

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

1720 Big Lake Rd.  
Cloquet, MN 55720  
Phone (218) 879-4593  
Fax (218) 879-4146



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FOR IMMEDIATE RELEASE

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For more information contact Rita Aspinwall, Communications Director, 218-878-7518  
ritaaspinwall@fdlrez.com

Date: 9/12/2019

SUBJECT: Fond du Lac Band files federal complaint over PolyMet Mine

BY: Rita Aspinwall, Communications Director

On Tuesday, September 10, 2019, the Fond du Lac Band of Lake Superior Chippewa (Band) filed a lawsuit in Minnesota federal district court against the U.S. Environmental Protection Agency (EPA) and U.S Army Corps of Engineers (Army Corps). The lawsuit is significant to the Band because the proposed PolyMet Mine will be located in the Band's Ceded Territory where the Band retains Treaty rights to hunt, fish and gather and is 70 miles directly upstream from the Band's Reservation.

For over a decade, the Band has been involved in evaluating and commenting on the proposed PolyMet Mine to ensure the Mine's permits are protective of Minnesota's natural resources, including the Band's waters and Treaty resources. The Band also has treatment as a state status under the Clean Water Act (CWA), which means that the Band, as the regulator of water quality within the Fond du Lac Reservation, has the same rights as States under the CWA. As such, the Band has the right to ensure that the PolyMet Mine will not violate the Band's downstream water quality standards, which in the case of the pollutant mercury, is stricter than Minnesota's water quality. The EPA and Army Corps ignored the Band's multiple requests for notice and a public hearing pursuant to Section 401 of the CWA to ensure that the PolyMet Mine's discharges would not violate the Band's downstream water quality standards. The EPA and Army Corps did not even respond to the Band's requests and expert analysis supporting the Band's conclusion that the PolyMet Mine will violate the Band's water quality standards. EPA failed to uphold its oversight responsibility to ensure that the State water quality permit and Army Corps' wetlands permit complied with the CWA, including ensuring that the permits were protective of the Band's downstream water quality standards.

The St. Louis River within the Fond du Lac Reservation already exceeds the Band's water quality standard for mercury and has required health advisories to limit fish consumption based on mercury contamination in fish that the Band's members rely on for subsistence and cultural practices. The PolyMet Mine will also be a source of

pollution in the headwaters of the St. Louis River for at least the next 200 years, if not in perpetuity.

Fond du Lac Chairman Kevin DuPuis stated that “the Band is not against mining but wants to ensure that any new mining operation in Minnesota complies with the law and is protective of the environment, not only for the Band and its members, but for *all* Minnesotans.”