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Developments coming soon for NewRange

NEW/RANGE
COPPER NICKEL
LOOKING AHEAD

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Marshall Helmberger

REGIONAL— Officials with NewRange Copper Nickel say they expect to publicly share more details of their plans to revive the NorthMet copper-nickel project near Babbitt by September.

That's when the company is hoping to submit a new application for a Section 404 federal wetlands permit, one of the key permits necessary for the planned mining operation. And they plan to do so without the streamlined process offered by the Trump administration back in May.

That's when the administration designated the NorthMet project as one of 20 mining projects in the country to qualify as a FAST-41 "transparency project," which is designed to streamline permitting on infrastructure-related projects. Mining is one of about two dozen project categories that can qualify for the FAST-41 process.

The designation was welcomed at the time by officials at NewRange, a joint venture between PolyMet Mining and Teck Resources Ltd., but it is doubtful the designation will have a practical impact on the timeline for advancing the project to actual operations. Colin Marsh, the company's new head of external affairs, said NewRange is not seeking designation as a FAST-41 project, which means the project will go through the same degree of environmental scrutiny on a similar timeline as any other major project.

Under the timeline indicated on the FAST-41 website, federal permitting for the NorthMet project would potentially be completed by December 2026, roughly 18 months from now. But even if that timeline was realistic, it is highly unlikely that state permits would be issued that quickly.

While the federal government oversees some key permits for the mine, most notably the Section 404 wetlands permit issued by the Army Corps of Engineers, most of the permits required for the mine are issued by the state of Minnesota. DNR officials confirmed to the Timberjay this past week that the FAST-41 designation had no bearing on the state process for permitting the mine.

The state permitting process is on hold currently, while NewRange finishes a series of engineering studies designed to address some of the issues raised in the litigation that resulted in the revocation of key permits. PolyMet seemed poised to open the NorthMet mine back in 2018, but a series of losses in the courts invalidated three of the major permits issued to the company, including the Section 404 permit, along with the water discharge permit issued by the state's Pollution Control Agency, and the all-important permit to mine issued by the Minnesota Department of Natural Resources.

The DNR, environmental groups, and NewRange have been engaged in a contested case hearing before an administrative law judge for more than a year. That process, which was ordered by the state's Supreme Court back in 2021, has been stayed at the request of NewRange since last August, while the company completes its new studies. As of May, the company indicated in a letter to the judge that those studies remained ongoing. The company is expected to provide a new update to the court on July 14. The current stay in the contested case proceedings expires on Aug. 15 and DNR Assistant Commissioner Jess Richards said the agency expects a more substantive response from NewRange by that time. NewRange's Marsh, in a statement to the Timberjay, said the studies' results would be released "in the coming months."

"While final project decisions are still forthcoming as we iron out the final details, we anticipate the plan to incorporate most or all of the modifications the company announced it would study last August," said Marsh. "The changes will ensure the project remains on the cutting edge, so that Minnesotans and the nation can benefit from responsible clean energy mineral resource development. Proposed changes will increase mine efficiency, decrease emissions, and incorporate new tailings and water management strategies."

The contested case hearing is focused on the company's proposed use of bentonite clay as a liner for the tailings basin and its dam, both of which are holdovers from the former taconite processing operation run by LTV Steel. The Supreme Court had determined nearly four years ago that the DNR had insufficient evidence to support the use of the specialized clay for that purpose. Indeed, some of the experts hired by the DNR to review the proposal, had expressed serious doubts about its effectiveness as a liner to eliminate seepage of contaminated water and protect the dam's integrity.

Looking ahead

Whichever way the contested case hearing is resolved, the process forward for NewRange is likely to continue to be complicated, with additional issues that may well wind up in court.

Paula Maccabee, head legal counsel for Duluth-based Water Legacy, who has litigated several cases against the NorthMet project, argues that the courts have indicated that changes are needed in the mine plan in order to pass muster with the state's mining rules.

"Both the Minnesota Supreme Court and the ALJ [administrative law judge] have said the current plan is not good enough," said Maccabee. "If they do change it, that may require additional (environmental) supplementation."

NewRange officials appear to agree. In his comments to the Timberjay, Marsh indicated that the company expects to undertake a supplemental environmental impact statement as part of assessing the changes the company plans to propose.

Among the changes NewRange is considering is increasing the production level of the operation from the previous plan for 32,000 tons per day to 40,000 tpd. A 2018 financial review of the project suggested a higher rate of return on investment with a higher level of production. That same review suggested that profitability was marginal for a 32,000 tpd operation.

According to Marsh, the larger throughput "better aligns with mill and other equipment sizes and would function more efficiently."

But other major changes could require additional review, according to Maccabee. She notes that the joint venture announced by PolyMet and Teck Resources back in 2022 is expected to include development of the Mesaba deposit, another significantly larger ore body located several miles northeast of the NorthMet deposit.

"The Mesaba deposit could be 8-10 times the size of NorthMet," said Maccabee. "We're talking potentially about a mega mine."

The new joint venture isn't making a secret of it. The company's website refers to the Sunrise project, a plan to develop the Mesaba deposit, although that idea is at an earlier stage of development than the NorthMet proposal. Both proposed mines are within the Duluth Complex, a vast area of low-grade mineralization that encompasses a wide swath of Minnesota's Arrowhead and includes copper and nickel, along with recoverable amounts of cobalt, palladium, platinum, and gold. While the NorthMet deposit is located within the Lake

Superior watershed, the Mesaba deposit is located within the upper reaches of the Rainy River watershed, which encompasses the Boundary Waters Canoe Area Wilderness. Maccabee said she can't say how she'll approach the need for any additional environmental review until she sees proposed revisions to the mine plan. "We're certainly going to advocate for the DNR to keep its head out of the sand on this project," she said. She added that it will likely be up to Minnesotans to determine whether the process moving forward has substance to it. "There is no federal safety net any longer. That means it will be up to us to protect what we have here in Minnesota. I think the real question is whether state regulators will adhere to the science or whether they will let the federal pressure from power and money hold sway."

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