



June 6, 2022

Chad Konickson
Regulatory Division Chief
U.S. Army Corps of Engineers
180 Fifth Street East, Suite 700
Saint Paul, MN 55101
Subject: Fond du Lac Band Section 401(a)(2) Objection to PolyMet Federal Permit

On behalf of the members of the Minnesota Environmental Partnership, Minnesota's largest coalition of environmental and conservation groups, I and the undersigned organizations submit these comments regarding the Fond du Lac Band Section 401(a)(2) Objection to the PolyMet Federal Permit. Our membership stands in solidarity with the Fond du Lac Band and urges the United States Army Corps of Engineers to revoke and not reissue the PolyMet NorthMet copper-nickel sulfide ore mine Section 404 wetlands permit due to harmful water quality impacts on the downstream Fond du Lac Band of Lake Superior Chippewa.

MEP has engaged for many years in the issue of mercury in the St. Louis River. Our member groups live, recreate, hunt and gather in the St. Louis River watershed. For example, a group of us travelled by gravel road and canoe to Seven Beaver Lake to experience the mighty river's peaceful and wild headwaters. Local residents have tested the waters of various reaches of the river for years, measuring conductance and monitoring the presence or absence of wild rice beds. This is a close-knit group that has shared their research and strategies extensively.

MEP and our members have long advocated for the St. Louis River Mercury TMDL that will determine the mercury reductions needed for lakes and rivers in the St. Louis River watershed to meet the water quality standard for mercury and support healthy communities and the healthy consumption of fish. As a 2011 Minnesota Department of Health study showed, over a decade ago, 1 in 10 infants in the Minnesota portion of the watershed already had mercury levels that exceeded health limits. People are primarily exposed to mercury by eating contaminated fish. This is of particular concern for pregnant women and their babies since mercury exposure can interfere with children's developing nervous systems, impairing their ability to think and learn.

It's important to link the mercury impairments of the St. Louis River watershed to the specific parameters of this Federal permit. MEP members know from their extensive experience that there is already too much mercury not only in the water of the St. Louis River, but also in the fish and finally in the babies that are born in the Lake Superior watershed. MEP commissioned our own 2020 report, Mercury in the St. Louis River Watershed, that highlighted the role of sulfates in mercury contamination. As this report demonstrates, not only does the St. Louis River already have too much mercury in the watershed, but the continued addition of sulfates also magnifies the issue through methylation, further threatening the health of communities, fish and wildlife.

It is clear that no additional sources of mercury to the river should be permitted at this time. Yet, as the EPA found and reported in May 2022, "Mercury release from wetlands adjacent to the mine site as a result of changes in hydrology due to construction and operation of the NorthMet mine is a significant potential source of mercury to the St. Louis River watershed." The conditions that the Fond du Lac Band are calling for in their stretch of the St. Louis River are the conditions the whole river should have, from Seven Beaver Lake to Lake Superior.

The mine permit approved by the Army Corps would increase both sulfates and mercury in water and toxic methylmercury in fish in the headwaters of the St. Louis River. PolyMet mine pollution and wetlands destruction would increase mercury contamination far downstream. That would mean more mercury in the blood of more innocent children and babies near the watershed, and that is morally unacceptable.

As Fond du Lac Band Chair Kevin Dupuis Sr. told the Army Corps, "the science is clear". He continued, "The discharges from the proposed PolyMet project will violate the band's downstream water quality standards and create negative impacts to the band's downstream reservation water areas and other treaty resources and cultural resources."

MEP members support the efforts of the Fond du Lac Band to call on the Army Corps to revoke the 404 permit and to not re-issue it. Our statewide coalition members agree with the EPA's analysis that there are no appropriate conditions that the Army Corps of Engineers could add to the existing permit to prevent downstream impacts on the Fond du Lac Band or to adequately protect the wetlands that would be destroyed by the project.

MEP urges the Army Corps to listen to the science and to revoke the permit and not reissue it.

Sincerely,



Steve Morse
Executive Director

Submitted on behalf of the following organizations:

Clean Water Action Minnesota
CURE (Clean Up the River Environment)
Friends of the Boundary Waters Wilderness
Honor the Earth
Izaak Walton League Minnesota Division
Minnesota Well Owners Organization
Northeastern Minnesotans for Wilderness
Renewing the Countryside
Save Lake Superior Association
Save Our Sky Blue Waters
Vote Climate