

**For Immediate Release**

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Contact: Jeremy Drucker (612) 670-9650

# SAVE THE BOUNDARY WATERS

## **Campaign to Save the Boundary Waters wins second legal challenge in as many days**

*Decision today orders Minnesota Department of Natural Resources to launch proceedings to review Minnesota's non-ferrous mining rules in the watershed of the Boundary Waters;*

*Follows on the heels of successful challenge to federal prospecting permits for Antofagasta's Twin Metals*

**(ELY, MN)**--Today the Campaign to Save the Boundary Waters won its second legal challenge in as many days when a state district court judge ordered the DNR to begin administrative proceedings to review whether Minnesota's non-ferrous mining rules are adequate to protect the Boundary Waters Canoe Area Wilderness (BWCA) and dismissed in full the objections to the legal action brought by Chilean mining conglomerate Antofagasta's Twin Metals. Yesterday Save the Boundary Waters and its partners, led by the Center for Biological Diversity, [successfully challenged](#) the issuing of federal prospecting permits to Twin Metals. Both cases are key to permanently protecting America's most visited Wilderness and Minnesota's crown jewel.

**"Today's victory is the second in as many days for the Boundary Waters," said Tom Landwehr, Executive Director of the Campaign to Save the Boundary Waters. "Antofagasta's Twin Metals sulfide-ore copper mining project threatens the clean water, robust local economy, and world-class recreational value of our country's most visited Wilderness. With the ruling today Minnesotans will have the opportunity to demonstrate that the state's rules regulating where it is**

**appropriate to conduct risky mining are not sufficient to protect the Boundary Waters and all that it provides our great state and nation."**

With assistance of Ciresi Conlin LLP, Northeastern Minnesotans for Wilderness (the lead organization in the Campaign to Save the Boundary Waters) signed a Stipulation for Remand with the Minnesota Department of Natural Resources on November 18, 2021. The stipulation agreement is a result of Northeastern Minnesotans for Wilderness's (NWW) lawsuit [challenging the state's non-ferrous mining rules](#) filed pursuant to Section 10 of the Minnesota Environmental Rights Act (MERA) on June 24, 2020. The lawsuit alleges that the [current mining rules](#) - adopted 27 years ago - fail to protect the Boundary Waters. The current rules allow for sulfide-ore mining in the upstream half of the Rainy River Headwaters, next to and outside of the Boundary Waters. Polluted waters from sulfide-ore copper mining in the upstream half of the Rainy River Headwaters would flow directly into the Boundary Waters and also put at risk the downstream protected areas of the Quetico Provincial Park and Voyageurs National Park (see map, below).

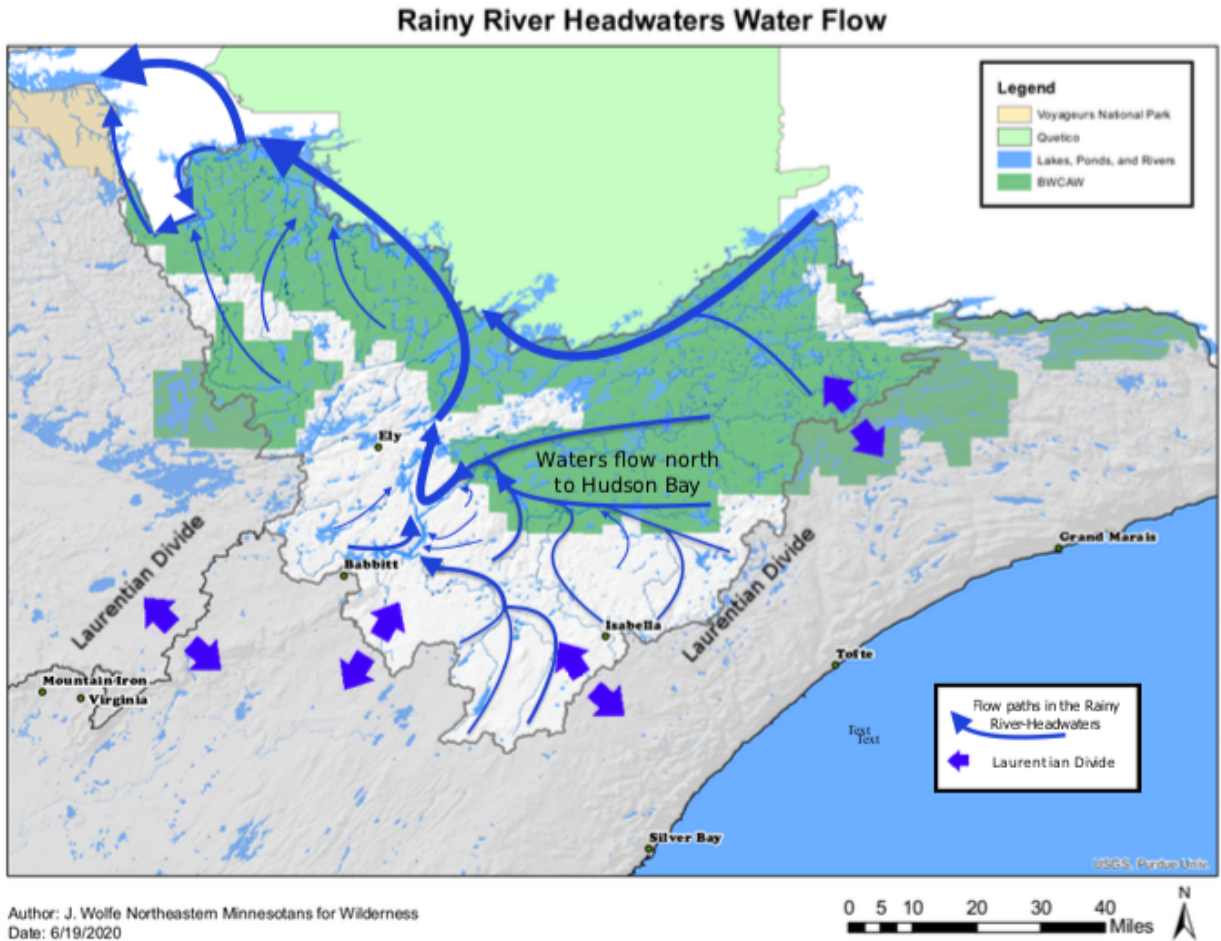
This is the first-ever lawsuit of its kind brought under Section 10 of MERA ([MS116B.10](#)), and today's ruling allows the case to go forward. The district court concluded that NMW presented facts sufficient to show that allowing sulfide-ore copper mining in the upstream half of the Rainy Rivers Headwaters fails to protect the Boundary Waters from pollution, impairment, or destruction. The court remanded the case to DNR to begin a public comment process and further proceedings to determine whether its outdated non-ferrous mining rules are adequate to protect the Boundary Waters and, if not, how the rules should change.

The entire process for NMW's MERA lawsuit will take several years. Success would mean that sulfide-ore mining would be prohibited in the entire Rainy River Headwaters, including and specifically the upstream half that is currently unprotected. Northeastern Minnesotans for Wilderness is represented in the MERA action by the law firm Ciresi Conlin LLP.

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Map of the Rainy River Headwaters watershed. The proposed Twin Metals mine is located just southeast of Ely, in the watershed, which flows directly into the Boundary

Waters Canoe Area Wilderness, the Quetico Provincial Park and Voyageurs National Park.



Author: J. Wolfe Northeastern Minnesotans for Wilderness  
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