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**COURT OF APPEALS REVERSES DENIAL OF ENVIRONMENTAL IMPACT STATEMENT
FOR THE MILE POST 7 TAILINGS BASIN EXPANSION**
Court Rules Minnesota DNR Denial of EIS was Legal Error and Arbitrary and Capricious

ST. PAUL, MINN., February 3, 2025 – Today, the Minnesota Court of Appeals issued a unanimous decision reversing and remanding the Minnesota Department of Natural Resources (DNR) decision denying an Environmental Impact Statement (EIS) for expansion of the Mile Post 7 tailings basin and dams. Mile Post 7 tailings dams are Class 1 hazard level dams located directly above the cities of Beaver Bay and Silver Bay and less than three miles from Lake Superior.

WaterLegacy appealed DNR’s denial of a Mile Post 7 EIS in April 2024 on the grounds that the Mile Post 7 tailings basin expansion—using unstable upstream dam design—had the potential to harm human life, health, and the environment by increasing the likelihood and severity of catastrophic tailings dam failure.

The Court of Appeals summarized today’s Mile Post 7 decision:

In this certiorari appeal, relator [WaterLegacy] challenges an agency determination that a proposed project at a taconite tailings basin does not require an environmental impact statement (EIS). Because the determination that an EIS was not required was based on legal error and was arbitrary and capricious, we reverse and remand to the agency for a new EIS determination.

WaterLegacy Executive Director and Counsel Paula Maccabee explained, “This is an important victory. The Court’s ruling rejects Northshore’s claims that its massive tailings dam expansion is exempt from environmental review. It puts DNR on notice that previous environmental review and permitting is not a ‘get out of jail free’ card to avoid scrutiny of a proposed mining project.”

Maccabee continued, “The Court’s decision gives DNR a new opportunity to require an EIS and an open and public Dam Safety permit process to protect Beaver Bay, Silver Bay, and Lake Superior from Mile Post 7 tailings dam failure. Lake Superior waters, Tribes, and all North Shore communities deserve an open public process to prevent Mile Post 7 catastrophic release of toxic tailings sludge and wastewater.”

Today’s Mile Post 7 Court of Appeals decision can be found [here](#).

Facts pertaining to Mile Post 7 case were summarized by the [Minnesota Star Tribune](#) in September 2024, and copies of WaterLegacy briefs are available on request (info@waterlegacy.org).