

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
Northshore Mining Company	West Ridge Railroad Relocation and Tailings Basin Progression WRP	June 18, 2018
<input checked="" type="checkbox"/> Attach site locator maps: Figure 1 – Location Map		

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Incidental	<input type="checkbox"/> Sequencing
<input checked="" 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: May 9, 2019		
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

Approving Authority Findings and Conclusions

Northshore Mining Company submitted a Wetland Replacement Plan (WRP) application for the West Ridge Railroad Relocation and Tailings Basin Progression on June 18, 2018. The application proposed WCA jurisdictional wetland impacts of 264.27 acres. Proposed replacement was through the purchase of wetland credits at a 1:1 ratio from a wetland bank (Lake Superior Wetland Bank Account 1609) located within the same Bank Service Area (BSA 1).

A Notice of Application was sent to WCA reviewers on July 10, 2018. A site visit was conducted on September 18, 2018. Questions from BWSR were addressed during the site visit. DNR sent comments to Northshore on September 4, 2018, December 7, 2018, and March 28, 2019. Northshore sent updates and responses to comments on September 7, 2018 and February 26, 2019. A final revised version of the application that incorporates all changes is dated April 2019 and was received by DNR on April 29, 2019. The Wetland Replacement Plan application is incorporated into this decision by reference.

The wetland delineation (previously approved on March 16, 2016) was updated to separate stream sections from Wetlands 23/39A and 27/39B (figure M-9). The updated wetland delineation is thus approved.

The WRP proposed WCA jurisdictional wetland impacts of 228.302 acres of direct and fragmentation impacts and 35.970 acres of potential indirect wetland impacts for a total of 264.272 total acres of wetland impacts (Table 3a) is approved. The proposed wetland replacement through the purchase of wetland credits at a 1:1 ratio from wetland Bank Account #1609, which is located in the same BSA (#1) as the wetland impacts, is approved. Northshore proposes to purchase 228.30 credits and up to an additional 35.97 credits if the identified potential indirect impacts occur and are unavoidable.

The Wetland Replacement Plan application is approved with the following conditions:

- 1) Prior to wetland impacts, a monitoring plan for potential indirect wetland impacts must be submitted for review and approved by DNR.
- 2) Prior to wetland impacts, a plan for engineering controls to avoid and minimize the potential for indirect wetland impacts must be submitted for review and approved by DNR.

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)
1609	1	St. Louis	264.272

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:

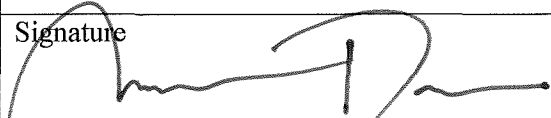
☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

☐ **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 Susan Damon	Title Director, DNR Division of Lands and Minerals	
Signature 	Date 5.9.19	Phone Number and E-mail 651-259-5961 susan.damon@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.

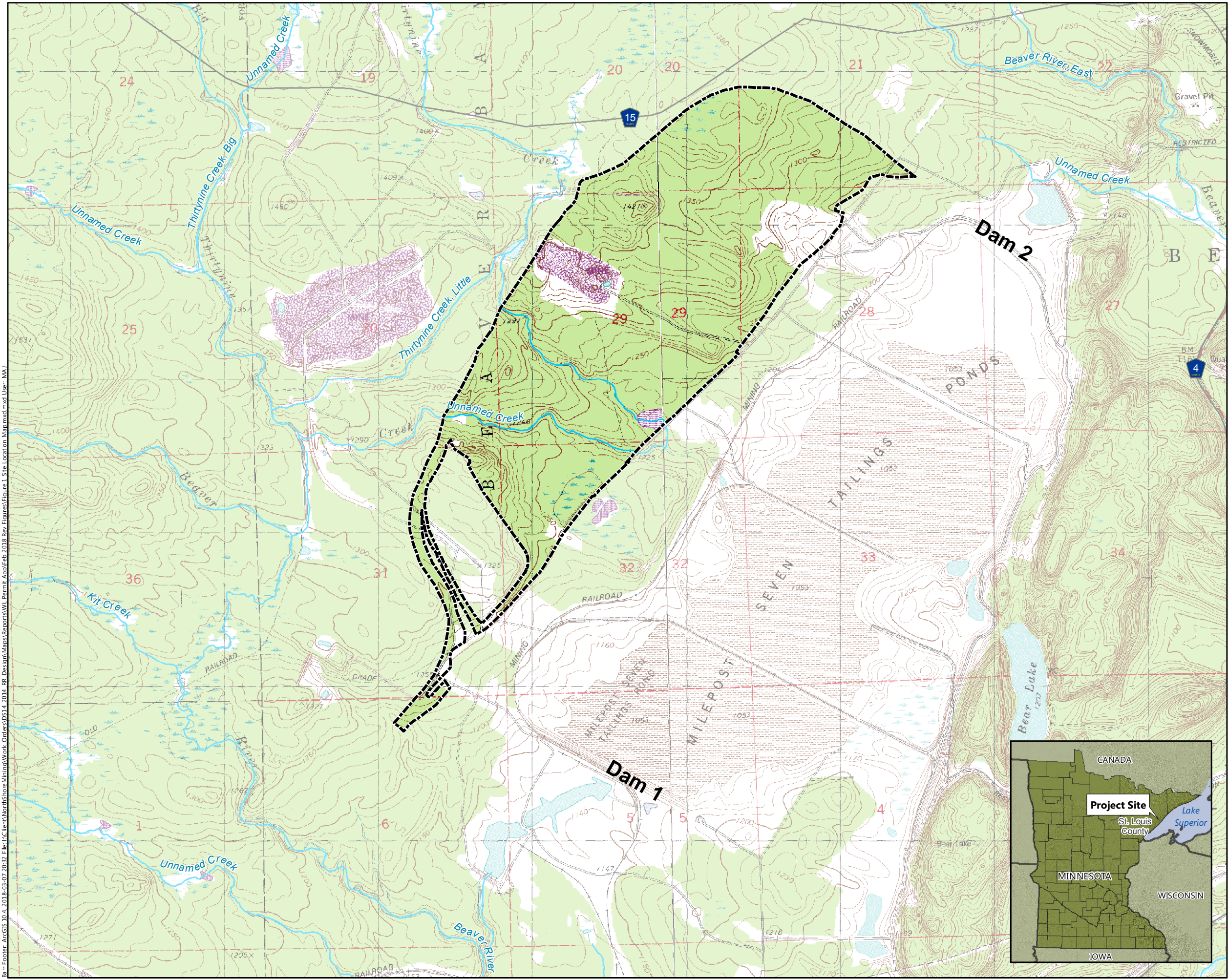
4. LIST OF ADDRESSEES

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | SWCD TEP member: Derrick Passe, Lake County SWCD |
| <input checked="" type="checkbox"/> | BWSR TEP member: David Demmer |
| <input checked="" type="checkbox"/> | LGU TEP member: Neva Maxwell, Lake County |
| <input checked="" type="checkbox"/> | DNR TEP member: Cliff Bentley |
| <input checked="" type="checkbox"/> | DNR Regional Office: Margi Coyle |
| <input type="checkbox"/> | WD or WMO (if applicable): |
| <input checked="" type="checkbox"/> | Applicant and Landowner: Andrea Hayden, Northshore Mining Company |
| <input checked="" type="checkbox"/> | Members of the public who requested notice:
Ken Powell, BWSR
Melissa Kuskie, MPCA
Jim Brist, MPCA
Jen Oknich, MPCA |
| <input checked="" type="checkbox"/> | Corps of Engineers Project Manager: Mariah Weitzenkamp |
| <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"/> | Revised Figure 7 – Wetland Overview |
| <input checked="" type="checkbox"/> | Revised Figures 8 – 14 – Wetland Impact Details |
| <input checked="" type="checkbox"/> | Revised Table 3a – Wetland Impact Detail |
| <input checked="" type="checkbox"/> | Figure M-9 – Wetlands 23/39A and 7/39B |



Public Water Inventory
(PWI) Watercourse



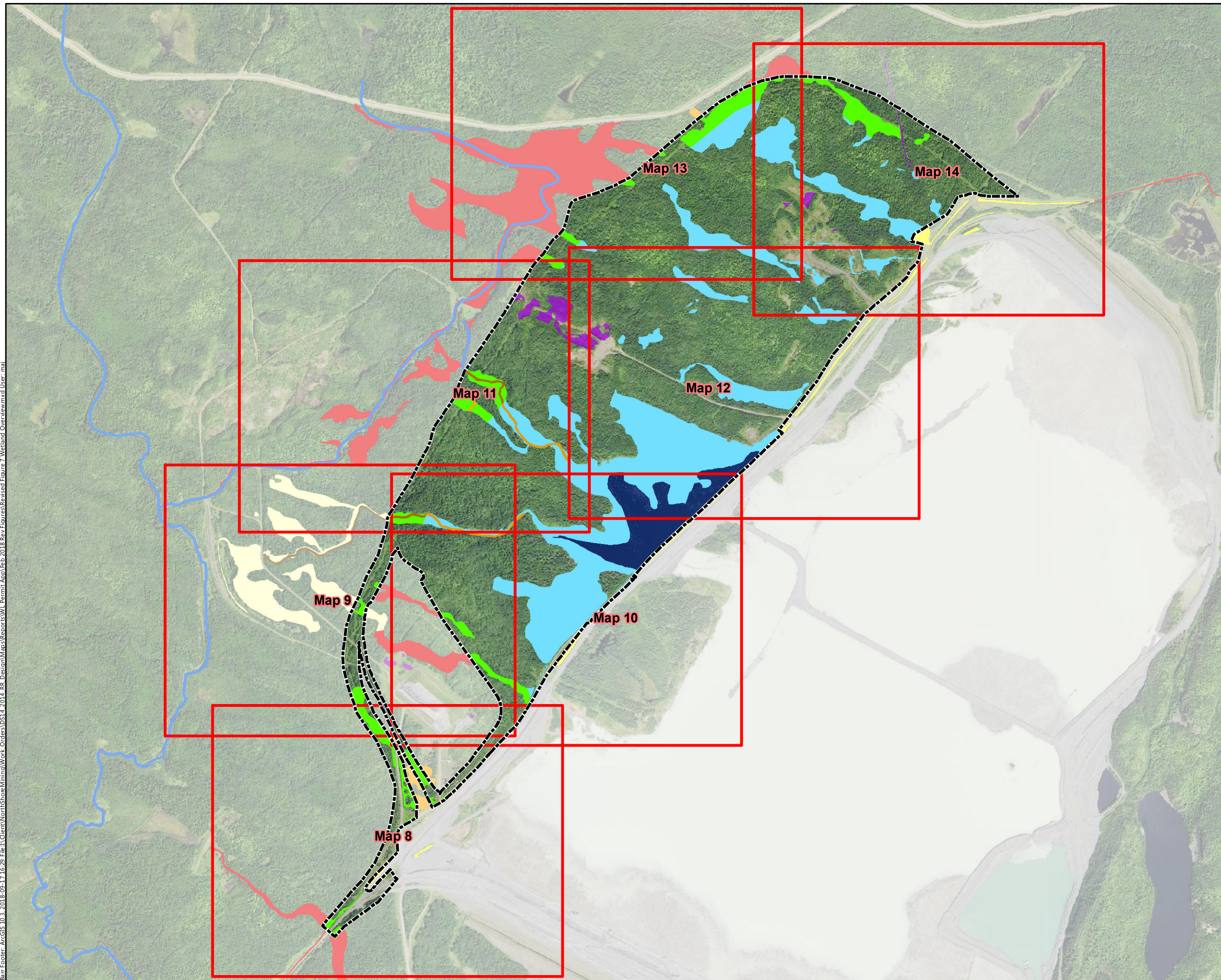
2,000 1,000 0 2,000
Feet






Figure 1

LOCATION MAP

Wetland Permit Application
West Ridge Railroad Relocation
Northshore Mining Company
Lake County, Minnesota

Barr Footer: ArcGIS 10.3, 2018-09-17 16:29 File: \\Client\Northshore\Mining\Work Orders\DS14_2014_RR_Design\Map\Reports\WLP_Permit_App\Feb_2018_Rev_Figures\Revised Figure 7 Wetland Overview.mxd User: mal



-  Index
-  Project Area
-  Deepwater Impacts
-  Previously Permitted Wetlands
-  Nonjurisdictional Wetlands
- Unaffected Waters**
-  Wetlands
-  Stream
- Indirect Impacts**
-  Stream
-  Impoundment Wetlands
-  Fragmentation Wetlands
- Direct Impacts**
-  Railroad and Dam Wetlands
-  Tailings Basin Progression Wetlands
-  Railroad and Dam Streams
-  Tailings Basin Progression Streams



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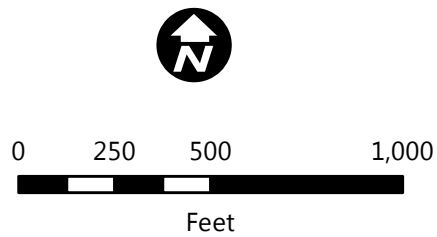
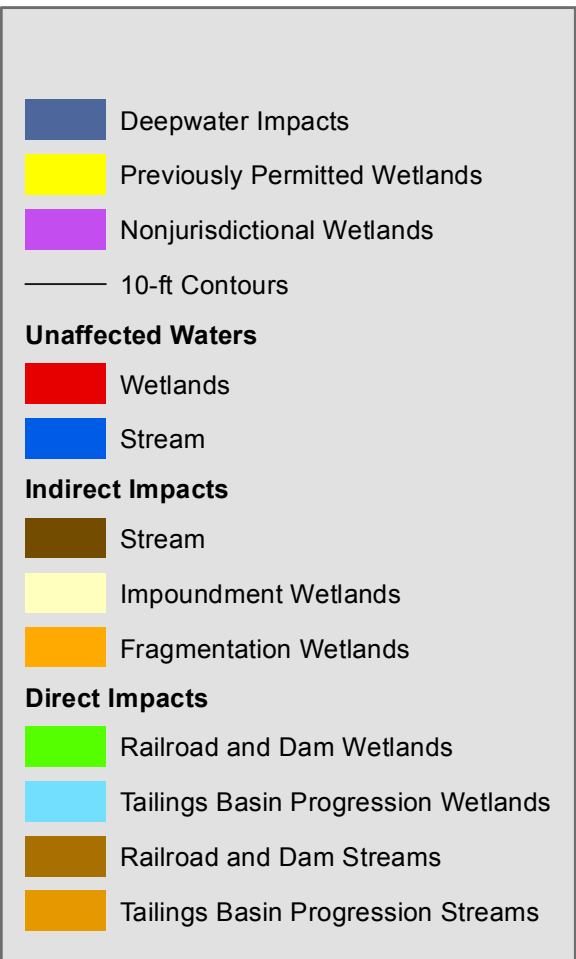
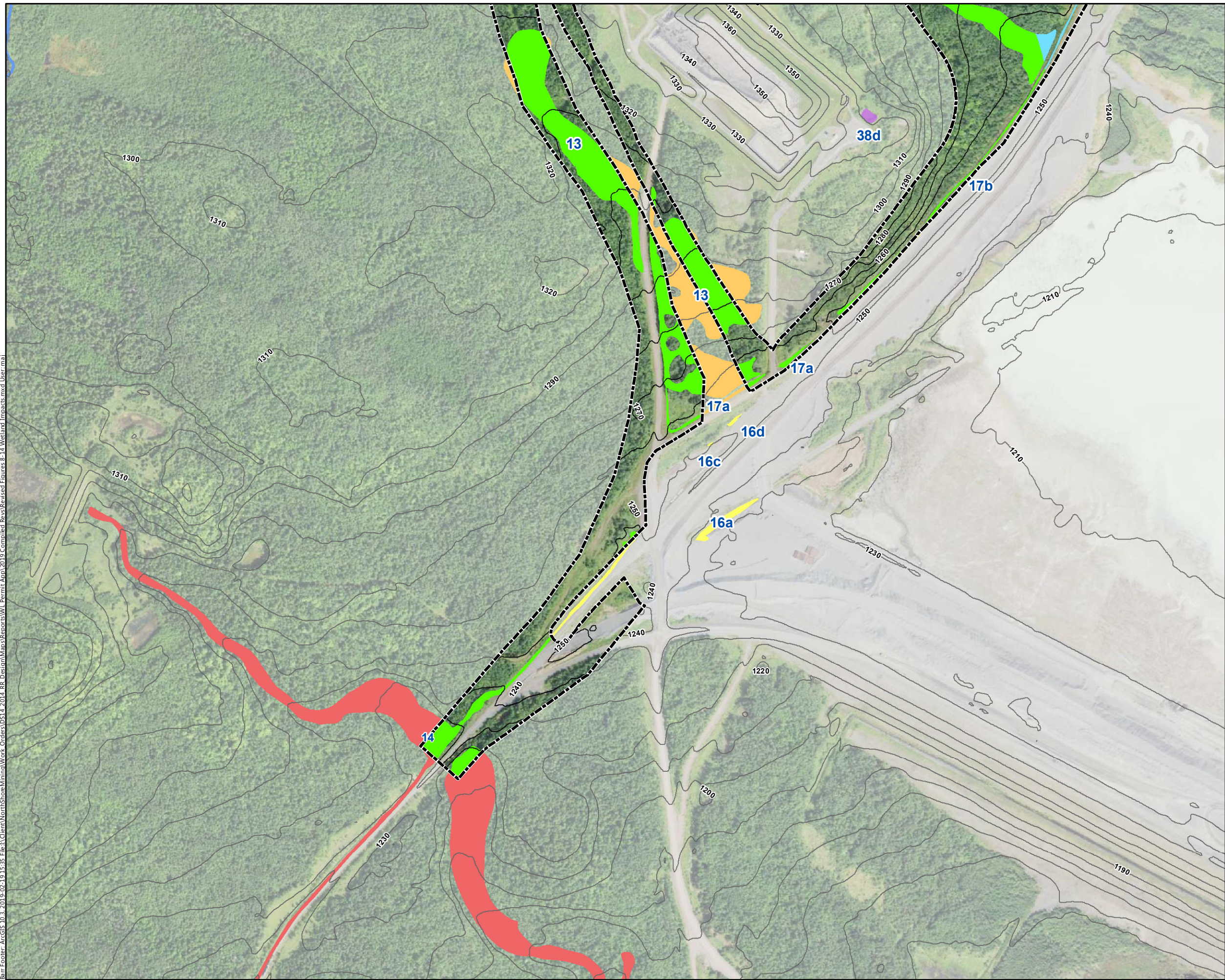
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Aerial Imagery: FSA (2017)

Revised Figure 7

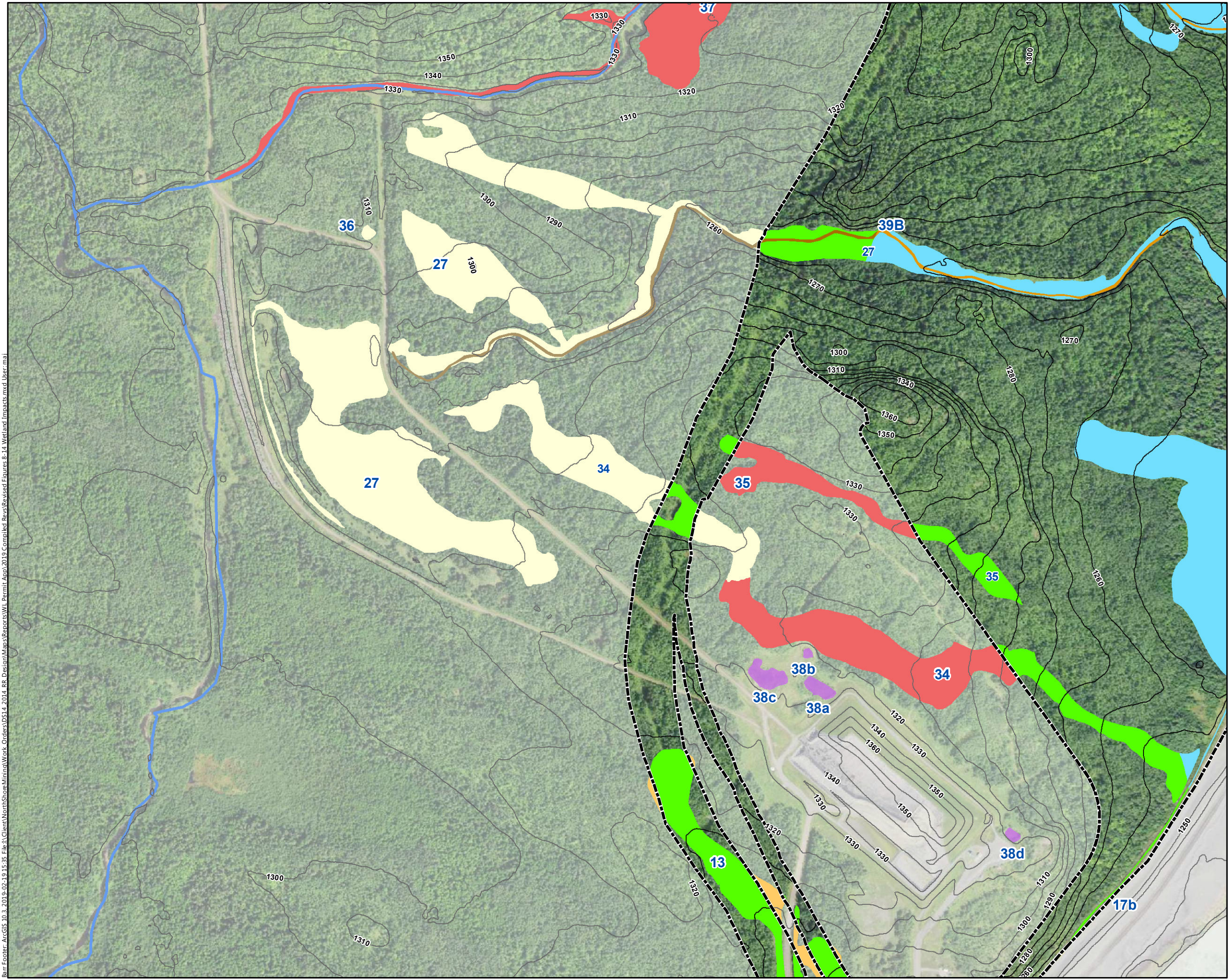
WETLAND OVERVIEW
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota

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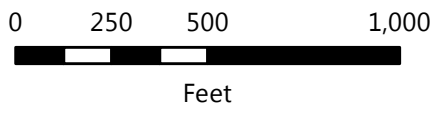
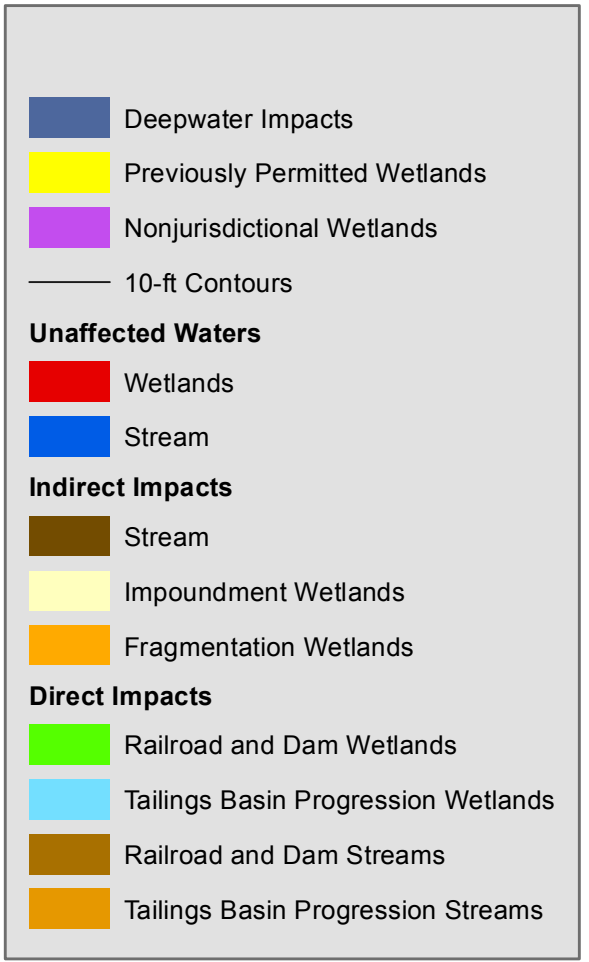


Aerial Imagery: FSA 2017
Contours: MN DNR 2011 LiDAR

Revised
Figure 8
WETLAND IMPACT DETAILS
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota

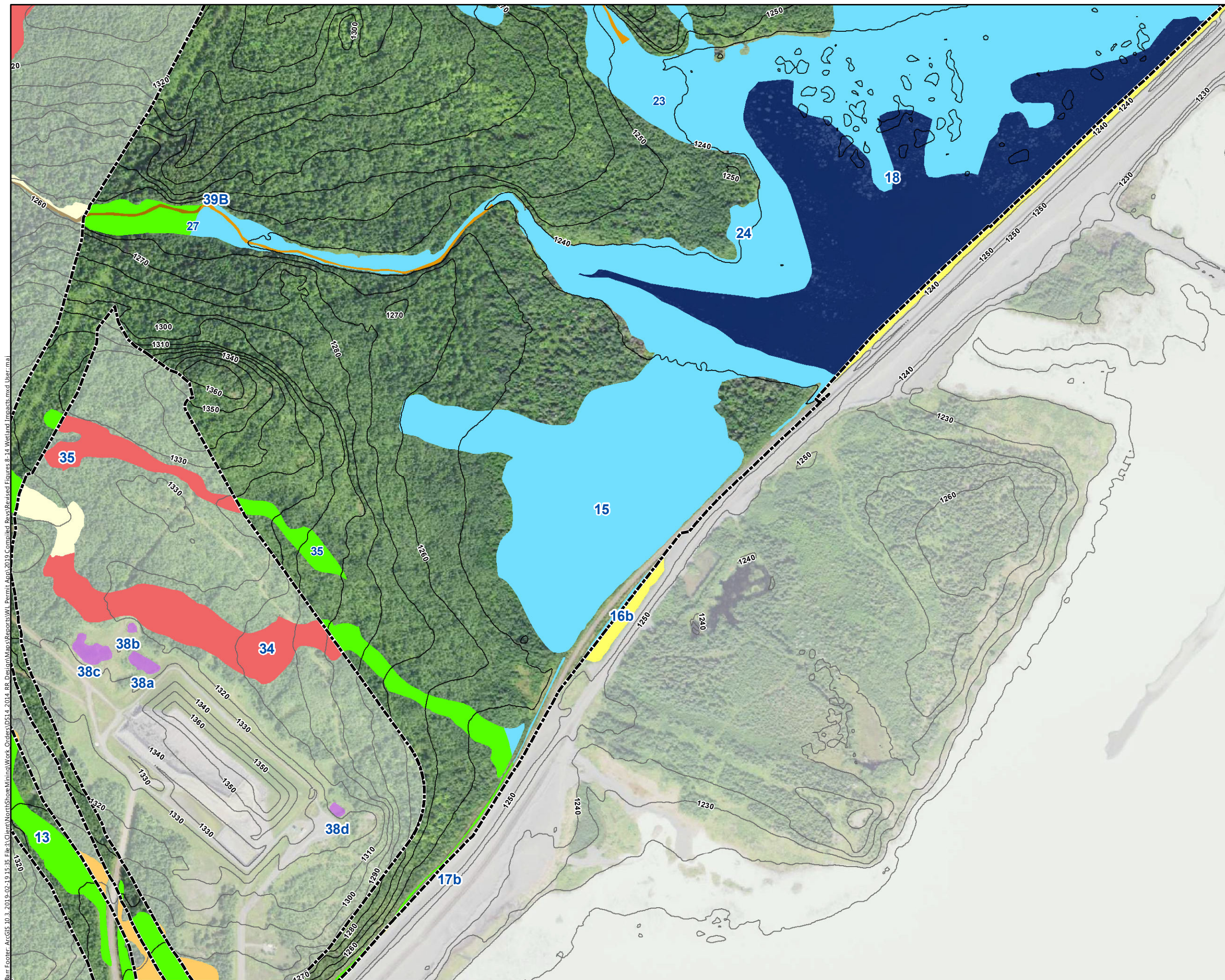


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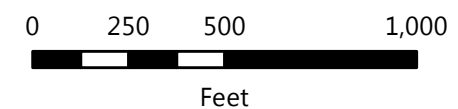
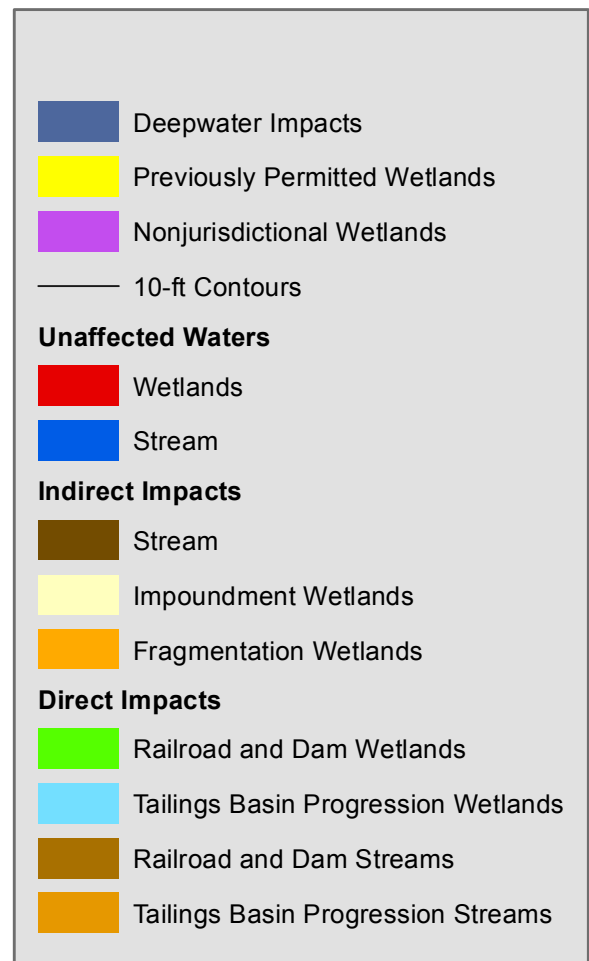


Aerial Imagery: FSA 2017
Contours: MN DNR 2011 LiDAR

Revised
Figure 9
WETLAND IMPACT DETAILS
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota

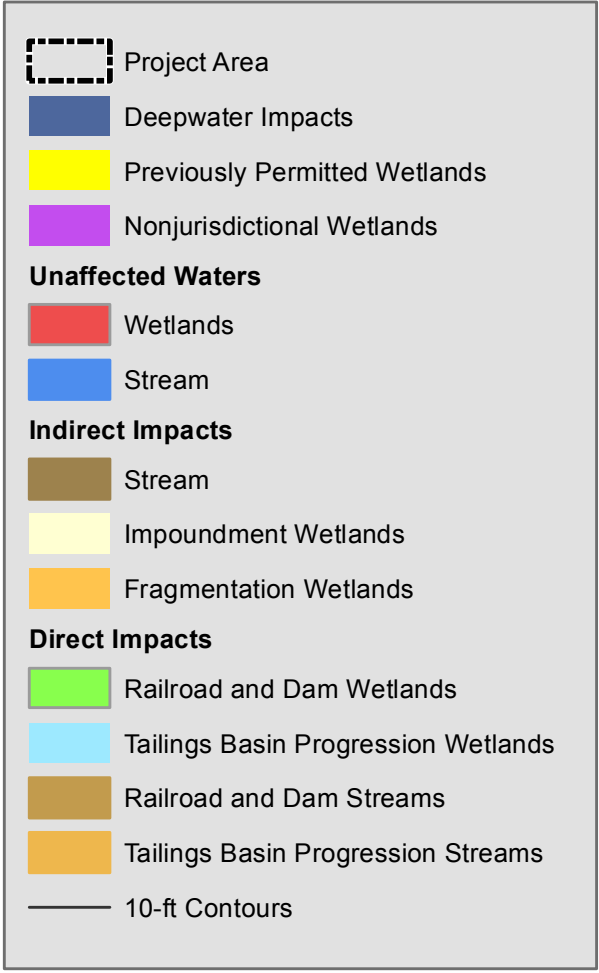
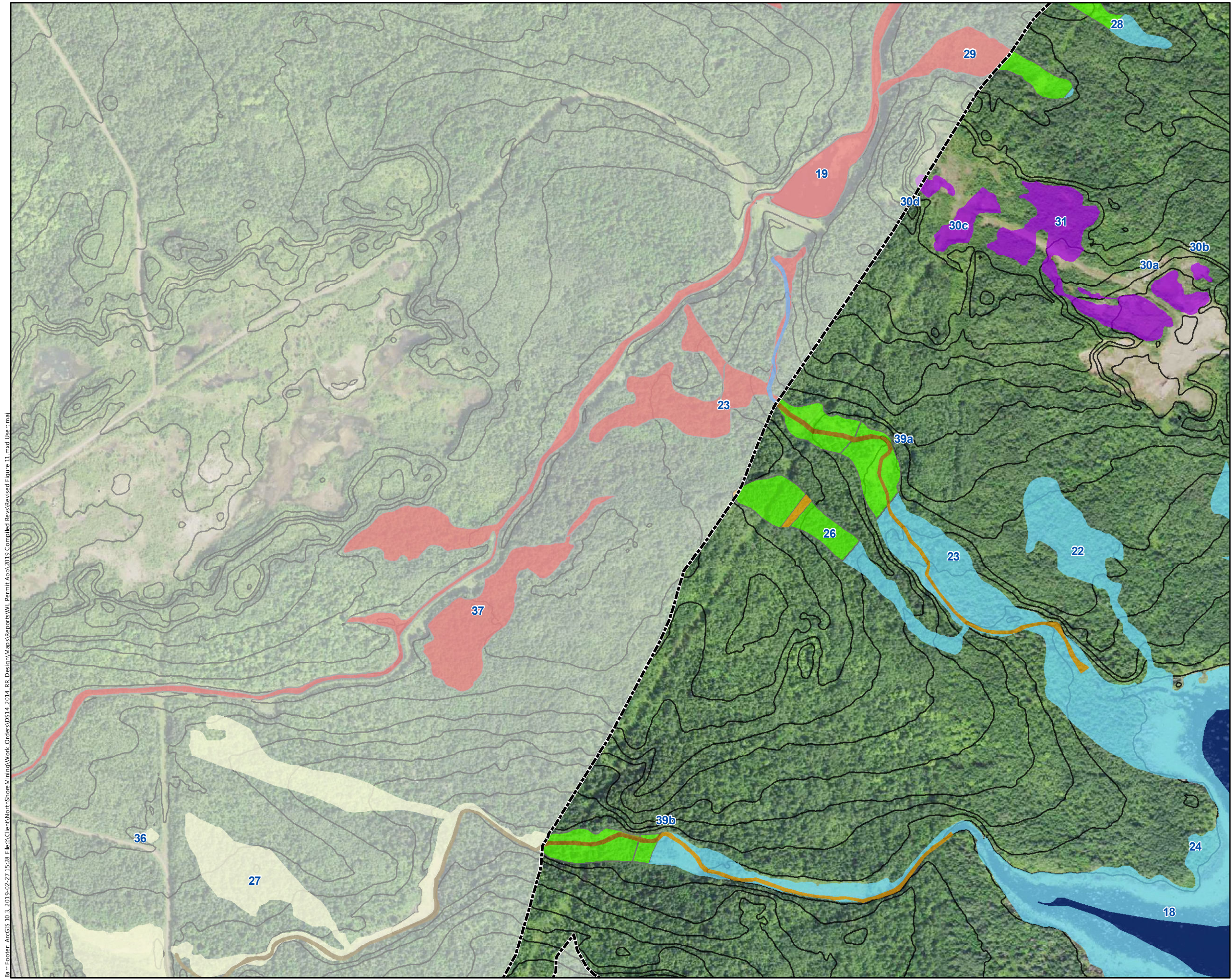


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Aerial Imagery: FSA 2017
Contours: MN DNR 2011 LiDAR

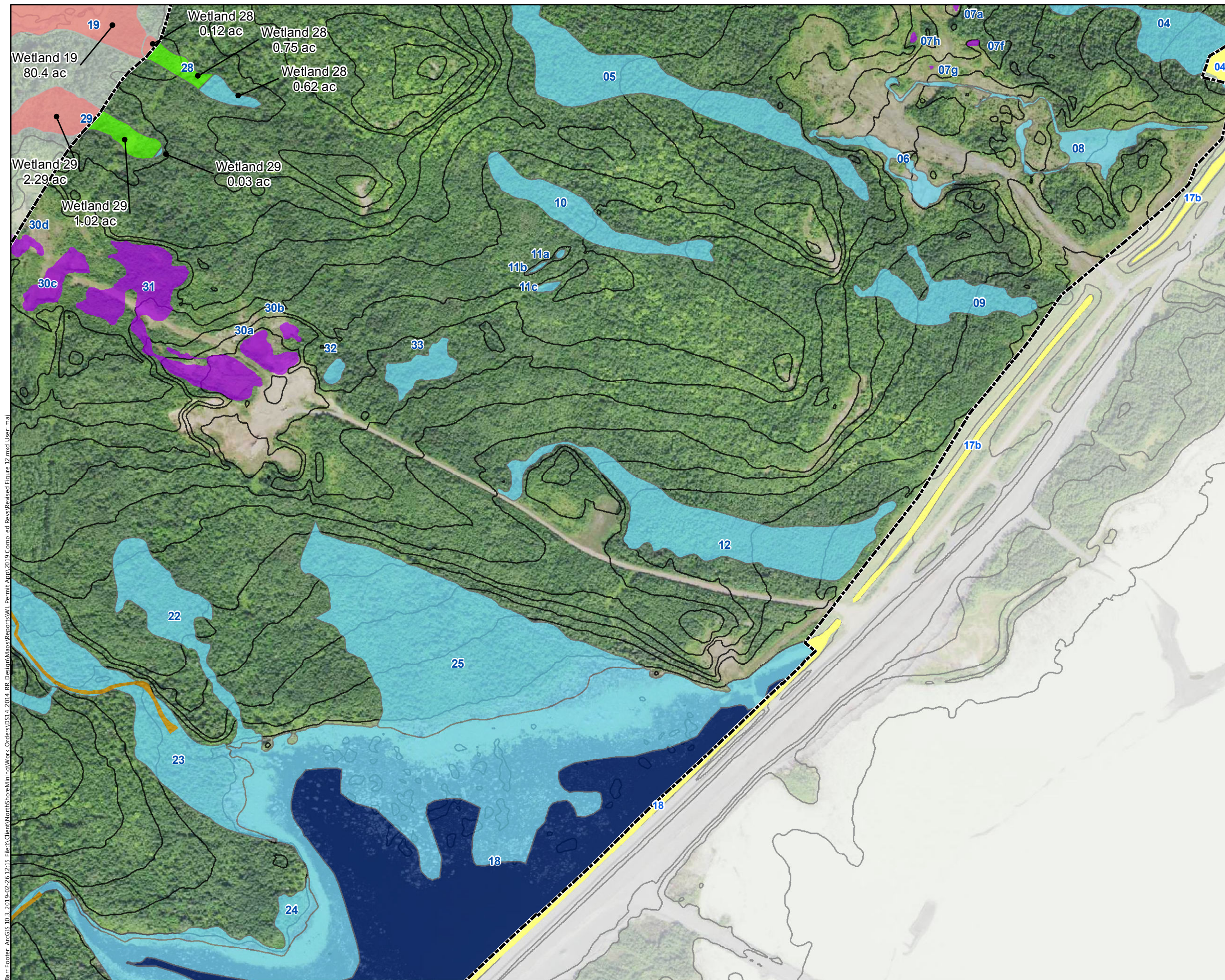
Revised
Figure 10
WETLAND IMPACT DETAILS
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota



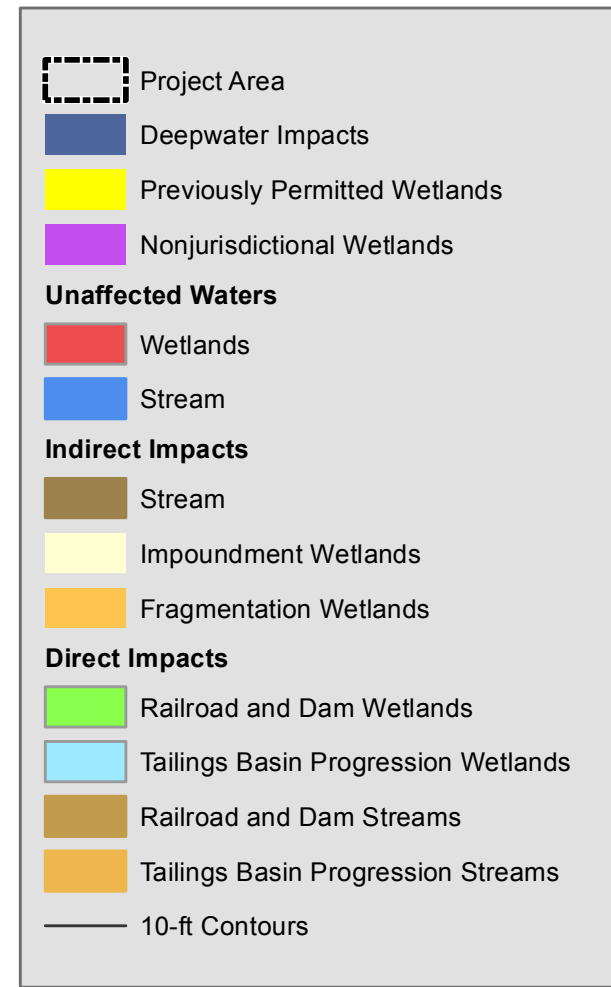
Aerial Imagery: FSA (2017)

Revised Figure 11

WETLAND IMPACT DETAILS
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota



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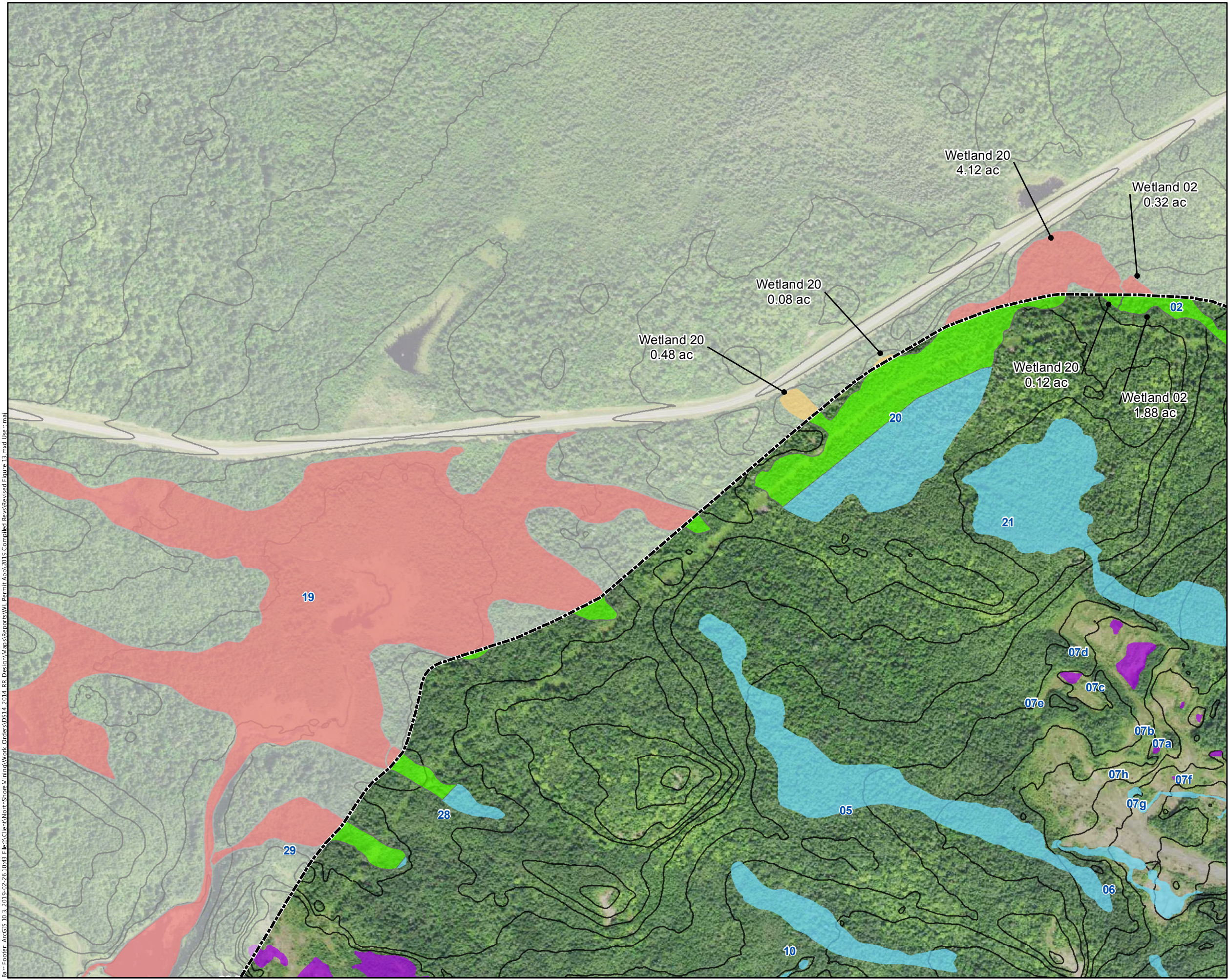


Feet

Aerial Imagery: FSA (2017)

Revised Figure 12

WETLAND IMPACT DETAILS
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota



Project Area

Deepwater Impacts

Previously Permitted Wetlands

Nonjurisdictional Wetlands

Unaffected Waters

Wetlands

Stream

Indirect Impacts

Stream

Impoundment Wetlands

Fragmentation Wetlands

Direct Impacts

Railroad and Dam Wetlands

Tailings Basin Progression Wetlands

Railroad and Dam Streams

Tailings Basin Progression Streams

10-ft Contours

N

0

250

500

1,000

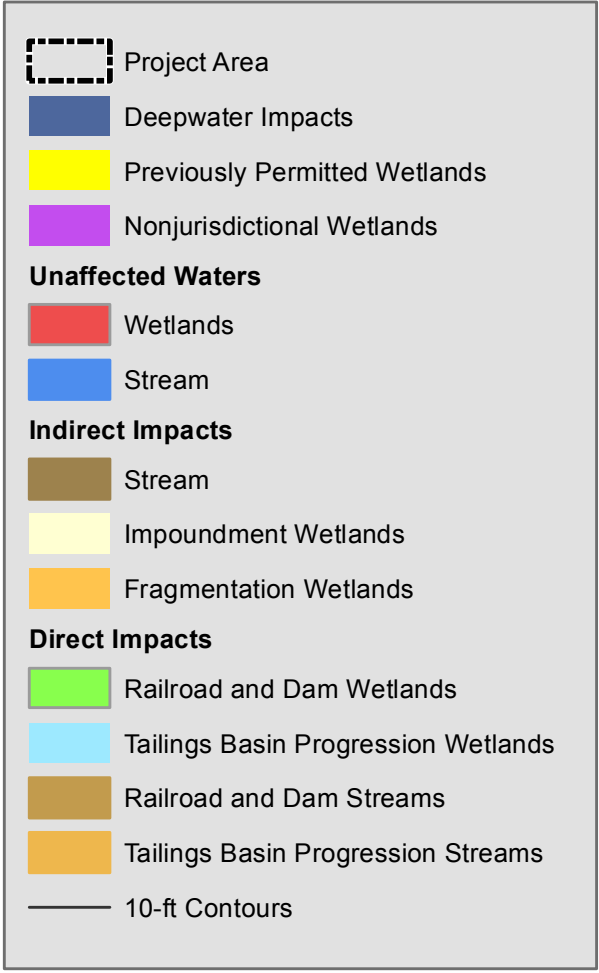
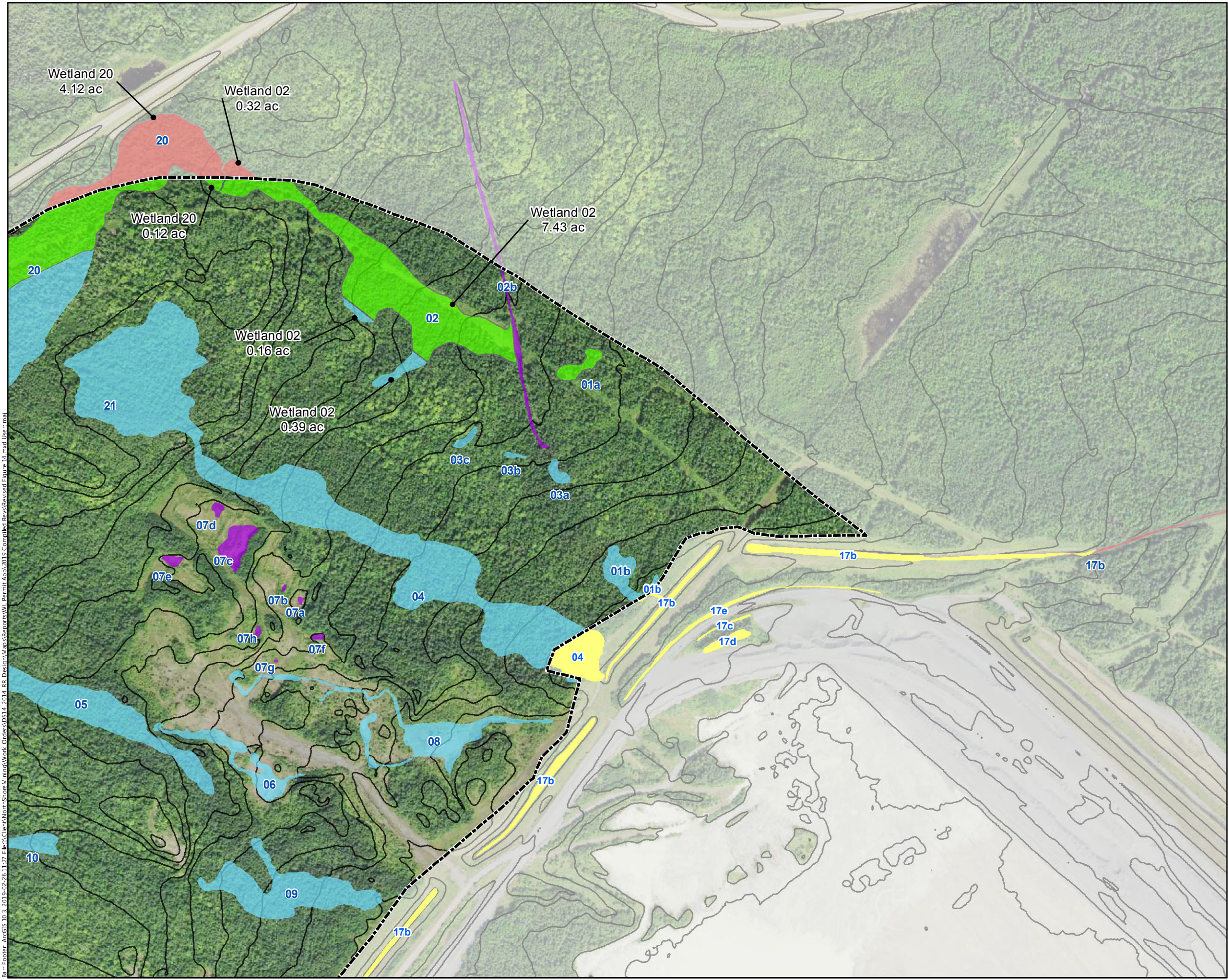
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Aerial Imagery: FSA (2017)

Revised Figure 13

WETLAND IMPACT DETAILS
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota

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Aerial Imagery: FSA (2017)

Revised Figure 14

WETLAND IMPACT DETAILS
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota







Table 3a
Revised Wetland Impact Detail
February 27, 2019
Wetland Conservation Act

Aquatic Resource ID	WCA Wetland Jurisdiction	Aquatic Resource Type	Type of Impact ¹	Duration of Impact (P-permanent T-Temporary)	Total Aquatic Resource Area (ac)	Direct and Fragmentation Wetland Impacts (ac)	Potential Indirect Wetland Impacts (ac)	Total Wetland Impacts (ac)	Dominant Eggers and Reed Classification	Overall Quality
1a	Yes	Wetland	F	P	0.444	0.444	0.000	0.444	Hardwood Swamp	High
1b	Yes	Wetland	F	P	0.821	0.821	0.000	0.821	Hardwood Swamp	High
2	Yes	Wetland	F	P	8.295	7.982	0.000	7.982	Hardwood Swamp	Medium
2b	No	Wetland	NA	NA	0.884	-	-	-		
3a	Yes	Wetland	F	P	0.200	0.200	0.000	0.200	Hardwood Swamp	Medium
3b	Yes	Wetland	F	P	0.060	0.060	0.000	0.060	Hardwood Swamp	Medium
3c	Yes	Wetland	F	P	0.127	0.127	0.000	0.127	Hardwood Swamp	Medium
4	Yes	Wetland	F	P	10.420	10.420	0.000	10.420	Hardwood Swamp	Medium
5	Yes	Wetland	F	P	10.320	10.320	0.000	10.320	Hardwood Swamp	High
6	Yes	Wetland	F	P	1.249	1.249	0.000	1.249	Sedge Meadow	Medium
7a	No	Wetland	NA	NA	0.023	-	-	-	Sedge Meadow	
7b	No	Wetland	NA	NA	0.015	-	-	-	Sedge Meadow	
7c	No	Wetland	NA	NA	0.643	-	-	-	Sedge Meadow	
7d	No	Wetland	NA	NA	0.081	-	-	-	Sedge Meadow	
7e	No	Wetland	NA	NA	0.107	-	-	-	Sedge Meadow	
7f	No	Wetland	NA	NA	0.038	-	-	-	Sedge Meadow	
7g	No	Wetland	NA	NA	0.008	-	-	-	Sedge Meadow	
7h	No	Wetland	NA	NA	0.036	-	-	-	Sedge Meadow	
8	Yes	Wetland	F	P	2.664	2.664	0.000	2.664	Fresh (Wet) Meadow	Medium
9	Yes	Wetland	F	P	3.540	3.540	0.000	3.540	Hardwood Swamp	Medium
10	Yes	Wetland	F	P	3.623	3.623	0.000	3.623	Hardwood Swamp	High
11a	Yes	Wetland	F	P	0.043	0.043	0.000	0.043	Sedge Meadow	High
11b	Yes	Wetland	F	P	0.057	0.057	0.000	0.057	Sedge Meadow	High
11c	Yes	Wetland	F	P	0.130	0.130	0.000	0.130	Sedge Meadow	High
12	Yes	Wetland	F	P	9.463	9.463	0.000	9.463	Hardwood Swamp	Medium
13	Yes	Wetland	F, Fr	P	11.928	11.928	0.000	11.928	Alder Thicket	Medium
14	Yes	Wetland	F	P	27.229	1.360	0.000	1.360	Hardwood Swamp	Medium
15	Yes	Wetland	F	P	31.279	31.279	0.000	31.279	Alder Thicket	Medium
16b	Yes	Wetland	F	P	0.235	0.235	0.000	0.235	Shallow Marsh	Medium
17a	Yes	Wetland	F, Fr	P	0.344	0.344	0.000	0.344	Sedge Meadow	Medium
17b	Yes	Wetland	F	P	2.250	0.488	0.000	0.488	Shallow Marsh	Medium
18	Yes	Wetland	F	P	42.740	42.740	0.000	42.740	Shallow Marsh	Medium
18	No	Deepwater	F	P	35.960	0.000	0.000	0.000	Deepwater	NA
19	Yes	Wetland	F	P	81.166	0.743	0.000	0.743	Hardwood Swamp	High
20	Yes	Wetland	F, Fr	P	21.140	17.020	0.000	17.020	Coniferous Swamp	High
21	Yes	Wetland	F	P	8.167	8.167	0.000	8.167	Hardwood Swamp	High
22	Yes	Wetland	F	P	4.657	4.656	0.000	4.656	Hardwood Swamp	High
23	Yes	Wetland	F	P	19.895	14.208	0.000	14.208	Hardwood Swamp	High
24	Yes	Wetland	F	P	2.185	2.185	0.000	2.185	Hardwood Swamp	High
25	Yes	Wetland	F	P	21.562	21.562	0.000	21.562	Coniferous Swamp	High
26	Yes	Wetland	F, Fr	P	4.245	4.245	0.000	4.245	Hardwood Swamp	High
27	Yes	Wetland	F, I	P	33.025	5.049	27.975	33.025	Hardwood Swamp	High
28	Yes	Wetland	F	P	1.491	1.369	0.000	1.369	Hardwood Swamp	High
29	Yes	Wetland	F	P	3.344	1.054	0.000	1.054	Alder Thicket	High
30a	No	Wetland	NA	NA	0.829	-	-	-	Sedge Meadow	
30b	No	Wetland	NA	NA	0.169	-	-	-	Sedge Meadow	
30c	No	Wetland	NA	NA	1.108	-	-	-	Sedge Meadow	
30d	No	Wetland	NA	NA	0.355	-	-	-	Sedge Meadow	
31	No	Wetland	NA	NA	5.259	-	-	-	Alder Thicket	
32	Yes	Wetland	F	P	0.261	0.261	0.000	0.261	Alder Thicket	High
33	Yes	Wetland	F	P	1.380	1.380	0.000	1.380	Hardwood Swamp	High
34	Yes	Wetland	F, I	P	18.245	3.783	6.929	10.712	Hardwood Swamp	High
35	Yes	Wetland	F	P	4.271	1.542	0.000	1.542	Hardwood Swamp	High
36	Yes	Wetland	I	P	0.095	0.000	0.095	0.095	Hardwood Swamp	High
37	Yes	Wetland	None	None	5.484	-	-	-	Hardwood Swamp	
38a	No	Wetland	NA	NA	0.267	-	-	-	Shallow Marsh	
38b	No	Wetland	NA	NA	0.053	-	-	-	Shallow Marsh	
38c	No	Wetland	NA	NA	0.456	-	-	-	Shallow Marsh	
38d	No	Wetland	NA	NA	0.092	-	-	-	Shallow Marsh	
39a Little 39 Creek ²	Yes	Wetland	F	P	1.047	0.810	0.000	0.810	Riverine	NA
39b Big 39 Creek ²	Yes	Wetland	F, I	P	1.723	0.753	0.970	1.723	Riverine	NA
Total					447.225	228.302	35.970	264.272		

¹Direct: F-Fill, Fr-Fragmentation, Indirect: I-Impoundment,
²Impacts to Big and Little 39 Creeks are treated as wetland impacts under WCA



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-  Project Area
-  Original Wetland Delineations
- Direct Impacts**
-  Railroad and Dam Wetlands
-  Tailings Basin Progression Wetlands
-  Railroad and Dam Streams
-  Tailings Basin Progression Streams



Aerial Imagery: FSA (2017)

Figure M-9

WETLANDS 23/39A and 27/39B
DETAILS - DNR COMMENTS 51 and 52
West Ridge Railroad Relocation and
Tailings Basin Progression
Northshore Mining Company
Lake County, Minnesota