

**For Immediate Release**

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# SAVE THE BOUNDARY WATERS

## **DNR to begin process to determine if Minnesota's nonferrous mining rules are inadequate to protect the Boundary Waters**

*Northeastern Minnesotans for Wilderness's groundbreaking lawsuit triggers an important review of the risks to the Boundary Waters posed by sulfide-ore copper mining in the Rainy River Headwaters*

*Court order directs the DNR to establish a public comment process within the next few weeks to seek public input about the 28 year old rules.*

**(ELY, MN)**--Last week a state district court remanded a Minnesota Environmental Rights Act claim to the Minnesota Department of Natural Resources to begin an administrative process to determine if Minnesota's nonferrous mining rules - which currently allow dangerous sulfide-ore copper mining in the Rainy River Headwaters - fail to adequately protect the Boundary Waters Canoe Area Wilderness and the Rainy River Headwaters from pollution, impairment, or destruction. The Minnesota Pollution Control Agency completed a water quality assessment of the Rainy River Headwaters in 2017 and found the waters to be exceptionally clean and immaculate and urged that additional protections be afforded to the watershed. Twin Metals Minnesota - the wholly owned subsidiary of Chile's Antofagasta - proposes to build a massive

copper - nickel mine in the Rainy River Headwaters which includes, among other destructive features, a 430 acre toxic tailings storage facility on shores of Birch Lake immediately upstream of the Boundary Waters and threatening the high water quality of the Wilderness and the Rainy River Headwaters. The order directs the DNR to establish a public comment process by October 4th to seek public input about the 28 year old rules.

**"Antofagasta's Twin Metals sulfide-ore copper mining project threatens the clean water, robust local economy, and world-class recreational value of our nation's most visited Wilderness," said Campaign to Save the Boundary Waters National Chair Becky Rom. "With the ruling, 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 to our great state and nation. No sulfide-ore copper mining should be allowed in the headwaters to the Boundary Waters."**

The court order is a result of a lawsuit brought by Northeastern Minnesotans for Wilderness, the lead organization in the Campaign to Save the Boundary Waters. Northeastern Minnesotans for Wilderness asserts that the DNR siting rule should be amended to prohibit nonferrous mining in the Rainy River Headwaters altogether as the only way to protect the Boundary Waters from pollution, damage, or destruction.

With legal assistance of Ciresi Conlin LLP, Northeastern Minnesotans for Wilderness signed a Stipulation for Remand with the Minnesota Department of Natural Resources on November 18, 2020. 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 28 years ago - fail to protect the Boundary Waters and the Rainy River Headwaters. 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. This is the first-ever lawsuit of its kind brought under Section 10 of MERA ([MS116B.10](#)).

Last week's order officially 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

**“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”, said Rom.**

At the federal level the Biden Administration is currently reviewing multiple legal challenges to Twin Metals lease renewals.