



Wisconsin
Resources Protection
Council
Box 263, Tomahawk, WI 54487

January 8, 2010

Dear WRPC Member,

2010 looks like it will be a decisive year for several mine battles in Wisconsin, the Upper Peninsula of Michigan and northeastern Minnesota

Polymet's copper-nickel sulfide project in Minnesota

The Minnesota Department of Natural Resources released its draft environmental impact statement (DEIS) for Polymet's proposed NorthMet copper-nickel sulfide open pit mine on October 28, 2009. If permitted, the proposed mine would be the first metallic sulfide mine in Minnesota. It could pave the way for a half-dozen more sulfide mines from the Ely area to Aitkin County.

The site of the proposed mine is near Babbitt. The company proposes to use the former LTV Steel taconite plant near Hoyt Lakes to process the ores. The proposed mine has already become a flashpoint for environmental and tribal groups opposed to the project because of the water rich environment of northeastern Minnesota and the industry's abysmal track record on ground and surface water contamination from acid mine drainage.

Other concerns include the destruction of approximately 1000 acres of wetlands and an increase in mercury in waters downstream from the mine. Three Ojibwa bands in Minnesota – Fond du Lac, Grand Portage and Bois Forte – along with the Great Lakes Indian Fish and Wildlife Commission (see John Coleman's article) have reviewed the proposal and concluded that it doesn't meet state or federal environmental laws and thus cannot be permitted. The proposed mine is on public land in Minnesota's Superior National Forest. The U.S. Forest Service owns the land but Polymet owns the minerals beneath the surface. In order for the project to go ahead, Polymet is proposing a land swap where the company would exchange other land for the mineral rich parcel. If this exchange were to be allowed, it would directly affect the property rights of the three Ojibwe bands to hunt, fish and use the land (usufructuary rights) according to the 1854 Treaty ceding territory to the United States.

According to Nancy Schuldt, the Water Projects Coordinator for the Fond du Lac Reservation Environmental Program, "Once a federal land exchange process or a legislated direct sale for the 6,700 acres of U.S. Forest Service land is complete, that land is no longer in the public domain. Regardless of any potential or probable environmental or habitat impacts from the project, access by Band members to that land and its resources is permanently removed, and there is no guarantee that replacement lands will be located within the 1854 Ceded Territory. Any net loss of publicly accessible land in the 1854 Ceded Territory would degrade the ability of Fond du Lac band members to exercise hunting, fishing and gathering rights." The DEIS does not address what lands would be exchanged for the lands taken by the mining company. This is obviously a

major issue of environmental injustice because of the disproportionate impact of the Polymet project on a minority population.

It is not the only disproportionate impact however. The release of sulfates in the acidified water from the mine will result in greater bioavailability of mercury (in the form of methyl mercury) to fish in the Partridge, Embarrass and St. Louis Rivers. This will have disproportionate impacts on tribal communities who rely on fish for subsistence.

Tribal harvesters of wild rice in the Embarrass River may also be adversely affected by Polymet's sulfate discharges and changes in water levels. Despite these disproportionate impacts to tribal populations, the DEIS concludes that the proposed project would not adversely affect minority groups disproportionately.

The DEIS public comment period was originally supposed to end February 3, 2010. However, because of the complexity and missing information in the 1000+ page document, the EPA and many environmental groups have asked for a 120-day comment period, rather than the usual 45-day period. Further information on the tribal findings and information on how to submit public comments on the DEIS can be found at: http://waterlegacy.org/agency_comments and http://waterlegacy.org/deis_public_comment

Tamerlane's zinc-lead-copper sulfide project in Wisconsin

In October 2009, the Oneida County Board gave Tamerlane Ventures permission to explore for minerals on county forest lands in the Town of Lynne, one-half mile from the Willow River, and about a mile upstream from the Willow Flowage (see story by Jed Buelow and letter from WRPC treasurer, Karl Fate). This is the first metallic sulfide mine proposal since the passage of the 1998 Mining Moratorium Law. Tamerlane officials have given no indication of how they propose to meet the requirements of the law by showing examples of where metallic sulfide mining has been done without pollution of surface and groundwaters during and after mining. In addition to the Mining Moratorium Law, there are extensive wetlands at the site, many of which are classified as shoreland-wetlands. State law forbids destroying or filling a lake bed. Moreover, the Willow Flowage has been designated an Outstanding Resource Water (ORW), which gives it non-degradation status. Finally, the site is on land sold by the Ojibwe Nation to the United States in 1842. In return for the land, a treaty guaranteed Ojibwe access to fish, wild rice, sugar maples, deer and other ceded territory resources. The strong opposition of the Lac du Flambeau Ojibwe and local environmental groups, combined with questions about the mine's potential damage to wetlands, convinced Noranda Minerals to withdraw from the project in 1993. The county zoning ordinance will be on the agenda at the next Oneida County Board meeting on January 14.

Wisconsin's Nuclear Power Plant Moratorium is Under Attack

Wisconsin law sets two conditions that must be met before new nuclear power plants can be built in the state. First, there must be a federally licensed facility for high-level nuclear waste. Second, the proposed nuclear plant must be "economically advantageous to ratepayers." The nuclear industry has been lobbying for years to remove these restrictions in Wisconsin and 20 other states. The nuclear industry is making a concerted effort to overturn these restrictions in Wisconsin and thereby set a precedent for other states (see Action Alert from the Carbon-Free, Nuclear Free Campaign of the Wisconsin Network for Peace and Justice). Please urge your state representatives to oppose weakening these safeguards.

If Wisconsin's nuclear power plant moratorium is overturned or weakened, it will provide additional momentum for the uranium exploration that is already underway in Michigan's Upper Peninsula adjacent to the Keweenaw Bay Indian Community. Uranium mining and milling have

been disastrous for the lives and health of uranium-rich indigenous communities wherever it has occurred.

Stay tuned,

Al Gedicks, Exec. Sec.