



SIERRA CLUB

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RE: Mile Post 7 West Ridge Railroad Relocation, Dam Extensions, and Stream Mitigation Project –
Environmental Assessment Worksheet (EAW)

May 18, 2023

Founded in 1968, The Sierra Club is the nation's oldest and largest grassroots environmental organization, representing over 50,000 members and supporters in Minnesota. The Sierra Club works to safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and litigation. As a leading grassroots voice working to preserve and protect Minnesota's environment, we empower volunteer leaders to act through environmental advocacy, community organizing, and outdoor exploration. We participate in the administrative process to encourage environmental health and sustainability, long term wildlife and habitat protection, and biodiversity goals.

The proposal from Northshore Mining to relocate the West Ridge Railroad, extend Dams 1 and 2, construct a Dam 1 switchback, and develop a clay borrow site at the Mile Post 7 tailings basin must be denied. The Mile Post 7 tailings basin was never a good idea. A toxic tailing basin site should never have been built next to Lake Superior, nor should it now be expanded. Instead of considering plans to expand this dangerous tailings basin, the citizens and Agencies of the State of Minnesota should be working to dismantle and clean up this site before it does any more damage.

I. The EAW is Insufficient

The EAW that the DNR prepared is totally insufficient and lacks crucial information. The EAW fails to analyze dam failure risks, let alone to avoid them or require that they be studied and disclosed to the public. The EAW contains no modern dam breach analysis, closure, reclamation plan, or financial

assurance to protect Minnesota taxpayers. If there are to be any additions to this site a full Environmental Impact Statement (EIS) must be prepared along with proper permits.

The current EAW provides no environmental analysis of the potential and cumulative environmental effects of the location, structure, and height of the tailings basin expansion. The EAW provides no analysis of the health and safety risks to the surrounding communities. The only EIS conducted by the State of Minnesota for the Mile Post 7 tailings basin was done in 1976, almost half a century ago. Nothing related to this project can proceed until an EIS is conducted and proper permitting takes place.

II. Permits are Missing

The DNR has irresponsibly allowed the Mile Post 7 tailings basin to operate for more than 40 years without legally required permits. The 1977 “Master Permit” for the tailings basin said the permit would expire in 1982 and could only be renewed for five-year intervals by following applicable statutes. However, the last permit to mine for the Mile Post 7 tailings basin was issued in 1985 and expired long ago. The Mile Post 7 tailings basin has never had a dam safety permit required by Minnesota statutes and rules. The railroad built on the tailings basin site is not described on any permit. These violations are outrageous, irresponsible, and need to be remedied immediately.

III. The Expansion of the Site Threatens Water Resources and Local Communities

This project will result in damage to nearby wetlands and streams. It proposes to expand the height of the tailings by 50-80 feet. Also, expanding the basin so it is adjacent to a coal ash landfill and expanding tailings dams by 12,200 feet (more than two miles). The Sierra Club is concerned with the safety posed by a taller tailings dam and tailings pile, the location of tailings piles near a coal ash facility, and the instability of these changes given the unsafe “upstream” dam raises added by DNR without public notice in 1997. A failure at Mile Post 7 tailings dams would be catastrophic for downstream communities, Lake Superior, and the surrounding environment.

The Sierra Club is concerned with how this proposal would affect water resources both within the tailing basin area, and nearby. Losing more portions of Big Thirtynine Creek and Little Thirtynine Creek is unacceptable. Reshaping and redirecting stream channels is risky with unforeseen environmental consequences.

The Sierra Club is concerned with the loss of wetland areas resulting from this proposal. Constant loss of wetlands makes it impossible for sensitive species, who need this habitat, to ever make a recovery. “Direct wetland impacts would occur from construction of the relocated materials supply railroad and the proposed extensions of Dams 1 and 2. Approximately 43.8 acres of wetlands would be impacted by excavation and fill due to construction activities” (EAW, 63). “Indirect wetland impacts

would also occur due to the Tailings Basin Features from impoundment resulting from construction of the new railroad embankment; these impacts would be permanent. Four (4) wetlands encompassing approximately 40.2 acres would be affected” (EAW, 63).

Mining activities often results in unforeseen and unplanned damage to the environment. Mining activities results in environmental damage to our land and water resources. Water is one of our most precious commodities, what’s best for Minnesota’s water is also what’s best for Minnesota’s economy, health and wellbeing of Minnesota’s citizens and future generations.

IV. Effects on Species

Climate change is already happening and with it will come extreme weather, droughts, loss of food sources and new diseases. It is our responsibility to ensure wildlife has the food, water, and range they need to breed and survive. Protecting wildlife habitat not only ensures that we will be able to enjoy our outdoor traditions for years to come—it also helps combat global warming. By keeping our wetlands and forests intact, we help clean up carbon pollution from the air and stop the worst impacts of global warming. If we want America’s wildlife to survive, we must help them adapt by protecting critical habitat and creating wildlife corridors that will allow for migration as temperatures rise.

It is the responsibility of the DNR to protect sensitive species so that their populations can once again flourish. The DNR is not fulfilling their duty and is losing this battle. Constant and relentless management projects chip away at what is left of sensitive species habitat. The EAW acknowledges the fact that the project area is likely habitat to many sensitive species and federally listed species:

“The Tailings Basin Features and Stream Mitigation Sites are in a larger complex of scrub-shrub wetlands, forested wetlands, and forested uplands adjacent to the existing Tailings Basin. The area is likely used by commonly occurring species such as: migratory songbirds; small mammals such as voles, mice, shrews; and medium to large mammals such as snowshoe hare, bobcat, Canada lynx, red fox, gray fox, American marten, fisher, moose, white-tailed deer, bear, and gray wolf among others” (EAW, 72).

“The Proposer reports a review of USFWS Information for Planning and Consultation (IPaC) tool was used to identify federally listed species that may occur within the Project area. The review identified three threatened mammals including the Canada lynx (*Lynx canadensis*), northern long-eared bat (*Myotis septentrionalis*), gray wolf (*Canis lupus*); one endangered bird, the piping plover (*Charadrius melodus*); and one candidate species for the monarch butterfly (*Danaus plexippus*)” (EAW, 76).

The EAW goes on to erroneously conclude that: “The Project would also result in minor adverse impacts to common wildlife species due to the loss of approximately 339.1 acres of wildlife habitat because of the conversion of land use for the construction of Dam 1, Dam 2, rail switch back, railroad embankment, and clay borrow pit. For common wildlife species, this loss is considered minor because

their populations are stable” (EAW, 77). After just listing many sensitive species and federally listed species, to then label them as “common” is misleading and false. Their populations are *not* stable, otherwise they would not have state and federal designations as sensitive, threatened, and protected.

Next the EAW admits that this project will negatively impact moose and that mountain lions have been documented in the area:

“Habitat for moose is likely available within the Project area. The key habitat types considered moose habitat include mature forest, grassland/brushland, and aquatic environments. As such, the project would likely affect individuals in the vicinity through habitat loss and fragmentation for the Tailings Basin Features, though not likely at the population level” (EAW, 78).

“There is no evidence that the mountain lion has a self-sustaining, breeding population in Minnesota, although some sightings are confirmed in the state including on camera near the Project site. The species is highly mobile and seems to be nomadic in their presence in the state” (EAW, 78).

Sensitive species such as moose and mountain lions need to be protected along with their habitat. Moose populations have been declining in northern Minnesota in recent years. As the climate steadily warms, it is important for the DNR to assure the continued survival of moose by protecting their habitat. Moose need wetlands, muskeg, and marsh areas, and this project will result in negative effects to wetland areas and other water resources, disturbing or displacing this species from critically needed refugia.

Allowing for a massive 650-acre expansion without proper permits and environmental review endangers our precious natural resources, Lake Superior, and the people of the communities in Northern Minnesota. This project cannot proceed in its current form. An EIS must be prepared, and proper permitting completed.

Sincerely,

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