



## PERMIT TRANSFER FINDINGS OF FACT Dam Safety Permit No. 1981-2100

**DATE:** November 1, 2018

**PA #:** 1981-2100

**Applicant Name:** Poly Met Mining, Inc. and current owner/permittee Cliffs Erie

**Name of Reviewer:** Jason Boyle

**Decision:** Dam Safety Permit No. 1981-2100 should be transferred.

Per Minnesota Rule 6115.0370, a permit is required to transfer ownership of the existing LTVSMC dam to PolyMet. Both the current dam owner (Cliffs Erie) and the future owner (PolyMet) submitted letters to the DNR requesting the transfer of ownership. The mechanism for transferring ownership will be the transfer of permit 1981-2100 from Cliffs Erie to PolyMet.

In concurrence with the permit transfer, a new permit (2016-1380) will be issued to PolyMet for the NorthMet Project FTB Dam. There will be two active permits for the same site. This is required because the existing LTVSMC dam will continue to exist until it is enlarged by the new FTB Dam. The conditions of Permit 1981-2100 will remain intact.

Minnesota Rule 6115.0370 requires that the permit to transfer ownership be based on:

- 1) the evaluation of the hazard class
- 2) the conditions
- 3) the financial capabilities of the transferee

The LTVSMC dam is currently classified as a Class II. This classification will remain until the new PolyMet FTB Dam is constructed, at which time this permit will be terminated. The PolyMet dam enlargement will cause the dam to be classified as a Class I dam.

The conditions of the LTVSMC dam were reviewed during an inspection of the dam in October, 2018 by the DNR Dam Safety Unit. The dam's condition assessment is "fair". No major dam safety concerns were noted. Dam safety noted that the LTVSMC 2W dam and basin is inactive. Basin 1E and 2E are idle, but contain water and tailings.

In concurrence with the permit transfer, a Permit to Mine would be issued, which would require financial assurance of PolyMet. The financial assurance package requires PolyMet to be able to cover future maintenance of the existing LTVSMC dam.



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**Based on the factual findings set out in this findings of fact and the record on file with the Department of Natural Resources, including the findings of fact, conclusions, and order of Commissioner for Permits 2016-1380 and 2016-1383 incorporated herein by reference, Dam Safety Permit 1981-2100 is hereby APPROVED.**

Approved and adopted this 1<sup>st</sup> day of November 2018.

STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES

/s/ Tom Landwehr  
TOM LANDWEHR  
Commissioner  
Minnesota Department of Natural Resources