



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

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On Tuesday, after careful review and analysis, the Army Corps of Engineers revoked the Section 404 wetlands permit for PolyMet Mining, Inc.'s proposed NorthMet mining project. This was a great victory for the Fond du Lac Band of Lake Superior Chippewa, clean water, and Minnesota. Yet, in a press release issued shortly after the decision was made public, Congressman Pete Stauber decried the Corps' decision as an assault on northern Minnesota and our way of life. We are writing to set the record straight.

The Band is a sovereign tribal government. In the 1854 Treaty of LaPointe, the United States promised us our Reservation as a permanent homeland, as well as the right to continue to hunt, fish, and gather throughout most of northeastern Minnesota. Our Reservation is located downstream of where PolyMet proposes to build its mine and discharge millions of gallons per day of heavily polluted wastewater.

As proposed, the NorthMet mine presents an assault on our way of life. To protect future generations and our way of life, the Band has continued to challenge the NorthMet mine because it is not designed responsibly and will not follow the law. We have experienced firsthand the impacts of irresponsible mining upstream of our Reservation, which has polluted our waters and resources for decades. We have seen our wild rice waters degraded and lake sturgeon wiped out by pollution from mines and industry. The remaining fish are so high in mercury that our members cannot safely feed them to their children.

For years the Band raised concerns regarding the NorthMet mine, including PolyMet's ability to meet our downstream water quality standards that were enacted to protect our cultural and subsistence uses of water. PolyMet has consistently resisted not only meaningful changes to its mining plan, but also any enforceable permit conditions that would ensure compliance with water quality standards.

PolyMet is not from Minnesota and does not have the interests of Minnesotans (or Americans) in mind. PolyMet is controlled by Glencore, a mining conglomerate headquartered in Switzerland. Glencore has a long history of corruption, human rights violations, and criminal convictions. In 2015, United Steelworkers awarded Glencore second-place for the most irresponsible companies on the planet. More recently, Glencore pled guilty to paying over \$100 million in bribes to win business or avoid audits. So it is ironic that Congressman Stauber vigorously supports enriching a foreign-owned company while baselessly asserting that the Corps' decision is a "gift to the Chinese Communist Party."

PolyMet has never committed to marketing its products domestically in the United States, and instead says it plans to sell its minerals on the global market. Moreover, PolyMet mostly speculates that its ore body could produce critical minerals, such as cobalt and lithium.

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The Band stood its ground and in late 2019 sued the EPA and Corps in federal court. The Band prevailed on a key legal issue which resulted in further administrative review of the permit to examine the NorthMet mine's impact on the Band's downstream waters. During that review, the Band worked with a team of recognized experts and determined that the mine would violate our water quality standards. EPA's preeminent Office of Research and Development thoroughly vetted the Band's determination and agreed with the Band. Ultimately, the Corps was unable to find fault with either the Band's or EPA's analysis and revoked the wetlands permit. It also cannot be forgotten that there were significant irregularities throughout the permitting process that led to the Corps' issuance of the wetland permit in 2019. For example, a 2021 report from EPA's Office of Inspector General found that with regard to the wetlands permit, the EPA denied the Band a legal remedy under the Clean Water Act by neglecting to assess downstream effects, despite repeated requests from the Band for EPA to do so.

Ultimately, the Corps' decision was the result of a full and fair administrative process required under the Clean Water Act and which only occurred because the Band sued in federal court. In the end, science prevailed, and despite PolyMet's attempts to paint its project as good for the environment, it did not and could not show that the NorthMet mine would comply with the Band's downstream water quality standards. The decision follows the law and protects our waters and Our Way of Life!

Miigwech (thank you),

The Fond du Lac Band Reservation Business Committee