

Introduction to Environmental Permitting for Mines in Minnesota: Presentation and Lesson Outline

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- II. Background/Framework
 - a. Mining-related permits
 - b. EAW/EIS (Introduction to NEPA and MEPA)
- III. Permitting Process
 - a. State and federal agency roles
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Introduction to Environmental Permitting for Mines in Minnesota: Objectives

- **GAIN AWARENESS:**
Know where to obtain information about projects, and how to get involved
- **GAIN UNDERSTANDING:**
What aspects of environmental protection are explored during the environmental review process? How are they treated? Who gets involved?
- **SKILLS DEVELOPMENT:**
Negotiation, Argumentation, and Presentation – Be able to articulate a position on a proposed project alternative based on environmental review

Introduction to Environmental Permitting for Mines in Minnesota: Background/Framework

National Environmental Policy Act (NEPA) - signed into law in 1970 (Nixon)

- First major environmental law in the U.S. – the “Magna Carta” of environmental laws

Minnesota Environmental Policy Act (MEPA) – signed into law in 1973

- Established a formal process for the state to investigate the environmental impacts of major development projects

To qualify for environmental review rules, projects must:

- Take place in the future
- Involve physical manipulation of the environment, and
- Require some type of government action or approval



Introduction to Environmental Permitting for Mines in Minnesota: Background/Framework

Federal actions can include:

- Categorical Exclusion (CE)
- Preparation of an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)
- Preparation of an Environmental Impact Statement (EIS)

State actions include:

- EA Worksheet (EAW)
- EIS
- Alternative Urban Areawide Review (AUAR)



Introduction to Environmental Permitting for Mines in Minnesota: Background/Framework

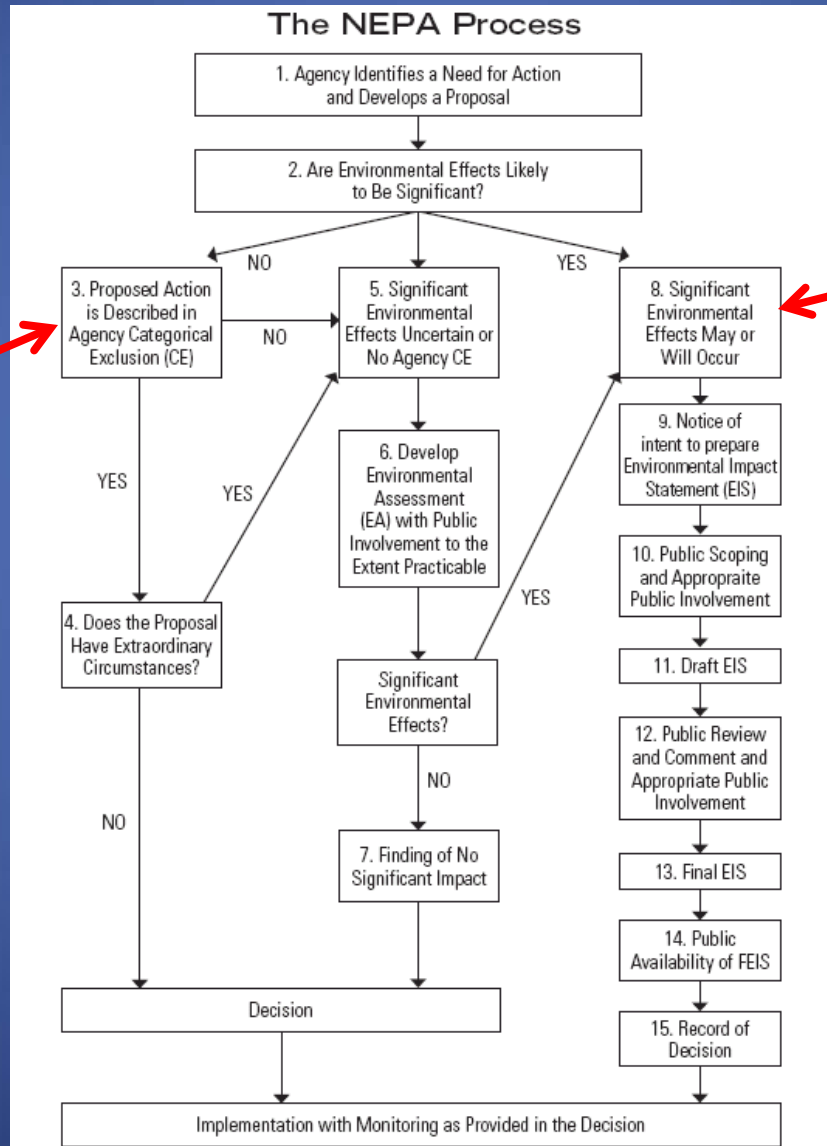
Permit	Agency	Approximate Application determination time*
Permit to Mine**	DNR Minerals	7-8 months
WCA-Wetlands Replacement Plan**	DNR Minerals	4-6 months
Water Appropriation Permit**	DNR Waters	< 2 months
Public Waters Work Permit**	DNR Waters	< 2 months
Dam Safety Permit**	DNR Waters	< 2 months
Part 70 - Air Quality Permit**	MPCA	1.5 years
NPDES/SDS Stormwater Permits (two - for Construction and Industrial Activity)	MPCA	< 2 months?
NPDES/SDS Wastewater Permits** (two - for industrial process wastewater and sewage)	MPCA	1.5 years
Hazardous Waste Permit**	MPCA	1-3 years
Section 404 Permit (discharges to wetlands)**	ACOE	120 days (unless Fed. EIS required?)
Section 10 Permit ? (Affects to “navigable” waters of the US)	ACOE	?
Section 401 Certification (wetland certification needed before 404 permit can be issued)	MPCA	60-120 days?
Water Treatment Plant Permits	MPCA	?
Local Permits - zoning, construction, bonding, etc	varies	“short” period

* = Minimum time to complete (assuming optimal conditions) **after** all data that are required to be submitted for the permit are complete.

** = Permit that by itself may require a mandatory EAW and/or EIS.

Abbreviations: DNR = Department of Natural Resources; MPCA = Minnesota Pollution Control Agency; ACOE = Army Corps of Engineers; NPDES = National Pollutant Discharge Elimination System; SDS = State Disposal System; WCA = Wetland Conservation Act.

Introduction to Environmental Permitting for Mines in Minnesota: Background/Framework



Gulf of Mexico
oil drilling



Most MN mining
projects will start
here, as the
necessary
permits require
an EIS



Introduction to Environmental Permitting for Mines in Minnesota: Background/Framework

The Minnesota (MEPA) process looks similar, and generally consists of:

Project Application →

New Project Proposal Review and EIS Need Decision →

Data Gathering and Preparation of the Scoping EAW →

Evaluation of the Scoping EAW

and Preparation of the Draft Scoping Decision →

Scoping Documents Public Comment Period and Public Comment Meeting →

Final Scoping Decision →

EIS Preparation Notice →

Draft EIS Preparation →

Draft EIS Public Comment Period and Public Comment meeting →

Analysis of Public Comments →

Final EIS Prepared →

Final EIS Distributed for Public Comments →

EIS Adequacy Decision (Record of Decision)



Introduction to Environmental Permitting for Mines in Minnesota: Permitting Process

State and Federal Agency Roles

- Lead Agency – the responsible government agency
- Cooperating Agencies – other state or federal agencies, local agencies, or tribes
- EPA – responsible for review and public comment on major federal actions

Public Involvement

- During Scoping
- Commenting on draft documents, for inclusion in documents
- Commenting on the adequacy of final documents

Introduction to Environmental Permitting for Mines in Minnesota: How to Find More Information

The Environmental Quality Board Monitor-

The *EQB Monitor* is a biweekly publication of the Environmental Quality Board that lists descriptions and deadlines for Environmental Assessment Worksheets, Environmental Impact Statements and other notices.

<http://www.eqb.state.mn.us/monitor.html>

Minnesota Dept. of Natural Resources Environmental Review Program –

The DNR is the responsible state government agency for mining projects in Minnesota (except for sand and gravel mining).

<http://www.dnr.state.mn.us/input/environmentalreview/index.html>

U.S. Army Corps of Engineers Environmental Review -

The Corps is the joint federal agency responsible for environmental review of projects affecting wetlands, streams, and lakes, including those on private land.

<http://www.mvp.usace.army.mil/regulatory/>

Public Libraries have copies of EISs for public review

Introduction to Environmental Permitting for Mines in Minnesota: How to Find More Information

Information on Specific Projects (where DNR is the RGU):

Polymet

<http://www.dnr.state.mn.us/input/environmentalreview/polymet/index.html>

Essar Steel Minnesota

<http://www.dnr.state.mn.us/input/environmentalreview/essar/index.html>

Mesabi Nugget

<http://www.dnr.state.mn.us/input/environmentalreview/mesabinugget/index.html>

Introduction to Environmental Permitting for Mines in Minnesota: Classroom Activity

Objectives:

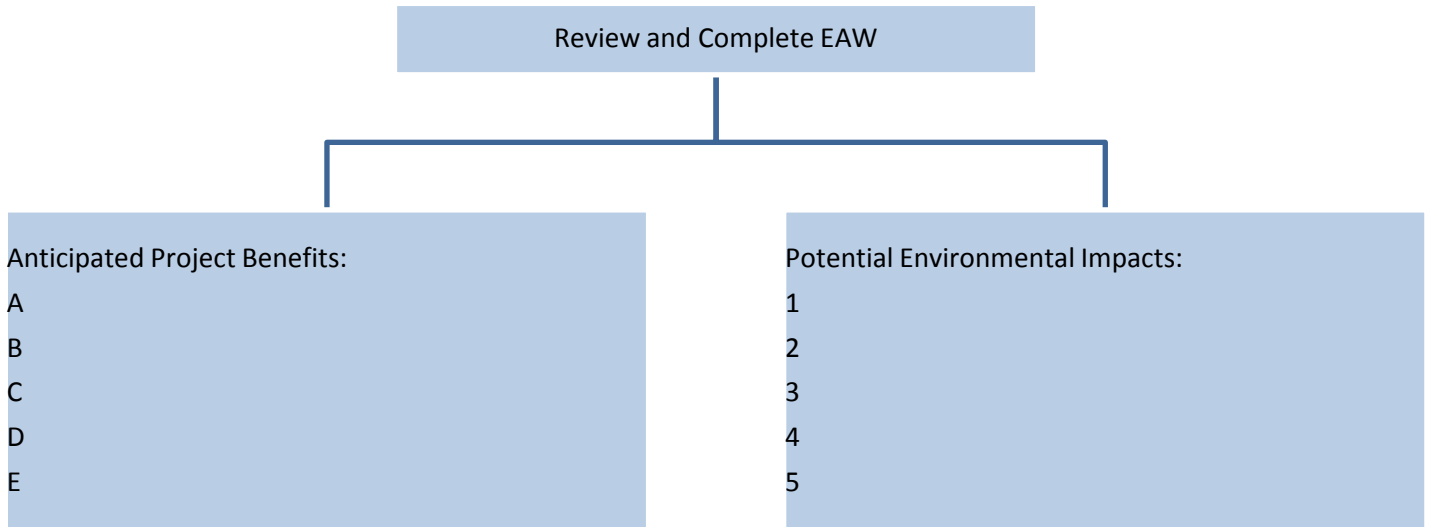
- **Gain understanding of environmental review:** what aspects of environmental protection are explored during the environmental review process? How are they treated, and who gets involved?
- **Develop skills such as negotiation, argumentation, and presentation:** be able to articulate a position on a proposed project alternative, based on environmental review.

Materials:

- Classroom accouterments: whiteboard, nametags or 3x5 cards, etc.
- Project description (Part 1), and descriptions of project alternatives (Part 2).

Procedure:

Part 1. Read the project description. Review and fill out EAW based on the proposed project scenario presented. As a group, list the anticipated project benefits, and the potential environmental impacts.



Part 2. It was determined that the project needed an environmental impact statement (EIS). The project went through a detailed EIS, and the environmental impacts of several project alternatives have been inventoried and published in an EIS. An inventory of the anticipated project alternatives and the potential environmental impacts is provided.

Select one student to represent the responsible government unit (RGU) who will ultimately decide to either issue the permit for the project or deny the permit proposal. Each of the other students should assume a citizen's role in reviewing the project alternatives. They should each briefly make their case to the RGU for which project alternative is the best, based on the anticipated project benefits and the potential environmental impacts. The RGU will then make the final decision whether to permit or deny the permit.

