



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

APR 20 2011

REPLY TO
ATTENTION OF

Operations
Regulatory (MVP-1999-5528-JKA)

Ms. Paula Goodman Maccabee
WaterLegacy
P.O. Box 2472
Inver Grove, MN 55076

Dear Ms. Maccabee:

This letter is in response to your March 18, 2011 letter requesting an update regarding the status and timing of a second Section 404 public notice for the proposed PolyMet Mining, Inc. (PolyMet) NorthMet project (Project) near Babbitt and Hoyt Lakes, Minnesota. You also requested clarification of the public hearing process opportunity that the second notice will offer.

As you are aware, the U.S. Army Corps of Engineers (USACE), the Minnesota Department of Natural Resources (MnDNR), and the U.S. Department of Agriculture Forest Service (USFS) are co-lead agencies for the preparation of an environmental impact statement (EIS) for the proposed Project. Based upon public comments received on the October 2009 Draft EIS and inclusion of a proposed land exchange between the USFS and PolyMet into the EIS, the co-lead agencies are now preparing a Supplemental Draft EIS (SDEIS) to evaluate a recently-developed Draft Alternative for the Project and the land exchange.

The USACE will issue a second Section 404 public notice for the Project at approximately the same time that the SDEIS is released to the public, which is tentatively scheduled to be in the fall of 2011. The public notice will provide an opportunity for any person to request, in writing, within the comment period specified in the public notice, that a public hearing be held to consider the Section 404 permit application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

If substantive reasons for holding a public hearing are provided, the USACE will schedule and conduct a public hearing as soon as practicable at a location or locations to be determined. If a public hearing or hearings are conducted, any member of the public will have an opportunity to speak about the Project in front of those that are present. However, the USACE cannot require any person or group representative to speak. A

transcript of the hearing will be prepared by a stenographer and will be made available to the public.

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,

for Tamara E. Cameron
Chief, Regulatory Branch

Copy Furnished:

Bill Johnson, MnDNR
Tom Hale, USFS
Al Trippel, ERM