



ADEQUACY DETERMINATION

What is the adequacy determination?

The Department of Natural Resources (DNR) has determined that the NorthMet Mining Project and Land Exchange Environmental Impact Statement (EIS) is adequate. The DNR made the determination after considering public comments on the Final EIS and applying requirements of Minnesota law for environmental review. The specifics of this determination are described in the Record of Decision that was issued March 3, 2016.

The adequacy determination is not an approval of the proposed NorthMet project. The adequacy determination marks the end of the state Environmental Impact Statement process under the Minnesota Environmental Policy Act, but it does not mean the NorthMet project has been approved or may proceed to construction. Additional environmental analysis and evaluation will occur upon receipt of permit applications.

The environmental review process is about describing the potential environmental effects of the proposed project, examining potential alternatives to the project as proposed, and identifying how effects can be avoided or mitigated. The environmental impact statement has thoroughly examined the important environmental effects of the proposed project. This information will be used by permitting agencies in conjunction with specific permit applications to inform permit decisions.

What are the criteria used to determine EIS adequacy?

There are three criteria that need to be met in order for an EIS to be determined adequate.

1. Does the Final EIS analyze the topics identified in scoping?

Yes. The Final NorthMet EIS is required to address the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed.

To answer this question, the DNR compared the scope identified in the October 2005 Final Scoping Decision to the topics addressed in the Final EIS. In addition, we considered comments received on the Final EIS on this subject. We determined that the EIS adequately addressed all topics identified in the scoping process.

2. Does the Final EIS respond to comments received on the Draft EIS and Supplemental Draft EIS?

Yes. The Final NorthMet EIS is required to include responses to the substantive comments received during the draft and supplemental draft review and comment periods.

The Co-lead Agencies considered comments received on the 2013 Supplemental Draft EIS and provided thematic responses to the comments in Appendix A of the Final EIS. The thematic responses to the 2009 Draft EIS comments were also provided in Appendix A of the Final EIS.

3. Did the DNR follow the process established in state statute and rule for preparing an EIS?

Yes. The DNR was required to follow the procedures for the environmental review process as identified in the Minnesota Environmental Policy Act and Minnesota Rules 4410.0200 to 4410.6500.

Required information in an EIS includes:

- Project description: identifying the purpose of the project, its size, scope, environmental setting, geographic location, and the anticipated phases of development.
- Governmental approvals: a listing of all known governmental permits and approvals that would be or might be required, including identification of the governmental unit which is responsible for each permit or approval.
- Alternatives: comparing the potentially significant impacts of the proposed project with those of other reasonable alternatives to the proposed project.
- Environmental, economic, employment, and sociological impacts: with a discussion of potentially significant adverse or beneficial effects generated.
- Mitigation measures: identifying measures that could reasonably eliminate or minimize any adverse environmental, economic, employment, or sociological effects of the proposed project.

An important component of the environmental review procedures is the public input process. The DNR was required to distribute copies of the Scoping EAW, Draft and Final Scoping Decisions, and the Draft, Supplemental Draft and Final EISs to interested parties, provide notifications of the availability of documents and the length of review periods, and hold at least one public meeting during the comment periods for scoping, the Draft EIS and the Supplemental Draft EIS.

The DNR complied with all of the required procedures, and went beyond the minimum requirements in several instances. For example, we held three public meetings during the comment period for the Supplemental Draft EIS, when only one is required; we provided three times the required duration for the public comment period on the Supplemental Draft EIS (two times longer than required in federal rules); we made the document available at multiple libraries; and we published a statewide press release and three legal notices.

There was an extraordinary level of public input on the EIS, and this helped the DNR produce a better final document.

What is the Record of Decision?

The Record of Decision, or ROD, documents DNR's consideration of the three required criteria for an adequacy determination and identifies the Commissioner's decision. The ROD also documents the DNR's consideration of comments received on the Final EIS. The ROD is posted on the DNR's website for the project at: <http://www.mndnr.gov/polymet>.