidental	0.04	Miss. River-Grand Rapids #9
KETB-32	Shrub-carr		6		PSS1B		Yes	Low	0.04	0.04	Incidental	0.04	Miss. River-Grand Rapids #9
KETB-33	Deep Marsh		4		PEM1F		Yes	Medium	4.28	2.67	Incidental	2.67	Miss. River-Grand Rapids #9
KETB-34	Shallow Marsh		3		PEM1C		Yes	Medium	5.72	5.41	Incidental	5.41	Miss. River-Grand Rapids #9
KETB-35	Alder Thicket	Shallow Marsh	6	3	PSS1B	PEM1C	Yes	Medium	5.82	5.57	Incidental/ Natural	1.50	Miss. River-Grand Rapids #9
KETB-36	Alder Thicket	Shallow Marsh	6	3	PSS1B	PEM1C	Yes	Medium	2.26	2.26	Incidental	2.26	Miss. River-Grand Rapids #9
KETB-37	Shrub-carr		6		PSS1B		Yes	Medium	1.34	1.34	Incidental	1.34	Miss. River-Grand Rapids #9
KETB-38	Alder Thicket		6		PSS1B		Yes	High	17.08	2.27	Natural	0	St. Louis River #3
KETB-39	Shrub-carr		6		PSS1B		Yes	Medium	0.13	0.13	Incidental	0.13	St. Louis River #3
KETB-40	Shrub-carr		6		PSS1B		Yes	Medium	0.06	0.06	Incidental	0.06	St. Louis River #3
KETB-41	Alder Thicket		6		PSS1B		Yes	High	10.83	8.56	Incidental/ Natural	1.75	St. Louis River #3
KETB-42	Shrub-carr		6		PSS1B		Yes	Low	0.02	0.02	Incidental	0.02	St. Louis River #3
KETB-43	Hardwood Swamp		7		PFO1B		Yes	High	0.41	0.41	Natural	0	St. Louis River #3
KETB-44	Shrub-carr		6		PSS1B		Yes	Medium	0.04	0.04	Incidental	0.04	St. Louis River #3
KETB-45	Shrub-carr		6		PSS1B		Yes	Medium	0.14	0.14	Incidental	0.14	St. Louis River #3
KETB-46	Fresh (wet) Meadow		2		PEM1B		Yes	Medium	0.12	0.12	Incidental	0.12	St. Louis River #3
KETB-47	Shrub-carr		6		PSS1B		Yes	High	51.59	8.70	Incidental/ Natural	1.47	St. Louis River #3
KETB-48	Shallow Marsh		3		PEM1C		Yes	Medium	0.37	0.37	Natural	0	St. Louis River #3
KETB-49	Alder Thicket		6		PSS1B		Yes	High	0.09	0.09	Natural	0	St. Louis River #3
KETB-50	Shallow Marsh		3		PEM1C		Yes	High	8.82	5.03	Natural	0	St. Louis River #3
KETB-51	Fresh (wet) Meadow		2		PEM1B		Yes	Medium	0.56	0.56	Natural	0	St. Louis River #3
KETB-52	Fresh (wet) Meadow		2		PEM1B		Yes	Medium	0.03	0.03	Natural	0	St. Louis River #3
KETB-53	Fresh (wet) Meadow		2		PEM1B		Yes	Low	0.04	0.04	Incidental	0.04	St. Louis River #3
KETB-54	Shallow Marsh		3		PEM1C		Yes	Low	0.30	0.30	Incidental	0.30	St. Louis River #3
KETB-55	Shallow Marsh	Shrub-carr	3	6	PEM1C	PSS1C	Yes	Medium	3.92	3.12	Incidental	3.12	St. Louis River #3
Totals:									355.60	149.38		71.12	

* Table does not include adjacent wetlands that are connected outside of the study areas.