



Save Lake Superior Association Spring 2019

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DNR Commissioner Landwehr gave 'em PolyMet, now takes on Twin Metals

On March 5, 2019, former Minnesota Department of Natural Resources (DNR) commissioner Tom Landwehr announced that he had accepted the position of Executive Director for the Save the Boundary Waters Campaign. The rest of the environmental community was taken aback.

Landwehr had just spent 8 years as Commissioner of the DNR under Gov. Mark Dayton, during which time he oversaw the environmental review and granting of state permits to PolyMet, which would be the first ever copper-nickel sulfide mine in the state. By doing so, the state of Minnesota, through a highly flawed and politically controlled process, deemed highly toxic sulfide mining as acceptable in the wetlands and headwaters of Lake Superior. In a great turn-around, Landwehr has now decided to protect the Boundary Waters Canoe Area Wilderness from just such mining.

The plan to sacrifice the Lake Superior watershed

PolyMet's low-grade copper-nickel deposits are located next to deposits claimed by Teck America, and those of Twin Metals. While the PolyMet mine would be located in the Lake Superior watershed, Teck and Twin Metals' deposits lie within the Rainy River watershed. The combined (low-grade) deposits form a strip that would stretch from Hoyt Lakes to Birch Lake. A copper-nickel range would become the taconite range on steroids--massive open pits, waste rock piles, and tailings basins--but with formidable amounts of waste (99% waste rock) and more toxic highly polluting runoff.

Already, on April 11, 2019, Twin Metals hired attorney Julie Padilla "to oversee submission of Twin Metal's Mine Plan of Operation (MPO) and all legal, regulatory, environmental, and government relations activities during the required environmental review and permitting processes for their proposed copper-nickel mine." (Twin Metals Minnesota).

Twin Metals claims, when explaining its proposed plan to mine near Birch Lake, that much of the waste rock could be pushed back underground upon closure. In a candidate interview on October 7, 2016, state Senator Tom Bakk stated, referring to the proposed Twin Metals mine, "...the rest [of the waste material] would be shipped by rail into the Lake Superior watershed or by LTV where PolyMet is. Those two projects will probably be run as one someday...It would be better to have one large tailings basin than multiple tailings basins." The DNR has had copper-nickel mining on its radar screen since 1948. The Lands and Minerals Division has actively promoted the mining of such deposits. Now that he is retired from the DNR, how will Landwehr ride the momentum of the copper-nickel train that he has just fueled--and oppose Twin Metals?

PolyMet's toxic EIS trail

In Landwehr's previous job as DNR Commissioner, there were many legitimate opportunities to stop the risky PolyMet project, but Commissioner Landwehr kept the ball rolling on the PolyMet Environmental Impact Statement (EIS) process. Perpetual water treatment at the mine site upon closure was worded as long term - since a mine plan requiring perpetual treatment could not be politically permitted. And in a final give-away, all problems were stashed together under the solution of adaptive management--whereby pollution was deemed probable, but treatment would be figured out after the fact.

While permitting the toxic PolyMet mine, Landwehr now defends his opposition to mining near the Boundary Waters: "The state standards actually anticipate some degradation. ...But that's what the state law permits. ...That doesn't mean that the project has no impact. And the other thing I'd point out is that the state permitting process ... relates to environmental impact. So it doesn't look at economic, it doesn't look at cultural, it doesn't look at quality of life. It's a very narrow prescriptive. It doesn't look at health. You know, there was a lot of debate about "should we do a health impact analysis in this project?" That's not what the law provides for; it provides just for an environmental review... (Minnpost, 3/19/19, 'State standards don't work here')

Questioning of Landwehr's statements

On April 1, 2019, also in Minnpost (Copper mining dangers: Bold leadership is needed from Walz), former Republican Gov. Arne Carlson and former state representative Janet Entzel responded to Landwehr's statements. "We are led to believe that somehow mining contaminates flowing into the St. Louis River and Lake Superior are healthy, but when they move in the direction of the BWCA they become highly dangerous. We are further being told that the permitting process for PolyMet was 'rigorous,' but the same process is inadequate for the second mine....Clearly, a determination was reached that the PolyMet mining permit was to go through unimpeded, and that directive had to come through the governor or the commissioners. Either way, the process was fatally flawed."

In a local view editorial piece posted in the Duluth News Tribune on March 20, 2019, Marc Fink, senior attorney for the Center for Biological Diversity wrote, "Northeastern Minnesota is blessed with two world-class natural resources: the Boundary Waters Canoe Area Wilderness and Lake Superior. Upstream of each is the possibility of copper mining that would impose severe risks of permanent, toxic pollution. ...Landwehr issued key permits to PolyMet for its proposed open-pit copper mine, despite acknowledging the environmental risks. As is often the case, just below the surface are issues of environmental justice. Downstream from PolyMet is the Fond du Lac Indian reservation. ...And according to a 2011 Minnesota Department of Health study, one out of ten babies born in the Lake Superior region has unsafe levels of toxic mercury in their bloodstream. ...Hardrock mining is the nation's most toxic industry, and its harmful environmental legacy lasts forever. A massive copper mine in the wetlands and forests of Northeastern Minnesota is too destructive and risky, whether in the Lake Superior watershed or just over the divide in the Boundary Waters watershed."

Stine joins Landwehr in a "fresh start"

Meanwhile, newly retired MPCA Commissioner John Linc Stine has taken a job as executive director of St. Paul-based Freshwater. In an April 3, 2019 interview with Elizabeth Dunbar of MPR (Former regulator wants to bring people together around clean water), Stine opines "...people here have a good-natured desire to do the right thing for the environment, but certainly for our water. It's the most valuable thing that we can claim, when you travel across the world: Minnesota has these wonderful lakes and these beautiful rivers and Lake Superior is the beginning of the Great Lakes system where 20 percent of the world's fresh water is."

Yet on December 20, 2018, Stine's MPCA department granted the final air and water permits and 401 certification (regarding discharge of a pollutant into waters of the United States) for PolyMet. Regarding the PolyMet decision, Stine stated, "In general, I had strayed away from deciding what I thought personally was right and was wrong, because if I did that, I would have doubted every decision. ...I viewed the system as what it is. It's right because that's what we approved..." Yet Stine disapproved a hog farm that would have contaminated the waters of southern Minnesota.

Where do the courts stand?

The Minnesota legislature has already appropriated over \$5 million of tax payer money to defend in court the permitting of PolyMet (2015-16). Washington, D.C. pro-mining attorneys were hired to defend the DNR PolyMet decision. The Walz administration is now recommending another \$6 million "to defend their environmental and

natural resources decisions whether in federal or state court, contested case hearings, mediation and other venues...." (Duluth News Tribune, Feb. 21, 2019, Walz looks to boost legal funds to defend PolyMet, other decisions)

This money has been appropriated despite the fact that 74% of the state's citizens oppose the permitting of PolyMet (MEP, Minnesota Voters' Environmental Priorities in 2017). The Save Lake Superior Association is part of several legal actions regarding PolyMet's permits. These final decisions are in the hands of the courts. Whatever the outcome, history is being made. The Save Lake Superior Association has consistently been a voice for the protection of the Lake Superior watershed and for the health and benefit of future generations.

By Elanne Palcich

A Letter to the Editor

As it stands now, PolyMet will be allowed to use the same wet tailings design behind an old earthen dam, as was used at Mount Polley & caused catastrophic collapse & pollution downstream in 2014. After that disaster, the expert panel that investigated, said any new mines should stop storing toxic mine waste mixed with water behind earthen dams. Dry containment is now recommended best industry practice. PolyMet should be required to use this technology.

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DNR draft permit allows PolyMet to use (and pollute) 6.2 BILLION gal/yr of MN waters. But DNR permits don't protect surface water, ground water or the Lake Superior Basin. PolyMet will only pay taxpayers \$ 50,000/ yr for the water. Essentially this is free freshwater usage for the mine.

DNR reasonably estimates mine closure & centuries of water treatment to cost more than \$ 1 BILLION. But the DNR permit proposes PolyMet to guarantee less than 10% of that upfront, with almost no insurance for spills or collapse.

If PolyMet is permitted, the DNR should:

- 1) Have outside experts annually review Poly Met's financial- assurance. This should be open & transparent to the public.
- 2) DNR should have options other than mine closure should PolyMet fail to meet its financial-assurance obligations. Such as prohibiting any dividends to shareholders & prohibiting bonuses & stock options to executives if PolyMet fails to meet its financial-assurance obligations.

Discarded iPhones are 40x richer in copper than the Northmet ore body. Their extraction is far less destructive and dangerous than the PolyMet proposal. Let's learn to recycle. Only 20% of e-waste was recycled in 2016. But a total of \$ 65 BILLION worth of e-waste was generated in the USA in 2016. E-waste contains rich deposits of gold, silver, copper & more. We don't need more polluting mines...We need to learn to recycle.

By Candice Pierce

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