The Flambeau Mine: A 30 year History on Environmental Degradation & Misleading the Public at a Copper Sulfide Mine

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Deer Tail Press
Duluth, MN

Historically, Minnesota's Iron Range has been given 2 choices: POVERTY or POLLUTION. The PolyMet proposal, bolstered by false assertions from the mining industry about the environmental performance of Wisconsin's Flambeau Mine, fits into that same mold. It's time to give the Range a third alternative: Sustainable Development.

Laura Gauger is a pharmacist by trade who has been following developments at the Flambeau Mine for nearly 20 years. She has done numerous open records requests of the Wisconsin DNR to obtain official documents and water quality reports. Together with Roscoe Churchill of Ladysmith, Wisconsin, she co-authored a 1200-page book about the Flambeau Mine that was published in 2007. It examines Wisconsin's so-called "tough" mining laws and how water quality at the mine site fared under those laws.

Reports on file with the Wisconsin DNR show serious and ongoing water pollution problems at the Flambeau Mine site, problems not evident in aerial photos provided by the mining industry, but rather hidden beneath the surface of the grassed-over site and within its waters. Roscoe likened it to "Just Grass Over a Grave."

Here's an example: Flambeau consultant Foth Engineering predicted that manganese levels within the backfilled Flambeau Mine pit would top off at about 550 parts per billion (ppb). Now that the real data has started to come in, the Wisconsin DNR has recorded levels as high as 42,000 ppb. Foth's Steve Donohue has some explaining to do when he claims, as he did to a Wisconsin Senate Committee on Mining in 2012, that groundwater testing at Flambeau "continues to show that groundwater is being protected."

In other developments, Laura sued the owner of the Flambeau Mine in federal court in 2011 over the pollution of a tributary of the Flambeau River that, because of high copper levels linked to the Flambeau Mine, is now on the EPA's list of "impaired waters." She won in U.S. District Court, but the decision was later overturned on a technicality. The Court of Appeals did not dispute the fact that the tributary was polluted. Rather, the mining company was pardoned because the Wisconsin DNR had made a mistake by not requiring them to secure a federally-mandated permit that would have put limits on the amount of copper discharged to the stream.

The tributary remains on the EPA's impaired waters list to this day.

For the real story of the Flambeau Mine, go to DeerTailPress.wordpress.com/
Environmental Degradation at Wisconsin’s Flambeau Mine

- A Cautionary Tale for Minnesotans

Laura Gauger
Duluth, MN
June 2016
PolyMet lobbyists have told Governor Mark Dayton, Senator Al Franken, Senator Amy Klobuchar and you that Minnesotans should “say Yes to Copper-Nickel Mining” because “It’s been done before” at Wisconsin’s Flambeau Mine “without polluting local waters.”
They also told the Governor and others (including **YOU**) that the Flambeau Mine site is home to: “clean and healthy groundwater of the same quality as before mining took place.”
Here’s the letter sent to Gov. Dayton, Sen. Franken & Sen. Klobuchar AND posted on-line to the public in Sep 2013:

Sept. 25, 2013
The Honorable Mark Dayton
Governor, State of Minnesota
130 State Capitol
St. Paul, MN 55155

RE: Minnesota Should Say Yes to Copper-Nickel Mineral Development

Dear Governor Dayton:

Anti-mining activists opposed to mineral development in Minnesota are urging you, as the state’s chief executive, to address four questions before the state approves any proposed copper-nickel mining projects. These questions are focused on ensuring Minnesota’s water resources are protected, that environmental safeguards are in place, that proper reclamation of mine sites will occur after mining is completed, and that taxpayers will be protected from any financial burdens. We agree that these are all good questions — and that there are fact-based answers that will give you and all the citizens of Minnesota the utmost confidence that new copper-nickel mining projects can bring unprecedented economic opportunity to Minnesota while protecting our precious natural environment. In short, can Minnesota enjoy both mining growth and a healthy environment? The answer is unequivocally YES.

1) Will Minnesota’s water stay safe and clean? YES, our water will be protected and be kept safe. The Minnesota Pollution Control Agency (MPCA) and the Federal Environmental Protection Agency have multiple specific water quality standards and regulations. Companies are required to have controls in place to comply with comprehensive environmental standards — assuring clean and safe water, air and land.

2) Are there strong safeguards in place for when things go wrong? YES, safeguards require companies to demonstrate necessary remediation funding. Further, plans are in place to first prevent pollution and, second, address any potential unforeseen issues. The Minnesota Department of Natural Resources (DNR) and the U.S. Army Corps of Engineers, U.S. Forest Service, and Bureau of Land Management all require thorough environmental review of potential impacts before permits are issued. Should unplanned issues arise during operation, the Minnesota DNR and MPCA have authority to require corrective enforcement actions to remedy the issues. This requires additional financial assurance.

3) Will the company leave the site clean and maintenance free? YES, state and federal agencies mandate the reclamation of all mining and processing activity, including mines, tailing basins, waste rock, wetland restoration, re-vegetation of disturbed ground, closure and post closure maintenance. In addition, strong financial requirements in Minnesota assure responsible clean-up. The financial assurance must be available to the state at all times and is adjusted annually by the state. Provisions for post closure maintenance are in place as a tool to eliminate the potential for water quality problems that have been documented from past mining operations in other states.

4) Will Minnesota’s taxpayers be protected? YES, taxpayers are financially protected and will not be on the hook for paying for anything that is the financial responsibility of mining companies. Minnesota requires state-managed and annually adjusted bankruptcy-proof financial assurance to cover any possible costs before permits can be issued. Minnesota is authorized to deny or revoke a permit if a company does not comply.

Importantly, Minnesotans will benefit from significant job and economic gains from the state producing its natural resources. Payroll and sales taxes for Minnesota, net proceeds taxes for local governments, and royalties to the School Trust Fund provide revenue to every school district in Minnesota.

In addition to the four questions, the anti-mining activists continue to claim that no copper-nickel mine has operated without “polluting” local waters. This simply is not true.

Copper, nickel, and other much needed metal production can and has been done safely and successfully, without polluting local waters. Right next door in Wisconsin, the Flambeau Mine is an excellent example of a copper mine that has operated for several years, and has now been closed and reclaimed for more than ten years in full compliance with Wisconsin laws.

During both the operation and the closure of the Flambeau Mine, not a single permit condition was violated and the mine has not impaired local waters. The Wisconsin DNR holds this mine up as an example of a successful operation and successful closure.

A recent federal Court of Appeals decision, along with the lower court’s praise for the company’s demonstrated respect of the environment and local community, further affirm that the right company doing the right things in compliance with the right standards can produce the materials society needs safely and responsibly.

Minnesota should enthusiastically support the development of its own resources by way of mining. We can have a win, win, win situation. Mine the metals here in Minnesota — do it with Minnesota jobs — and be an example to the rest of the world for environmentally responsible mining.

Minnesota’s environmental review and permitting process — developed with the input of many stakeholders, including environmentalists — is comprehensive, open and transparent and invites citizen participation at many steps along the way. As an industry, we encourage everyone to participate in the process and learn the facts of each project as it goes through this rigorous review.

Each and every project will be required to demonstrate it will meet or exceed Minnesota’s strict air and water quality standards in order to receive a permit to mine. If a company demonstrates it will meet these strict standards, Minnesota should say YES to copper-nickel mining opportunities, and the jobs they bring.

The answer to all the above questions is a resounding, YES.

We will protect our water and keep it safe
Minnesota has strong safeguards in place
Companies are required to leave sites clean
Taxpayers are protected
It has been done before

Thank you for your continued support of mineral development.

Sincerely,

Frank Ongaro
Executive Director

Cc: Minnesota Legislators, Minnesota Congressional Delegation, Minnesota Mining Subcabinet
Here's the brochure that went with the letter:

**HAS ANY COPPER-NICKEL MINE OPERATED WITHOUT “POLLUTING” LOCAL WATERS?**

**YES,** copper, nickel and other much needed metal production can and has been done safely and successfully, **without polluting local waters.**

A great example of this success is next door in Wisconsin. Located near the city of Ladysmith, Wis., the Flambeau Mine operated in the 1990s and has since been closed and reclaimed in full compliance with Wisconsin laws.

**FLAMBEAU MINE AT A GLANCE**

- The open pit mine produced 181,000 tons of copper, 334 ounces of gold and 3.3 million ounces of silver during operations.
- The Flambeau Mine paid more than $27.7 million dollars in taxes and fees to local and state governments. This amount is in addition to employee salaries and local expenditures for goods and services.
- More than 100,000 people have visited the reclaimed site to hike the nature trails along the Flambeau River and view local wildlife since the site’s reclamation.

**PROTECTING THE ENVIRONMENT FROM DAY 1**

Wisconsin’s mining laws, as well as Minnesota’s, are among the strictest in the country and cover every aspect of mining, from exploration to reclamation. Flambeau Mine met these requirements throughout its lifetime.

In fact, not a single permit condition was violated and the mine has not impaired local waters. The Wisconsin DNR holds this mine up as an example of a successful operation and successful closure.

Plans for reclamation were part of the initial permitting process and were approved by state regulators and communities. The reclaimed site is home to:

- More than 10 acres of wetlands.
- Hundreds of species of plants and animals.
- Four miles of hiking trails and five miles of equestrian trails open to the public year round.
- The Flambeau River, which attracts tourists, paddlers and fishermen; protected at every phase of the project, long-term monitoring upstream and downstream proves the river is clean and healthy.
- Clean and healthy groundwater of the same quality as before mining took place.

A recent federal Court of Appeals decision, along with the lower court’s praise for the company’s demonstrated respect of the environment and local community, demonstrate that the right company doing the right things in compliance with the right standards can produce the materials society needs safely and responsibly.

**ADDITIONAL INFORMATION**

www.flambeaumine.com
Here’s what Stephen Donohue of Foth Engineering told the Wisconsin Senate Committee on Mining at a hearing in September 2012:

“Testing on groundwater around the Flambeau Mine site continues to show that groundwater is being protected at this project.”

Testimony posted online by Wisconsin Eye:
http://www.wiseye.org/Video-Archive/Event-Detail/evhid/6623
Here’s just one example of what the *Real* data on file with the Wisconsin DNR shows:

**Manganese** levels in groundwater at the Flambeau Mine are up to **180 times higher** than they were before the mine was built and up to **75 times higher** than predicted by Foth Engineering.

And it’s not just one well that has gone high on manganese. **Nine of the eleven wells** within the backfilled Flambeau pit and/or directly between the pit and Flambeau River have GREATLY exceeded the Foth prediction for manganese.
And it’s not just Manganese that has gotten out of control in some of the wells at the Flambeau Mine site.

Sulfate levels in groundwater at the Flambeau Mine are up to **480 times higher** than they were before the mine was built and up to **48 times higher** than Minnesota’s surface water standard for wild rice.

And it’s not just one well that has gone high on sulfate. As of March 2016, **nine of the eleven wells** within the backfilled Flambeau pit and/or directly between the pit and Flambeau River are exceeding the 5 mg/l baseline value for sulfate by at least **15 times**.

**Sulfate Levels in Monitoring Well-1013B at the Flambeau Mine Site**

MW-1013B is located within the backfilled pit. It is about 600’ from the Flambeau River, 86’ deep and in line with the direction of groundwater flow toward the river.

Graph created by Laura Gauger of Duluth, MN (2015).
For more information go to: [https://flambeaumineexposed.wordpress.com/](https://flambeaumineexposed.wordpress.com/)
Statements made by PolyMet lobbyists and Stephen Donohue that suggest the groundwater at Flambeau “is being protected” and “of the same quality as before mining took place” simply are not true.
Even if Flambeau had operated cleanly, there is no real comparison between Flambeau and PolyMet.

- The Flambeau project site was **only 181 acres** in size (compared to 7,650 acres at PolyMet)

- The Flambeau Mine pit was **only 32 acres** in size (compared to 3 mine pits at PolyMet totaling 525 acres)

- The Flambeau Mine destroyed **only 8 acres** of wetlands (compared to 915 acres at PolyMet)

- The Flambeau Mine indirectly impacted **only 11 acres** of wetlands (compared to up to 7,700 acres of wetlands at PolyMet)

- There was **no on-site processing of ore at Flambeau.** It was all shipped to Canada for smelting, so there are no tailings at Flambeau (compared to **225 million tons of toxic tailings projected for PolyMet**).
Why is this important for Minnesotans to know?
The ore body that PolyMet wants to mine in Minnesota is in the Superior National Forest on public (YOUR) land, not private property.
PolyMet has asked the U.S. Forest Service to transfer your forestland, (6,650 acres of water-rich lands in the Lake Superior AND Boundary Waters Canoe Area Wilderness watersheds), to them so they can construct a new copper-nickel sulfide mine.
According to computer modeling supplied by PolyMet and others, contaminated water from the proposed mine site and tailings dump will travel:

- South *(to the St. Louis River/Lake Superior watershed)*\(^1\) and
- North *(to the Rainy River/Boundary Waters Canoe Area Wilderness watershed)*\(^2\)

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1. *Final Environmental Impact Statement, NorthMet Mining Project and Land Exchange*, Minnesota DNR, U.S. Army Corps of Engineers and U.S. Forest Service, Nov 2015, Chapter 4, p. 19, Figure 5.2.2-7 & Figure 5.2.2-9.
The state and federal agencies that prepared the Final Environmental Impact Statement (FEIS) for the PolyMet project stated repeatedly:

“Water quality modeling performed in support of this FEIS indicates that water treatment systems would be needed indefinitely at the Mine Site and Plant Site.”

There is some disagreement over exactly how long water treatment will be needed at the PolyMet project site, but in 2013 the state and federal agencies that prepared the EIS repeatedly stated, in response to concerns raised by the Great Lakes Indian Fish and Wildlife Commission:

“Modeling predicts that treatment activities will be a minimum 200 years at the Mine Site and a minimum of 500 years at the Plant site.”

The U.S. Forest Service has said that it intends to transfer your land in the Superior National Forest to PolyMet so it can build its mine, but the decision is subject to Congressional oversight.

Senator Al Franken
(U.S. Senate Energy Subcommittee on Forests, Public Lands & Mining
AND U.S. Senate Committee on Indian Affairs)

& Senator Amy Klobuchar
(U.S. Senate Agriculture Subcommittee on Conservation,
Forestry & Natural Resources)

both sit on Congressional committees
with jurisdiction in this matter.
Sign the Petition asking for Congressional Hearings on PolyMet’s request to gain control of YOUR land in the Superior National Forest.

Please CLICK HERE or go to DeerTailPress.wordpress.com/ and click on “Public Interest Petitions” to print a copy of the petition. Time is short. Sign and return NOW to: Deer Tail Press, 1321 E. 1st St, Duluth, MN 55805.
Please note: The petition does NOT ask Senators Franken and Klobuchar to “take sides” on the transfer of national forestland to PolyMet.

It simply asks them to assure that objective Congressional hearings take place on an issue that matters dearly to many of their constituents. The petition is simply asking for a fair shake.
It bears repeating:
PolyMet lobbyists have told Governor Mark Dayton, Senator Al Franken, Senator Amy Klobuchar and YOU that Minnesotans should “say Yes to Copper-Nickel Mining” because “It’s been done before” at Wisconsin’s Flambeau Mine “without polluting local waters.”
They also told the Governor and others (including **YOU**) that the Flambeau Mine site is home to:

“clean and healthy groundwater of the same quality as before mining took place.”
Here’s what Stephen Donohue of Foth Engineering told the Wisconsin Senate Committee on Mining at a hearing in September 2012:

“Testing on groundwater around the Flambeau Mine site continues to show that groundwater is being protected at this project.”

Testimony posted online by Wisconsin Eye: http://www.wiseye.org/Video-Archive/Event-Detail/evhdid/6623
You’ve already seen the graphs for elevated Manganese and Sulfate in groundwater at the Flambeau Mine site. **IRON** is also of concern.

Iron levels in groundwater at the Flambeau Mine are up to **300 times higher** than they were before the mine was built and up to **45 times higher** than predicted by Foth Engineering.
The *Real* data on file with the Wisconsin DNR also shows that Copper levels have shot up in some of the wells at Flambeau.

Copper levels in groundwater at the Flambeau Mine are up to 70 times higher than they were before the mine was built and up to 55 times higher than predicted by Foth Engineering.

Graph created by Laura Gauger of Duluth, MN.
For additional information go to: [http://flambeaumineexposed.wordpress.com/](http://flambeaumineexposed.wordpress.com/)
Statements made by PolyMet lobbyists and Stephen Donohue that suggest the Flambeau Mine is home to “clean and healthy groundwater of the same quality as before mining took place” simply are not true.
So why would anyone want to mislead **YOU** and our **elected officials** about Flambeau?
No copper-nickel sulfide mine has ever operated anywhere in the world without polluting local waters.

PolyMet supporters are scrambling to try to come up with an example of a non-polluting mine so that YOU and our elected officials can feel okay about moving forward with the PolyMet project.

The Flambeau Mine, groomed by the Industry to fill that role, is the closest they have come, but ...
Aerial photos provided by the mining industry belie what’s happening beneath the surface of the grassed-over Flambeau Mine site and within its waters.
As 8-term Rusk County Board Supervisor Roscoe Churchill of Ladysmith, Wisconsin noted, it’s “Just Grass Over a Grave”
Sign the Petition asking for Congressional Hearings on PolyMet’s request to gain control of YOUR land in the Superior National Forest.

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But there is even more to tell you!
A tributary of the Flambeau River was added to the EPA’s “impaired waters” list, effective April 2012, because of high copper levels linked to the Flambeau Mine.
Here's the EPA report:

The U.S. Environmental Protection Agency conducted a complete review of Wisconsin’s 2012 Section 303(d) list and supporting documentation and information. Based on this review, EPA determined that Wisconsin’s 2012 list of water quality limited segments still requiring Total Maximum Daily Load calculations meets the requirements of Section 303(d) of the Clean Water Act (CWA) and EPA’s implementing regulations. Therefore, EPA approves Wisconsin’s Section 303(d) list which identifies the waters and associated pollutants along with the State’s priority rankings for these waters and pollutants. The statutory and regulatory requirements, and EPA’s review of Wisconsin’s compliance with each requirement, are described in the enclosed decision document.

EPA’s approval of Wisconsin’s Section 303(d) list extends to all water bodies on the list with the exception of those waters that are within Indian Country, as defined in 18 U.S.C. § 1151. EPA is taking no action to approve or disapprove the State’s list with respect to those waters at this time. EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under CWA Section 303(d) for those waters.

We appreciate the efforts you and your staff have made in providing a complete submittal of the list as required. If you have any questions, please contact Mr. Peter Swenson, Chief of the Watersheds and Wetlands Branch, at 312-886-0236.

Sincerely,

[Signature]

Tinka G. Hyde
Director, Water Division
Yet, PolyMet lobbyists told Governor Mark Dayton, Senator Al Franken, Senator Amy Klobuchar and YOU that Wisconsin’s Flambeau Mine “has not impaired local waters.”
Sept. 25, 2013

The Honorable Mark Dayton
Governor, State of Minnesota
130 State Capitol
St. Paul, MN 55155

RE: Minnesota Should Say Yes to Copper-Nickel Mineral Development

Dear Governor Dayton:

Anti-mining activists opposed to mineral development in Minnesota are urging you, as the state’s chief executive, to address four questions before the state approves any proposed copper-nickel mining projects. These questions are focused on ensuring Minnesota’s water resources are protected, that environmental safeguards are in place, that proper reclamation of mine sites will occur after mining is completed, and that taxpayers will be protected from any financial burdens. We agree that these are all good questions — and that there are fact-based answers that will give you and all the citizens of Minnesota the utmost confidence that new copper-nickel mining projects can bring unprecedented economic opportunity to Minnesota while protecting our precious natural environment. In short, can Minnesota enjoy both mining growth and a healthy environment? The answer is unequivocally YES.

1) Will Minnesota’s water stay safe and clean? YES, our water will be protected and be kept safe. The Minnesota Pollution Control Agency (MPCA) and Federal Environmental Protection Agency have multiple specific water quality standards and regulations. Companies are required to have controls in place to comply with comprehensive environmental standards — assuring clean and safe water, air and land.

2) Are there strong safeguards in place for when things go wrong? YES, safeguards require companies to demonstrate necessary remediation funding. Further, plans are in place to first prevent pollution and, second, address any potential unforeseen issues. The Minnesota Department of Natural Resources (DNR) and the U.S. Army Corps of Engineers, U.S. Forest Service, and Bureau of Land Management all require thorough environmental review of potential impacts before permits are issued. Should unplanned issues arise during operation, the Minnesota DNR and MPCA have authority to require corrective enforcement actions to remedy the issues. This requires additional financial assurance.

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In addition to the four questions, the anti-mining activists continue to claim that no copper-nickel mine has operated without “polluting” local waters. This simply is not true.

Copper, nickel and other much needed metal production can and has been done safely and successfully, without polluting local waters. Right next door in Wisconsin, the Flambeau Mine is an excellent example of a copper mine that operated for several years, and now has been closed and reclaimed for more than ten years in full compliance with Wisconsin laws. During both the operation and the closure of the Flambeau Mine, a single permit condition was violated and the mine has not impaired local waters. The Wisconsin DNR holds this mine up as an example of a successful operation and successful closure.

A recent federal Court of Appeals decision, along with the lower court’s praise for the company’s demonstrated respect of the environment and local community, further affirm that the right company doing the right things in compliance with the right standards can produce the materials society needs safely and responsibly.

Minnesota should enthusiastically support the development of its own resources by way of mining. We can have a win, win, win situation. Mine the metals here in Minnesota – do it with Minnesota jobs – and be an example to the rest of the world for environmentally responsible mining.

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Each and every project will be required to demonstrate it will meet or exceed Minnesota’s strict air and water quality standards in order to receive a permit to mine. If a company demonstrates it will meet these strict standards, Minnesota should say YES to copper-nickel mining opportunities, and the jobs they bring.

The answer to all the above questions is a resounding, YES.

We will protect our water and keep it safe
Minnesota has strong safeguards in place
Companies are required to leave sites clean
Taxpayers are protected
It has been done before

Thank you for your continued support of mineral development.

Sincerely,

Frank Ongaro
Executive Director

Cc: Minnesota Legislators, Minnesota Congressional Delegation, Minnesota Mining Subcabinet
The statement made by PolyMet lobbyists to **YOU** and our **elected officials** that the Flambeau Mine “has not impaired local waters” **simply is not true.**
Flambeau Mine Lawsuit

- A tributary of the Flambeau River was added to the EPA’s “impaired waters” list, effective April 2012, because of high copper levels linked to the Flambeau Mine.
- The owner of the Flambeau Mine was sued by the Wisconsin Resources Protection Council, Center for Biological Diversity and Laura Gauger in federal court over the pollution of this tributary (known as Stream-C on Wisconsin DNR drawings), and the trial was held in May 2012.
- The U.S. District Court found the Flambeau Mine to be in violation of the Clean Water Act on numerous counts.
- The decision, however, was later overturned on a technicality.
- The Court of Appeals did not dispute the fact that the stream was polluted. The mining company was pardoned because the Wisconsin DNR had made a mistake by not requiring them to secure a federally-mandated permit that would have put limits on the amount of copper discharged to the stream.
- The tributary remains on the EPA’s impaired waters list to this day.
The statement made by PolyMet lobbyists to **YOU** and our **elected officials** that the Flambeau Mine “has not impaired local waters” **simply is not true.**
Is this what you want for **YOUR** national forestland and the waters flowing into **Lake Superior** and the **Boundary Waters**?
Sign the Petition asking for Congressional Hearings on PolyMet’s request to gain control of YOUR land in the Superior National Forest.

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Time is short. Sign and return NOW to: Deer Tail Press, 1321 E. 1st St, Duluth, MN 55805.
Make YOUR voice heard!
It’s YOUR water.
It’s YOUR land.