



Minnesota Coalition of Lake Associations

PUBLIC COMMENT on the Draft Permit for the PolyMet Sulfide Mining Proposal regarding the NorthMet Mine Project

This Public Comment is being re-submitted in the form of a Resolution by the *Minnesota Coalition of Lake Associations* Board of Directors as both a Determination of Inadequacy on the Full Environmental Impact Statement provided by the Minnesota Department of Natural Resources, a Comment of General Opposition on the PolyMet/ NorthMet mining proposal and the Draft Permit issued by the Minnesota Department of Natural Resources . Further Rationale and Findings supporting this Public Comment are attached as a separate document.

WHEREAS, a close examination of the Full Environmental Impact Statement submitted by the DNR does not adequately address a wide variety of potentially harmful environmental impacts to warrant the issuance of a Draft Permit to Mine (see supplement), nor has a sufficient bonding escrow been established for mitigation and restoration especially regarding the open pit for sulfide waste behind an inadequate dam (see prior comment on the Dam Safety Permit), nor has the MDNR been able to adequately regulate mining of all kinds in the state,

**NOW, THEREFORE, BE IT RESOLVED BY THE
MINNESOTA COALITION OF LAKE ASSOCIATIONS, THAT:**

WE regard the PolyMet Final Environmental Impact Statement (FEIS) as very inadequate under both federal and state standards, and urge the Minnesota Department of Natural Resources to reject the PolyMet FEIS in its present form and rescind the Draft Permit to Mine (see supplemental Findings and Rationale);

WE oppose the current PolyMet NorthMet copper-nickel sulfide mine proposal on the basis of what has been learned and proposed in the Final Environmental Impact Statement (see supplemental Findings and Rationale);

WE urge the DNR to return to the process for public comments regarding such a large and important environmental study, and to provide the missing reference materials, provide a single address for all comments, and allow the Governor to appoint an Administrative Law Judge to supervise the process;

WE urge the US Environmental Protection Agency to again rate the PolyMet FEIS as “EU-3,” Environmentally Unsatisfactory-Inadequate;

WE object to the U.S. Forest Service proposal to exchange Superior National Forest land for the PolyMet proposal and urge the U.S. Forest Service to reject the proposed exchange of Superior National Forest lands for the PolyMet project;

WE oppose issuing any federal permit allowing PolyMet to destroy wetlands and impair water quality, and urge the U.S. Environmental Protection Agency to veto and the U.S. Army Corps of Engineers to deny any Section 404 permit that would allow PolyMet polluted discharge and wetlands destruction;

WE urge Governor Dayton to recognize the inherent conflict of interest within the mission of Minnesota Department of Resources, Division of Lands and Minerals, and to reject the DNR’s FEIS as inadequate in nearly every one of its aspects;

WE urge Governor Dayton to recognize that the cumulative, perpetual risk to the environment exceeds any possible financial assurance, and therefore put a stop to any further sulfide mining in Minnesota;

WE urge the governor to require restoration bonding to be guaranteed and escrowed in advance of any approvals, with the parent company, Glencore PLC, named specifically;

WE urge the governor not to issue any more permits to mine anywhere in the state until all the currently expired permits are properly re-permitted and all mining activities brought into compliance;

WE urge the Minnesota State Legislature to enact a law similar to the "Prove It First" legislation State of Wisconsin (1997), by which it must be demonstrated that before opening a new mine of any kind, the mining company must be able to point to a similar mine to what it is proposing in the United States or Canada that has operated for 10 years without polluting and has been closed for 10 years without polluting.

Resubmitted with approved updates regarding the Draft Permit to Mine by the Board of Directors of the Minnesota Coalition of Lake Association (MN COLA), this day, March 1, 2018.



Thomas K. Nelson,
President, MN COLA
36841 Sherwood Forest Trail
Deer River, MN 56636

Motion by Barbara Clark, member in good standing;

Second by Kevin Farnum, member in good standing;

Quorum Established;

Passed by unanimous decision of the Board of Directors present, MN COLA (one abstention), on November 19, 2015, with updated submission on March 1, 2018.

Attest:

Joseph Shneider, Secretary, MN COLA

[Document #2]



Minnesota Coalition of Lake Associations

Findings and Rationale
in support of our
Public Comment and Resolution
on the
PolyMet Sulfide Mining Proposal
for the
NorthMet Mine Project's
Draft Permit to Mine

Regarding the Final Environmental Impact Statement
(January 5, 2018) and related documents:

WHEREAS, clean water is essential to all life on earth;

WHEREAS, there has never been a sulfide mining operation that has been successfully and safely closed down without significant environmental degradation;

WHEREAS, the PolyMet NorthMet mining project is located in the vicinity of the headwaters of three major continental watersheds, including the federal BWCA, which puts at risk far too much of the nation's clean water;

WHEREAS, the DNR acknowledges significant uncertainty regarding the direction of polluted water by means of groundwater flow, but has resisted further modeling or an independent review of the model itself and the untenable assumptions about water levels at the point of mine closure;

WHEREAS, if polluted water were to flow as expected by the FEIS into the St Louis River, it would put at risk the estuary and river corridor where considerable public funds that have been spent for restoration;

WHEREAS, the FEIS does not evaluate the impacts of polluted seepage north of the mine site into the 100 Mile Swamp and the Rainy River Basin, which should be acknowledged as an international issue;

WHEREAS, the direct loss of quality wetlands in the vicinity of the NorthMet mine would be the greatest loss ever in Minnesota, with the exchange likely in different watersheds, and with lesser quality;

WHEREAS, the proposal conflicts with federal policy to protect wetlands, fails to quantify or provide mitigation for indirect loss of up to 8,264 acres of wetlands, and provides wholly inadequate mitigation for direct destruction of 913 acres of wetlands within the Lake Superior Basin;

WHEREAS, the land exchange with the U.S. Forest service will provide only a paltry number of acres converted from private to public use, compared to the area put at risk of contamination by the mining activity and debris, nor is there assurance that the land exchanges will be value for value;

WHEREAS, the proposed land exchange would harm endangered, threatened and species of concern, including the northern goshawk, great gray owl, lynx and moose;

WHEREAS, the proposed land exchange is not in the public interest, and would result in an uncalculated loss of ecological benefits;

WHEREAS, a large collective of medical-professional organizations and individuals have expressed grave concerns about the potential harm to public health potentially caused by the PolyMet mine project, including risks from air-born asbestos, methylmercury and other heavy metals

and toxins, nearly all of which have not been properly addressed by the FEIS;

WHEREAS, the potential threats to children, workers and communities who rely on fish and wild rice for subsistence, have not been properly addressed in the FEIS;

WHEREAS, health effects from air pollution and haze emanating from the mining operation has not been adequately studied or provided with mitigation plans for mine workers or the health of the general public;

WHEREAS, the adverse effects on groundwater from PolyMet's operations upon the safety and quality of well water have not been adequately studied from a public health perspective;

WHEREAS, independent expert testimony regarding hydrology, biogeochemistry, mercury and other toxins, public health, and other essential considerations have not been adequately addressed by the FEIS;

WHEREAS, mitigation strategies to prevent various forms of pollution, protect the public health, and compensate for ecological losses have been undermined by cost-saving measures that favor industry over the environment;

WHEREAS, it is unrealistic to assume and claim that nearly all the polluted water would be captured for treatment as stated in the FEIS, and moreover, is not required in the Draft Permit to Mine;

WHEREAS, the method of Reverse Osmosis is a difficult, short-term, and very expensive process with a high degree of continual maintenance and monitoring, that will be nearly impossible to sustain in perpetuity as would be needed;

WHEREAS, mines that would potentially require perpetual treatment of acid mine drainage have been banned in other states due to the severe threat to future generations;

WHEREAS, permitting a nonferrous mine that admittedly cannot be closed without perpetual treatment is against Minnesota Statute 6132.3200.subpart 1: *Goal. The mining area shall be closed so that it is stable, free of hazards, minimizes hydrologic impacts, minimizes the*

release of substances that adversely impact other natural resources, and is maintenance free;

WHEREAS, the PolyMet plan for wastewater storage includes an unlined tailings basin, and is protected by only an unstable 40-year-old dam, risking a similar disaster as befell the Mount Polly mine in Canada (we provided public comment on the Dam Safety Permit earlier);

WHEREAS, the grade of ore in sulfide rock in northeastern Minnesota is very low, at a mere 1%, which will produce a vast amount of sulfide tailings exposed to the weather, in turn requiring extensive protections against great risk, making the project both very dangerous and economically unsustainable to provide adequate protections;

WHEREAS, the financial assurance required from PolyMet for eventual cleanup, reclamation of the mine site, and the treatment of continuously polluted water is, and cannot be, adequate to the task, which is admitted to be a high risk in perpetuity;

WHEREAS, PolyMet's position that they will address the financial assurance question only after the DNR issues its approvals demonstrates a willful disregard of the probably future costs to the public taxpayers;

WHEREAS, regulators and official Environmental Reviews of sulfide mining operations around the United States have consistently underestimated the true costs of clean-up and reclamation after a mine has been closed;

WHEREAS, the PolyMet company has no prior experience at all in operating a mine;

WHEREAS, the Swiss parent company that owns PolyMet, Glencore PLC, has a dismal record of environmental disasters, labor violations, and flouting of regulations and requirements of its operations;

WHEREAS, the liability for cleanup costs once the mining activity has ended remains only with the junior partner PolyMet, which could easily disappear through bankruptcy as there is no financial assurance directed toward Glencore PLC as required by the Draft Permit to Mine;

WHEREAS, while the metals that PolyMet will mine (copper, nickel, cobalt, platinum, and palladium) are essential for modern daily life and found in countless products, global metal mines and markets have already produced an overabundance of these materials;

WHEREAS, the commodity prices of the materials to be mined by PolyMet have, like iron ore, fallen to a level that could easily cause the venture to fail, risking both the jobs created by the mining and processing operation, and the ability to pay for cleanup and restoration;

WHEREAS, the limited number of jobs created for the short term economic gain will pale in comparison to the need for water treatment and other environmental protections virtually into perpetuity, estimated at least 500 years;

WHEREAS, the PolyMet mining will do very little to diversify the economy of the region, already heavy with mining projects;

WHEREAS, the expected tax and fee contributions to local cities, school districts and the State from the mining activities will not be sustainable to the needs of the region in the long term, and would be at risk if the project fails due to global competition;

WHEREAS, the overall economic analysis has overstated the short-term benefits and not fully considered the risk pushed to future generations;

WHEREAS, the DNR is unable to provide a fair Environmental Impact Statement due to the conflict in its mission to *promote*, and not just regulate mining in the state;

WHEREAS, DNR Commissioner Tom Landwehr's statement that he expects to certify the FEIS as adequate as early as February 2016 demonstrates a prejudice before the public comment period has expired, and those comments considered;

WHEREAS, the Minnesota Legislature has repeatedly attempted and often succeeded in weakening pollution and mitigation standards for political and private gain rather than the public benefit of rigorous environmental protections;

WHEREAS, Minnesota's political efforts to repeal or weaken regulations meant to protect the environment from mining activities provides a

global template on how responsible, ethical, and successful mining practices can be avoided and ignored;

WHEREAS, because the vast majority of information in the FEIS was provided and funded by PolyMet itself and other industrial sources, doubt is cast on the objectivity of this crucial science, suggesting bias toward an unrealistic best-case scenario;

WHEREAS, the permitting process for iron and taconite mining in the past has allowed activities with expired permits, extensive variances, waived fines, leaking tailings basins, and wastewater releases, demonstrating unwillingness from state agencies to properly oversee the mining industry;

WHEREAS, there is a clear conflict of interest in the assessment over the water flowage modeling, which predicts areas affected by polluted runoff from the mining operation, with no independent scientific analysis allowed by the company, or included in the FEIS;

WHEREAS, claims by mining companies in Minnesota and in other states that they have not violated water quality standards is too often due because of exemptions from those standards;

WHEREAS, the mine in Michigan toured by Gov. Dayton and touted to be a good example of responsible sulfide mining, has in truth many unaddressed or ignored air and water pollution problems, with insufficient oversight and many permit irregularities;

WHEREAS, the physical length and time taken to produce the FEIS, over 10 years and 3,500 pages, with a second attempt following the rejection of the first draft, is no guarantee of its validity or scientific worthiness;

WHEREAS, the inadequacy of the PolyMet FEIS, together with the land exchange proposal will serve as a dangerous precedent for future mining operations in north-east Minnesota, creating a cascade of pollution and environmental degradation that serves only private interests and not the public good;

WHEREAS, the cumulative effects of the various direct and indirect activities on the resources in the immediate vicinity of the NorthMet project have, at least, been reviewed in the FEIS, but the cumulative effects of several additional speculative sulfide mines in the Duluth

Complex area have been neither included nor considered for their cumulative effects;

WHEREAS, PolyMet has not considered several relevant mining method alternatives such as keeping tailing dry to reduce toxic runoff (dry stack storage), underground mining to reduce wetland destruction, and alternative tailings disposal sites to reduce the risk of tailings basin leaking and collapse;

WHEREAS, the PolyMet proposal does not adequately consider alternatives to reduce harm to wetlands and water quality and is not the Least Environmentally Damaging Practicable Alternative;

WHEREAS, the treaty rights and resources of those Native American Bands potentially affected by many of the NorthMet activities have not been adequately respected or addressed beyond simply outlining the differences in opinion;

WHEREAS, the final public comment period for the FEIS was far too short, no further hearings for consideration of several new studies have been planned, thousands of pages of reference materials are missing, separate comments are required for each agency, plus several other obstacles hindering public input, all indicate a faulty and non-transparent procedure.

This summary of Findings and Rationale are submitted as supplement to the Resolution submitted by the *Minnesota Coalition of Lake Associations* Board of Directors as Public Comment of Opposition on the PolyMet/NorthMet mining proposal, the Inadequacy of the Final Environmental Impact Statement, and our opposition to the Draft Permit to Mine provided by the Minnesota Department of Natural Resources.

