



POLYMET PERMITS STRUCK DOWN: COURT OF APPEALS REVERSES DNR DECISION AND REQUIRES FULL TRIAL

DULUTH AND ST. PAUL, MINNESOTA -- Today, the Minnesota Court of Appeals overturned the Minnesota Department of Natural Resources' ("DNR's") permits allowing PolyMet Mining Inc. ("PolyMet") to construct Minnesota's first sulfide mine. The Court concluded, "we reverse the DNR's decisions granting the permit to mine and dam-safety permits for the NorthMet project, and remand for the DNR for a contested case hearing."

In a contested case hearing, an independent administrative law judge issues an opinion after a trial where all parties submit evidence. The Court's decision requires the DNR to make a permit decision based on that evidence. In the meantime, PolyMet cannot construct or operate its proposed mine.

Tens of thousands of Minnesotans filed comments opposing the PolyMet mine proposal throughout the environmental review and permitting process, smashing records. Thousands of Minnesotans came to public information sessions to oppose granting permits to PolyMet. The DNR's own experts expressed concern about the safety of PolyMet's proposed dam. Regulatory agencies ignored these concerns and public outcry and approved the permits anyway. Today, the Minnesota Court of Appeals finally listened and struck these permits down.

The Fond du Lac Band of Lake Superior Chippewa, Minnesota Center for Environmental Advocacy (MCEA), Friends of the Boundary Water Wilderness, and WaterLegacy appealed following the DNR's issuance of permits to PolyMet in November 2018. MCEA also represented Center for Biological Diversity, Duluth for Clean Water, Friends of the Cloquet Valley State Forest, Save Lake Superior Association, and Save Our Sky Blue Waters.

The DNR or PolyMet may ask the Minnesota Supreme Court to review this decision. Other cases related to the PolyMet sulfide mine proposal remain to be decided. On January 21, 2020, the Ramsey County District Court will begin a trial on whether the Minnesota Pollution Control Agency suppressed the U.S. Environmental Protection Agency's critical comments on the water quality permit. Currently, the water quality permit is suspended and challenges to the air quality permit and the Clean Water Act Section 404 wetlands permit are also pending.

Plaintiffs in the appeals reacted to the win overturning the PolyMet permits

“The Fond du Lac Band of Lake Superior Chippewa is pleased with the decision of the Court of Appeals, which recognizes that significant questions about the Project’s design still remain. The Court’s decision validates the Band’s concerns about the ability of the Project to protect the environment, the public, and the Band’s treaty resources.” - **Kevin R. Dupuis, Sr., Chairman of the Fond du Lac Band of Lake Superior Chippewa.**

“The DNR approved PolyMet’s sulfide mine proposal without a full, fair, and fact-based hearing. The Court’s decision shows the process that granted these permits is broken, and the Court’s intervention means the ultimate decision on PolyMet will be based on science and the law.”
- **Kathryn Hoffman, Chief Executive Officer of the Minnesota Center for Environmental Advocacy.**

“This is an enormous victory for the people of Minnesota and the rule of law,” “By ordering a contested case hearing, the Court has dragged the PolyMet permitting process into the light. PolyMet’s toxic threats to water, human health, downstream communities, and taxpayers will finally get the scrutiny they deserve.” - **Paula Maccabee, Advocacy Director and Counsel for WaterLegacy**

“Today is a win for the people of Minnesota, a win for clean water, and a win for the future of the Boundary Waters. The DNR did not protect the taxpayers from being stuck with the long-term costs of mine, and failed to come clean on the role of Glencore. The DNR did not do its job, and the court made the right call.”
- **Chris Knopf, Executive Director of Friends of the Boundary Waters Wilderness.**

“The wildlife and downstream communities of northeastern Minnesota can breathe a sigh of relief. We’ll finally have a contested case hearing to help resolve the very difficult questions that remain about this toxic mine proposal. The PolyMet mine poses a severe threat for generations to come, and we won’t stop fighting until these waters, wildlife and lands are protected for good.” - **Marc Fink, senior attorney at the Center for Biological Diversity.**

“It is the government’s highest responsibility to protect its citizenry. Northern Minnesota residents shouldn’t be subjected to PolyMet’s high-risk sulfide mine. Mercury, sulfates, arsenic, and other toxic heavy metals are known to have severe adverse effects on human health, wildlife and the environment. We cannot allow a foreign mining company to destroy and pollute the headwaters region of northeast Minnesota. It is simply unacceptable.”
- **Lori Andresen, President of Save Our Sky Blue Waters**

“The PolyMet mine would expose the Lake Superior watershed to a new and more toxic source of water pollution from copper-nickel sulfide mining. Children are especially at risk from mercury and toxic heavy metals in water, air, and local fish as a food supply. Despite their assertions,

the corporations and state agencies have not been able to demonstrate their ability to protect the public from these health threats.”

- Le Roger Lind, President of Save Lake Superior Association

“The people of Northern Minnesota have long struggled for their concerns to be heard with regard to this dangerous mine plan. It is clear to many that the PolyMet plan poses a huge risk our region’s ecosystem, to our health and to that of people separated from the mine in time and distance. We are grateful for the work of Minnesota Center for Environmental Advocacy, the Fond du Lac Band and the other organizations who’ve contributed to this effort.”

- Kristin Larsen, Executive Director, Friends of the Cloquet Valley State Forest