



Legislation Text

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RESOLUTION CALLING FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES TO SUBMIT ANY POLYMET PERMIT TO MINE APPLICATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR AN EVIDENTIARY HEARING IF ANY PARTY HAS ASKED FOR ONE IN COMPLIANCE WITH THE PERMIT TO MINE RULES PRIOR TO MAKING A DECISION ON THE APPLICATION.

BY COUNCILORS ANDERSON, WESTERLUND AND SIPRESS:

WHEREAS, PolyMet Mining Corporation ("PolyMet") has proposed Minnesota's first nonferrous/copper-nickel open-pit mine to be located in the Superior National Forest (the "Project"); and

WHEREAS, The Project, including its tailings storage facility, would be located in the St. Louis River watershed, upstream of the St. Louis River, the Fond du Lac reservation, the St. Louis River estuary, the city of Duluth and Lake Superior; and

WHEREAS, the Project has the potential to impair water quality, adversely affect wild rice and aquatic life, and increase mercury contamination of fish in downstream waters as a result of ongoing mining operations, leaking tailings basins, and possible failure of tailings dams; and

WHEREAS, the Project would require active water quality treatment for an indefinite length of time to comply with water quality standards and could result in unfunded liabilities to downstream property owners in the event of bankruptcy; and

WHEREAS, Duluth's local economy relies heavily on the unique and outstanding quality of our natural resources, including clean water. Duluth has invested significant financial resources in restoring water quality and reducing mercury contamination in fish in the St. Louis River and Lake Superior ensuring that our water and fish are safe to consume by current and future generations, and the city has launched a multi-million dollar re-vitalization effort in the St. Louis River corridor focused on outdoor recreation opportunities; and

WHEREAS, the Duluth community includes enrolled members of the Lake Superior Chippewa who have treaty rights that would be affected by the Project; and

WHEREAS, PolyMet has announced its intent to file a permit to mine application with the Minnesota department of natural resources (the "DNR"). Once an application is filed, the DNR will make a decision on whether to issue PolyMet a permit to mine and has the authority to submit such application to public and evidentiary hearings; and

WHEREAS, information gathered at an evidentiary hearing in front of an impartial administrative law judge, including fact-based expert testimony, cross-examination of witnesses, and findings of fact and recommendations by the administrative law judge, would allow the DNR to make a fully informed decision regarding a permit to mine based upon evidence and science;

THEREFORE, BE IT RESOLVED that the city council calls for the DNR to submit any PolyMet permit to mine application to the office of administrative hearings if any party has asked for one in compliance with the permit to mine rules for a fair and impartial evidentiary hearing to address whether the proposal would meet the requirements of state law prior to making a final decision on the permit to mine application for the Project.

STATEMENT OF PURPOSE: The purpose of this resolution is to call for the DNR to submit any application made by PolyMet for a permit to mine to the office of administrative hearings if any party has asked for one in compliance with the permit to mine rules for a fair and neutral evidentiary hearing to address whether the proposal would meet the requirements of state law.