



Protecting clean water, healthy communities, and the Boundary Waters  
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## **CITIZEN COMMENTS ON POLYMET SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (SDEIS)**

### **Public Comments and Request for Extension of Comment Period**

Citizens may comment on the PolyMet SDEIS to the Minnesota Department of Natural Resources (DNR) in writing during the current 90-day comment period, which ends March 13, 2014, and at three public meetings to be held in January 2014. Information about submitting written comments and about the meeting dates and locations is set forth below.

NMW and many other organizations and individuals view the 90-day comment period as insufficient. The co-lead agencies (DNR, US Forest Service, and US Army Corps of Engineers) took more than three years to prepare the SDEIS, which is over 2100 pages in length. Ninety days is insufficient time for the public to study, analyze, and comment on such a complex document. Accordingly, please write to the co-lead agencies to request that the comment period be extended to 180 days; guidance for making such a request is set forth below.

### **Suggestions for Comments: Tell the State of Minnesota That (1) The SDEIS is Inadequate, and (2) This Destructive Project Must Not Proceed**

NMW suggests that you tell the DNR that because of

- (i) the widespread and severe environmental damage inherent in the PolyMet project, and
- (ii) the failure of the SDEIS to include a cost/benefit analysis and specific provisions regarding amounts and sources of financial assurance,

the only appropriate decision is to select the No-Action Alternative in the SDEIS. The PolyMet project should not be allowed to proceed.

### **IN YOUR COMMENTS, PLEASE EMPHASIZE THE FOLLOWING:**

#### **The Supplemental Draft Environmental Impact Statement is Inadequate**

#### **Economic Impacts**

- The SDEIS contains no cost/benefit analysis of the PolyMet mine.

- The SDEIS does not say whether wages paid to mine employees will stay in Minnesota or whether they will go primarily to transient employees who will spend only a fraction of their income in Minnesota. The SDEIS does not discuss the impact of the loss of jobs when the price of copper declines and mining becomes unprofitable, although it acknowledges that such job loss is inevitable: “Mining-related employment is volatile and fluctuates from year to year due to the market price of commodities being extracted.” SDEIS, 4-325—4-326. The SDEIS fails to assess the cost of unemployment benefits and other social services, increased crime rates, and other societal costs associated with volatility in employment.
- The model used to calculate the alleged economic benefits of the mine does not take into account the costs to the environment; the displacement of other economic activity, including among other things tribal rights to hunt, fish, and gather under the 1854 Treaty; the infrastructure, government, and social service costs resulting from the mining; and the consequences of the unpredictable influx and outflow of mine employees.
- What would be the costs for public infrastructure, lost opportunities to engage in other economic activities incompatible with mining, depressed real estate values, lost recreational opportunities, social upheaval, and perpetual clean-up that the public would be required to bear?

### ***Permanent Water Pollution***

- PolyMet admits that water pollution by sulfuric acid and heavy metals will last for at least 500 years.
- Not all of the polluted water will be captured for treatment.
  - Annually, 11 million gallons of polluted seepage from the tailings basin will enter groundwater without being treated.
  - Annually, 5 million gallons of polluted seepage from the mine site will enter groundwater without being treated.
- The SDEIS fails to adequately assess the long-term impacts of the pollution resulting from the release of this untreated water.
- The computer model used by PolyMet may understate the actual pollution impact, because it has been shown to be inaccurate in representing current conditions for water quality around the mine site.

### ***Absence of Planning for Inevitable Accidents and Failures***

- The SDEIS fails to provide contingency plans for the kinds of failures and mishaps that routinely occur in mining operations. During operations, at least 6.2 million gallons of polluted water would need to be treated every day. Pipeline spills, accidental releases, failure of water collection and treatment infrastructure, and tailings basins failures are virtual certainties. And because the provisions regarding financial assurance are so plainly inadequate (see below), the SDEIS does not tell us how the costs of responding to such failures will be covered.
- The SDEIS provides no details on the impacts to water quality, wildlife, or human health if the water treatment system ceases operations at some time during the 500+ years during which the polluted water is being discharged.

***The Mine Plan Requires an Absurd and Unachievable Level of Monitoring and Maintenance for Many Centuries***

- Minnesota Rules 6132.3200 requires that the site must be maintenance-free at closure, but the PolyMet mining plan calls for at least 500 years of active water treatment.
- 526 acres of land, covered by more than 167 million tons of waste rock, would be covered by a plastic sheet and surrounded by a system that would supposedly collect contaminated seepage. All would require monitoring and maintenance constantly for hundreds of years to fix leaks, repair perforations, and remove deep-rooted plants.
- A mining pit “lake” would require pumping to prevent the toxic brew of acid and heavy metals from spilling into the nearby Partridge River, and a tailings basin pond would require pumping to prevent spillage into tributaries of the Embarrass River.
- The polluted water collection system, which includes miles of pipes, would require monitoring and maintenance for centuries.

***Financial Assurance is Inadequate and Not Credible; The Taxpayers Could Be Left with Enormous Clean-Up Costs; Polluted, Devastated Water and Land; and Economic Disaster***

- The SDEIS contains no credible information about the actual cost of monitoring, maintaining, and replacing the equipment needed to treat polluted water for 500 years or more. It provides no details about the nature or guarantees of a financial assurance scheme that would remain viable for 500 years, yet it does acknowledge, disturbingly, the possibility of events such as “unanticipated liabilities” and “failure or limitations on the ability of third parties to pay.” It does not attempt to explain how a corporate entity could realistically be held accountable over such an absurdly long period of time.
- Finally, even though the SDEIS admits that water pollution will last for a minimum of 500 years, its financial assurance section is an exercise in generalities. The actual cost of water treatment, monitoring, maintenance, repair, and reclamation is completely unknowable. The SDEIS says that PolyMet estimates initial closure costs of up to \$200 million, with post-closure monitoring and maintenance costs of up to \$6 million annually. The Grand Portage Band of Ojibway concluded that PolyMet’s numbers are vastly below the actual amounts required. The Grand Portage Band calculates that the minimum amount that should be set aside for financial assurance at the outset, assuming a 3% return on the amount, is \$90.5 billion.

**PLEASE SEND YOUR COMMENTS TO THE DNR:**

**By e-mail:**

[NorthMetSDEIS.dnr@state.mn.us](mailto:NorthMetSDEIS.dnr@state.mn.us)

***Include your name and legal mailing address with your e-mailed comments***

**By regular mail:**

Lisa Fay, EIS Project Manager  
DNR Division of Ecological and Water Resources  
Environmental Review Unit  
500 Lafayette Road, Box 25  
St. Paul, MN 55155-4025

**ATTEND A PUBLIC MEETING IN JANUARY 2014:**

**Thursday, January 16**

DECC—Duluth Entertainment  
Convention Center  
350 Harbor Drive  
Duluth, MN 55802

**Wednesday, January 22**

Mesabi East High School  
601 N. 1<sup>st</sup> Street West  
Aurora, MN 55705

**Tuesday, January 28**

St. Paul RiverCentre  
175 West Kellogg  
St. Paul, MN 55102

*Schedule for all three public meetings:*

*5:00 PM Open House*

*6:45 – 10:00 PM formal presentation and public comment period*

**REQUEST AN EXTENSION OF THE COMMENT PERIOD TO 180 DAYS:**

Below is a sample letter prepared by the non-profit organization Water Legacy that asks that the comment period be extended to 180 days. The letter and a link for submitting such a letter by e-mail are available on Water Legacy's website: <http://www.waterlegacy.org/>. On the home page, scroll down to the link entitled [Ask for an Extended Public Comment Period...](#)

**Lisa Fay, EIS Project Manager  
DNR Division of Ecological and Water Resources  
Environmental Review Unit  
500 Lafayette Road, Box 25  
St. Paul, MN 55155-4025**

**Douglas W. Bruner  
U.S. Army Corps of Engineers  
180 Fifth Street East, Suite 700  
St. Paul, MN 55101-1638**

**Tim Dabney  
Deputy Forest Supervisor  
Superior National Forest  
8901 Grand Avenue Place  
Duluth, MN 55808**

**Dear Ms. Fay, Mr. Bruner, Mr. Dabney:**

**I'm writing to request that you increase the length of the comment period for the PolyMet NorthMet Supplemental Draft Environmental Impact Statement (SDEIS) from 90 days to 180 days. Please listen to the community – there is too much at stake to rush this.**

**Please also consider rescheduling the public meetings proposed for January 2014 so that they take place later in the comment period. At the very least, please provide an additional public meeting toward the end of the extended comment period in May 2014. PolyMet and the agencies have had more than seven years to put together the PolyMet SDEIS. Yet, you are expecting the public to read everything and be ready to speak up about the project after just a few weeks, just after the winter holidays. This isn't fair or reasonable.**

**Here are some reasons why we need more time to comment and to prepare for public meetings:**

**\* The SDEIS is too long. The SDEIS is 2,169 pages long. It is neither clear nor concise. In places, it is internally inconsistent. In others, it only makes sense after reading additional technical documents.**

**\* The SDEIS is not written so that members of the public can understand it. The SDEIS is confusing and repeats the same information over and over without providing the basis for its conclusions. It's going to take a lot of work just to make sense of what it is saying.**

**\* The SDEIS doesn't explain some of the most important issues. The SDEIS does not explain why other alternatives that could reduce pollution and impacts on wetlands weren't analyzed. No data is provided to support the level of financial assurance proposed.**

**\* The SDEIS is often one-sided. Well-documented tribal "Major Differences of Opinion" call into question many of the main points in the SDEIS, like claims that mine pits, waste rock piles, and tailings heaps won't seep pollution; that mining won't dry out wetlands; and that mercury contamination of fish and other toxic chemicals won't increase.**

**\* The SDEIS doesn't allow members of the public to find or check on the references claimed to support the SDEIS conclusions. The SDEIS has a long list of references, but they were not made available to the public. How can we tell if the conclusions in the SDEIS make sense?**

**\* The SDEIS comment period and public meetings come at the worst possible time. Release of the SDEIS right before the winter holidays and scheduling public meetings in January (when bad weather is likely) seem designed to make it hard for us to both review the documents and to travel to hearings.**

**The PolyMet NorthMet sulfide mine proposal is very controversial, and there is a lot of mistrust about whether government decision-makers are really interested either in the science or the financial risk of the proposal, let alone what the public has to say.**

**Extending the SDEIS comment period to 180 days and setting public meetings later in the comment period would go a long way to reassure us that the PolyMet sulfide mine project will receive a fair evaluation and that opinions of Minnesota citizens, not just the interest of foreign corporations, will matter when the government makes its decisions.**