

# Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

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## FOR IMMEDIATE RELEASE

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## Army Corps Hearing on Fond du Lac Band's Objection to PolyMet NorthMet 404 Permit and EPA's Recommendations

**Fond du Lac Lake Superior Chippewa, MN, May 3<sup>rd</sup>, 2022** Today, the Fond du Lac Band of Lake Superior Chippewa (Band) will finally be heard on its objection to a 404 permit for PolyMet's NorthMet Project. The Army Corps suspended the 404 permit in March 2021 in order to have the EPA comply with the law and evaluate the effects of PolyMet's Project on the Band's downstream waters. The Band has raised well-grounded objections to the Project for well over a decade. But federal and state agencies ignored the Band. The Band has federally approved water quality standards that apply downstream in the St. Louis River within the Fond du Lac Reservation to protect and restore critical water resources now and for future generations.

In August 2021, the Band exercised its authority under section 401(a)(2) of the Clean Water Act to object to the 404 permit because discharges from PolyMet's Project will violate the Band's water quality standards.

EPA has now evaluated the Band's objection. EPA agrees with the Band on the science. EPA recommended that the Corps **not reinstate** the suspended 404 permit because there are **no conditions** that can be placed on permit to ensure PolyMet's compliance with the Band's water quality standards.

After pressing its well-founded concerns for over a decade, EPA's top scientists in its Office of Research and Development concluded that the Band's objection is "well-grounded in contemporary scientific research."

Chairman Kevin Dupuis Sr. applauded EPA's recommendations stating "The Band is not opposed to mining, but if mining is to occur, we must ensure that our waters are protected, not just for the Band, but for all Minnesotans. It has taken a lot of time and dedication to get where we are today, and we appreciate EPA for taking a robust and meaningful look at our objection which is grounded in science. It is no surprise that EPA's recommendations agree with our long-standing concerns."

In reaching its recommendations EPA found PolyMet's efforts to analyze impacts from its proposed project "are extremely cursory." EPA also found that PolyMet's state water quality permit "authorizes continued exceedance of the Band's water quality standards for mercury," which is a clear violation of federal law.

Chairman  
**Kevin R. Dupuis, Sr.**

Secretary/Treasurer  
**Ferdinand Martineau, Jr.**

Dist. I Representative  
**Wally J. Dupuis**

Dist. II Representative  
**Bruce M. Savage**

Dist. III Representative  
**Roger M. Smith, Sr.**

Executive Director,  
Tribal Programs  
**Miyah M. Danielson**

Executive Director,  
Tribal Enterprises  
**Terry Savage**

This is a great victory for the Band's efforts to protect its waters from unacceptable pollution that threatens their culture and way of life. EPA has recognized that the science does not support PolyMet's flawed analysis for its Project. It is time for the Army Corps to revoke the 404 permit.

**About Fond du Lac Band Lake Superior Chippewa**

The Fond du Lac Band (Nagaajiwanaang; where the water stops) is one of six Chippewa Indian Bands that make up the Minnesota Chippewa Tribe. The Fond du Lac Reservation was established by the La Pointe Treaty of 1854. Archaeologists, however, maintain that ancestors of the present-day Chippewa (Ojibwe) have resided in the Great Lakes areas since 800 A.D. The Band includes 4,200 members.

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