



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 FIFTH STREET EAST, SUITE 401
ST. PAUL MINNESOTA 55101-1638

JAN 19 2010

Operations
Regulatory (MVP-1999-5528-JKA)

Ms. Paula Goodman Maccabee
WaterLegacy
P.O. Box 3276
Duluth, MN 55803

Dear Ms. Maccabee:

We have received requests to conduct additional PolyMet NorthMet project Draft Environmental Impact Statement (DEIS) public information meetings and to extend the length of the DEIS public comment period. After considering those requests in light of the requirements of the National Environmental Policy Act (NEPA), we have determined that no additional public meetings are required and none are planned, and the DEIS public comment period does not need to be extended. The rationale for these determinations is provided in the paragraphs below. However, the U.S. Army Corps of Engineers, St. Paul District (Corps) will consider requests for a public hearing as part of its Clean Water Act Section 404 (Section 404) review process. The Corps will prepare and issue a second Section 404 public notice for the proposed PolyMet NorthMet project in the near future. Information regarding public hearing requests will be included in that public notice.

In determining the length of the DEIS public comment period, we carefully considered: the complexity of the proposed project; the length of the DEIS; the level of public interest and concern regarding the proposed project; the occurrence of a number of holidays during the public comment period; the U.S. Environmental Protection Agency request for a public comment period longer than 45 days; and other public requests for an extended public comment period. Based upon these considerations, the agencies set a 90-day public comment period, which is twice the length required by federal regulations (45 days) and three times that required by state regulations (30 days). In addition, the DEIS was made available to the public several days before the start of the formal public comment period via the Minnesota Department of Natural Resources (MnDNR) web site.

The Corps and the MnDNR jointly conducted two public information meetings, which we believe meets the requirements of NEPA. The meetings were conducted on December 9, 2009, in Aurora, Minnesota, and on December 10, 2009, in Blaine, Minnesota. The Aurora location was selected because it is very close to the proposed project site in St. Louis County and because it had a facility (Mesabi East School) large enough to accommodate the large number of people that the agencies expected would attend the meeting (approximately 700 people attended). The Blaine location (Schwan Center, National Sports Center) was selected because it had adequate capacity, it is within the Twin Cities seven-county metro area (the largest population center in the state)

approximately 20 miles from downtown St. Paul, and it is in the northern portion of the Twin Cities area, which is closer for people who may have travelled from the northern part of the state. The public information meetings included open house sessions where technical staff from the MnDNR, Corps, and the Minnesota Pollution Control Agency (MnPCA) were present to answer questions regarding the DEIS. In sum, we have recognized the need for and have implemented an enhanced public participation process for the PolyMet NorthMet DEIS. Therefore, no additional public meetings are required or planned, and the DEIS public comment period does not need to be extended.

Comments were also received regarding the timing of the meetings. The agencies conducted the meetings on the 37th and 38th days after the MnDNR release of the DEIS and on the 33rd and 34th days after the Corps release of the DEIS. This timing meets the requirements of NEPA (which requires a minimum of 15 days after release of the DEIS before a public information meeting can be conducted) and still provides the public with a sufficient number of days after the meetings to read the DEIS and formulate and submit comments. No public meetings later in the DEIS public comment period are required or planned.

Comments were also received suggesting that public information meetings be conducted in other locations around the State. As stated above in the third paragraph of this letter, one meeting was conducted near the proposed project site and the other meeting was conducted in the major population center of Minnesota. Both of the meetings were well attended. The open house tables were visited by many attendees and several hundred comments were received in writing and orally through the stenographers. We believe that most people who wanted to attend were able to do so. No meetings in other locations are required or planned.

Comments were also received regarding the format of the public information meetings. The purpose of the meetings was to provide information to the public and to enable the public to provide comments regarding the DEIS to the agencies. We believe that the open house format with a formal presentation and opportunities for the public to provide comments on the DEIS orally for transcription by stenographers or in writing on comment forms meets the requirements of NEPA. In addition, the public can continue to submit comments regarding the DEIS until the close of the public comment period on February 3, 2010. The open house portions of the meetings (from 5:00 to 7:00 p.m. and from 8:00 to 10:00 p.m. at both meeting locations) provided opportunities for the public to ask questions and discuss issues with MnDNR, Corps, and MnPCA staff. The formal presentation portion of the meetings enabled the agencies to provide information to the public regarding: the basics of the proposed PolyMet NorthMet project and reasonable alternatives; the basic content of the DEIS; and how to provide comments to the agencies regarding the DEIS. No meetings in alternate formats are required or planned.

If you have any questions, contact Jon K. Ahlness in our St. Paul office at (651) 290-5381. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron
Chief, Regulatory Branch

Copy Furnished:

Stuart Arkley, MnDNR
Steve Colvin, MnDNR
Ann Foss, MnPCA
Steve Kuennen, USDA Forest Service
Rosemary Berens, Bois Forte Band
Nancy Schuldt, Fond du Lac Band
Margaret Watkins, Grand Portage Band
Jim Scott, PolyMet

Identical letters sent to the following (except copy furnished only to Stuart Arkley):

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Ms. Margaret Levin
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Email responses sent to the following:

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