

**STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD**

**Petition of WaterLegacy, Tamarack Water Alliance, and
Minnesota Residents/Property Owners in Eligible Counties
for Environmental Assessment Worksheet for the
Talon Nickel January 12, 2026 Exploratory Drilling Plan**

INTRODUCTION

Pursuant to Minn. Stat. ch. 116D and Minn. R. ch. 4410, WaterLegacy, along with the Tamarack Water Alliance and 387 eligible Minnesota residents and property owners¹ (collectively, “Petitioners”) submit this Petition for the preparation of an Environmental Assessment Worksheet (“EAW”) for the exploratory drilling plan submitted by Talon Nickel (USA) LLC, a subsidiary of Talon Metals Corp. (“Talon”), on January 12, 2026 related to a nickel-copper sulfide ore mine proposed by Talon and Rio Tinto. (“2026 Exploration Plan” or “Plan”).

This Exploration Plan includes “exploration for metallic minerals in Aitkin and Carlton counties in an area approximately five and a half (5.5) miles north to seven (7) miles southeast of Tamarack, Minnesota.”² The areas where Talon proposes to drill have many sensitive features, but Talon’s 2026 Exploration Plan does not describe the specific locations where it plans to drill let alone mitigation strategies. Talon only states that “[t]he specific drill locations have yet to be finalized” and will be forwarded to DNR after the

¹ Persons signing the Petition reside or own property in one or more of the following counties: Aitkin, Carlton, Cass, Crow Wing, Itasca, Kanabec, Mille Lacs, Pine, and St. Louis. Minn. Stat. § 116D.04, subd. 2a(e).

² DNR, Summary of Talon January 12, 2026 Exploration Plan, **Exhibit 1** at 1.

plan is approved.³ An EAW is required because the nature and locations of the proposed action and their cumulative potential effects may result in a potential for significant environmental effects. Minn. Stat. § 116D.04, subd. 2a(e), Minn. R. 4410.1100, subp. 6.

Material evidence provided by Petitioners herein demonstrates that Talon's exploratory borings have and will entail drilling in and near wetlands and public waters; in areas of open water; near drinking water wells and residences; in and near wild rice waters; at extreme depths; without identifying artesian water conditions that may result in surface water contamination; with unlined sumps; without testing the water quality of sumps, cuttings, wastewater, sediments, surface waters, groundwater, or residential wells; without proper sealing of borings; and potentially under other conditions inconsistent with Minnesota regulations and/or harmful to water, wetlands, and other natural resources. The cumulative potential effects of Talon's 2026 Exploration Plan may result in significant environmental effects due to pollution and harm to wetlands, peatlands, surface waters, groundwater, drinking water, air quality, climate, noise, aquatic life, wild rice and other culturally significant plants, biodiversity, wildlife, and human health and welfare.

Talon's January 2026 Exploration Plan is part of a cumulative and ongoing exploratory drilling program within and extending beyond the Tamarack Intrusive Complex in Aitkin County and Carlton County watersheds since 1990. No environmental review has been conducted for Talon's exploratory borings in this environmentally salient area, and such review is sorely needed. In addition, although Talon announced new

³ Talon, Exploration Plan and Notification for a Drilling and Geophysical Program on State Leases, January 12, 2026, **Exhibit 2** at 5.

“massive sulphide” intercepts from drill holes during 2025, these drill hole locations were not identified in its 2025 exploration plan,⁴ and DNR has not publicly disclosed Talon borings since 2023.⁵ An EAW should reveal the locations of Talon’s proposed drilling. Environmental review would provide information needed by the public and would influence and mitigate effects of exploration activities. Pending decision on this EAW Petition, government approvals and Talon exploratory drilling activities are prohibited. Minn. Stat. § 116D.04, subd. 2b; Minn. R. 4410.3100, subp. 1.

STATEMENT OF MATERIAL EVIDENCE

A. Past and Cumulative Tamarack Intrusive Complex Exploratory Drilling.

Talon currently controls approximately 31,000 acres of state mineral leases in Aitkin and Carlton Counties. The Tamarack Intrusive Complex for which these leases were acquired is approximately two miles wide and 12 miles long. It contains nickel, copper, and platinum group elements in rock with as much as 95% sulfide in some areas of mineralization.⁶ The first Tamarack area exploratory drilling was done in 1990 by

⁴ See e.g., Talon News Release, Talon Metals Identifies Potential for Repeated Massive Sulphide Accumulations Extending Over 300 Meters Below the Deepest Vault Zone Intercept, Nov. 4, 2025, **Exhibit 3**, which cites discoveries in drill holes 25TK0563, 25TK0563A, 25TK0565, 25TK0565A, and 16TK0248. None of these drill holes were specifically identified in Talon’s 2025 Exploration Plan and Notification for a Drilling and Geophysical Program on State Leases, March 13, 2025, **Exhibit 4**.

⁵ DNR, Exploratory Borings: Exploration by Year (“Exploratory Borings Site”) https://www.dnr.state.mn.us/lands_minerals/exploration.html. Borings numbers in this section are derived from this site.

⁶ Talon News Release, Talon Metals Makes Exceptional Massive Sulphide Discovery at Tamarack During Feasibility Study Drilling, March 26, 2025, **Exhibit 5** at 2.

Kennecott Exploration Company (“Kennecott”), a wholly-owned subsidiary of Rio Tinto, with more significant drilling starting in 1999. From 1990 through 2018, Kennecott drilled 299 exploratory borings in Aitkin and Carlton Counties, including some “wedged” or “branch” holes, which are drilled by deflecting a drill bit out the side of a previously drilled “parent” hole. Talon began exploratory drilling for copper, nickel, and platinum group metals in conjunction with Rio Tinto in 2020. From 2020 through 2023, Talon drilled 255 exploratory borings, resulting in a total of 554 borings in Aitkin County in the Tamarack Intrusive Complex area where Talon and Rio Tinto are proposing to mine through 2023.⁷ DNR has posted no information for Talon exploratory drilling in either 2024 or 2025.

In 2024, Talon reported that they had drilled more than 25,000 meters (82,000 feet) of Tamarack deposit borings in 2023 alone and planned further drilling “pushing the limitations of exploration” with “potential game-changing targets.”⁸ In November 2025, Talon announced it had called its “full exploration team” back from Michigan, “enabling an expanded three-rig drilling campaign focused on rapidly advancing” exploration of “multiple accumulations of massive sulphides.” Exhibit 3 at 1. In December 2025, Talon announced that its 2025 drilling program “fundamentally expanded” the “sulphide pooling environment” and that its plan for Winter 2026 was to use “three rigs turning” to “accelerate expansion.”⁹

⁷ See **Exhibit 6**, chart of Kennecott and Talon exploratory borings from 1990 to 2023.

⁸ Talon News Release, More Nickel in America: Talon Metals 2024 Exploration Plan, Apr. 3, 2024, **Exhibit 7** at 4-5.

⁹ Talon News Release, Talon Metals Extends High-Grade Vault Zone with Step-Out Drilling in Multiple Sulphide Stacks, Dec. 11, 2025, **Exhibit 8** at 7.

B. Talon January 2026 Exploration Plan.

Talon submitted its Exploration Plan for 2026 through April 2027 to DNR on January 12, 2026.¹⁰ The Plan disclosed that “multiple holes may be drilled” on up to 24 drill pads and that drill site preparation would “commence immediately upon exploration plan approval.” Exhibit 2 at 2. DNR’s summary stated that Talon’s January 2026 Exploration Plan is “nearly identical” to those of March 2023, 2024, and 2025. Exhibit 1 at 1. In addition to the unspecified number of drillholes, Talon will continue down-hole geophysical surveys and surface geophysical surveys that require electromagnetic field transmitters and large loops of electrical cable passing current on adjacent privately-owned mineral rights. Exhibit 2 at 2-3.

Talon will use diamond core and roto-sonic drill rigs, and boreholes “will be drilled from surface or constructed from wedging out of parent holes to depths anticipated to range between 500 to 6,000-ft.” *Id.* at 3. New and existing trails and “new and historic drill sites” will be used for exploration. *Id.* Drill cuttings and additives will be disposed of in unlined sumps at the drill site or “upland,” using Talon’s “established process” of disposal. *Id.* at 4.¹¹ Talon will “conduct exploration activities in areas classified as wetland habitat.” *Id.*

Although Talon did not reveal specific locations for any of these exploration activities, its plan stated that “Talon is planning to continue exploration work” in the

¹⁰ WaterLegacy was notified that Talon submitted its January 12, 2026 exploratory drilling plan on January 20, 2026 and obtained a copy of the plan on January 21, 2026. Declaration of Paula Maccabee (“Maccabee Decl.”) ¶ 4.

¹¹ Talon will “trial” collecting cuttings and transport to a local waste facility in sacks. *Id.*

following lease areas:

Haugen Township (Sections 21, 22, 23, 25, 26, 27, 28, 32, 33, 34, 35, and 36 T49N R22W), Clark Township (Sections 1, 2, 3, 4, 5, 9, 10, 11, 14, 15, 22, 23, 24, 25, and 26 of T48N R22W), Lakeview Township (Sections 19, 20, 29, 30, 31, 32, and 33 of T48N R21W) and Automba Township (Sections 5 and 6 of T47N R21W) of Carlton County (Figure 1).

Id. at 2. These lease areas include wild rice waters, public waters, extensive wetlands, areas of both moderate and high biodiversity, residential wells, and other sensitive features.

Talon’s January 2026 Exploration Plan reflects an Agreement with Kennecott Exploration Company, a subsidiary of Rio Tinto to “continue exploration work,” *id.*, that was commenced by Kennecott on behalf of Rio Tinto more than a quarter of a century ago. The impacts of its drilling are cumulative. As Talon explained to Aitkin County in applying for a permit in June 2024, “This work constitutes part of Talon’s joint exploration activities with partner Kennecott Exploration within the Carlton-Aitkin County area since 2001.”¹²

C. Risk of Significant Environmental Effects to Water, Aquatic Plants, Aquatic Life, and Human Health from Exploratory Drilling.

Even without mining, exploratory drilling in sulfide ores poses significant risks to water quality and the living organisms dependent on clean water. “Drilling through sulfide material can pose environmental risks. Mineralized surface rock with sulfides naturally oxidize and undergo abiotic and microbiologic processes that produce sulfuric acid, which in turn dissolves mineral complexes, releasing metals.”¹³ Although Alaska’s Pebble deposit

¹² Talon, Application for Aitkin County Interim Use Permit, June 17, 2024, **Exhibit 9**, at 3.

¹³ Zamzow, K. and Chambers, D. M. (2019). Potential Impacts to Wetlands and Water Bodies Due to Mineral Exploration, Pebble Copper-Gold Prospect, Southwest Alaska, *Environments* 2019, 6, 84, **Exhibit 10** at 2.

has not been mined, analysis of 109 drill sites at this sulfide ore deposit found that eight percent of drill sites studied “had confirmed impacts due to un-reclaimed drill-holes or drill waste disposal practices.” *Id.* at 1. Artesian (upwelling) waters at seven drill sites resulted in surface water or sediment with elevated copper, aluminum, arsenic, manganese and/or zinc. *Id.* at 1, 5-6, 12. Wetland sediment at one drill site had very high copper levels (1,892 mg/kg), compared to natural conditions. *Id.* at 6, 9. At the one sump with historical data, copper increased six-fold at a downgradient wetland spring over five years. *Id.* at 1. The authors advised that “some risks could be long-term,” particularly from copper “sequestered in wetland and pond sediment” and at artesian sites where copper concentrations were highest. *Id.* at 13.

Recent research on heavy metal pollution at oil well drilling sites has determined that the “main source of heavy metal pollution” is the “type of elements in the lithology [rock formations] of the well column formations” and the “type and additives of the drilling fluid used in the well.”¹⁴ These factors apply similarly to exploratory drilling for sulfide ore minerals, where drilling fluid and cuttings of drilled formations also contain “a vast range of contaminants” which may “enter the environment as waste” during drilling operations. *Id.* at 42. “When these wastes are disposed of in the environment, they may mix with the soil and cause soil contamination, or they may penetrate the surface or underground water and cause contamination and threaten the lives of organisms.” *Id.* The

¹⁴ Bakhtiari, H. *et al.* (2024) Analysis of heavy metal accumulation and environmental indicators in fluids and drilling cuttings, *Journal of Petroleum Exploration and Production Technology*, 14:41-58, **Exhibit 11** at pdf 1, page 41.

release of this waste and especially drill cuttings on the ground surface “can lead to extensive environmental pollution.” *Id.* at 57.

Literature review of impacts of drilling on soil and groundwater concludes that drilling processes “can contaminate soil and groundwater with heavy metals” and that “metals contained in drill cuttings are mobilized by environmental factors, such as rainfall and changes in pH or redox conditions, which increase their bioavailability for invertebrates and other flora and fauna.”¹⁵ Some chemical components of drilling fluid, such as PFAS, polyethylene glycol, sodium chloride, and potassium hydroxide are toxic, and “the environmental impacts of drilling muds are significant.” *Id.* at 128-29. One major concern is that “drilling sites could release heavy metals and other toxins into the surrounding soil and water” that “persist in the ecosystem and bio-accumulate in food webs, posing threats to human health and biodiversity.” *Id.* at 130. Drilling operations also “directly affect biodiversity, as noise pollution and habitat degradation make the environment inhospitable to many species.” *Id.*

The Tamarack deposit and its drill cuttings contain high levels of sulfide and metals due to geologic events 1.1 billion years ago, when convection currents in the earth’s mantle created a rising plume of molten material that created a rift in the earth’s crust.¹⁶ Minnesota rules limit sulfate in surface water to protect wild rice; limit metals and non-metallic

¹⁵ Adnan, M. *et al.* (2026) Impacts of drilling on soil and groundwater heavy metal pollution: A comprehensive review, *Environmental Chemistry and Ecotoxicology*, 8:127-41, **Exhibit 12** at 127-28.

¹⁶ Campbell, F., *et al.* (2024) Need for a Tamarack Region Sulfide Ore Study, **Exhibit 13** at 3; Talon emphasizes the deposit’s high sulphide mineralization. **Exhibit 3**, *supra*.

parameters, including aluminum, chloride, copper (to which fish are particularly sensitive), nickel, cobalt, arsenic, and lead to protect aquatic life; limit methylmercury in fish tissue to protect wildlife and human health; and limit arsenic, lead, manganese, nickel, copper, sulfate, chloride and other chemicals to protect groundwater and drinking water.¹⁷ Robust science demonstrates the effects of sulfate pollution on wild rice, release of excessive nutrients, mercury release from sediments and methylation, and adverse effects on aquatic life and human health. Exhibit 13 at 4. Sulfide in Tamarack area sediments (formed from sulfate) may “damage or extirpate wild rice populations” and may affect “the health of ecosystems and humans” due to increased mercury release and methylation.¹⁸

D. Tamarack Area Exploratory Drilling Locations May Result in Potential Significant Environmental Effects.

1. Location of Borings in and Near Areas of Ecological Importance, including the Kettle River, Wild Rice Waters, and Biodiversity Sites.

Talon’s 2026 Plan in Haugen Township (T49N R22W) affects segments of the Tamarack River where Talon has previously conducted exploratory drilling. The Tamarack River is a designated water used for the production of wild rice, which flows into the Prairie River, the Savanna Portage area, and Big Sandy Lake. Neither Talon’s Plan nor DNR’s summary mentions potential effects and mitigation of actions upstream of or in proximity

¹⁷ Rules limiting sulfate, chloride, and metals in wetlands and surface waters include Minn. R. 7050.0186 and Minn. R. 7050.0220-.0270; rules limiting mercury in fish tissue include Minn. R. 7050.0222; rules protecting groundwater include Minn. R. 7050.0221, Minn. R. 7060.0100-.0900, and health risk limits at Minn. R. 4717.7500-.7900.

¹⁸ Myrbo, A. (2023) Analysis of Potential Impacts on Water Quality and the Health of Ecosystems and Humans Due to the Proposed Talon Metals Corporation Tamarack North Mine, **Exhibit 14** at 2.

to wild rice waters. See Exhibits 1 and 2. The map below shows Talon leases and drilling through 2023, wild rice waters, and Wildlife Management Areas.¹⁹

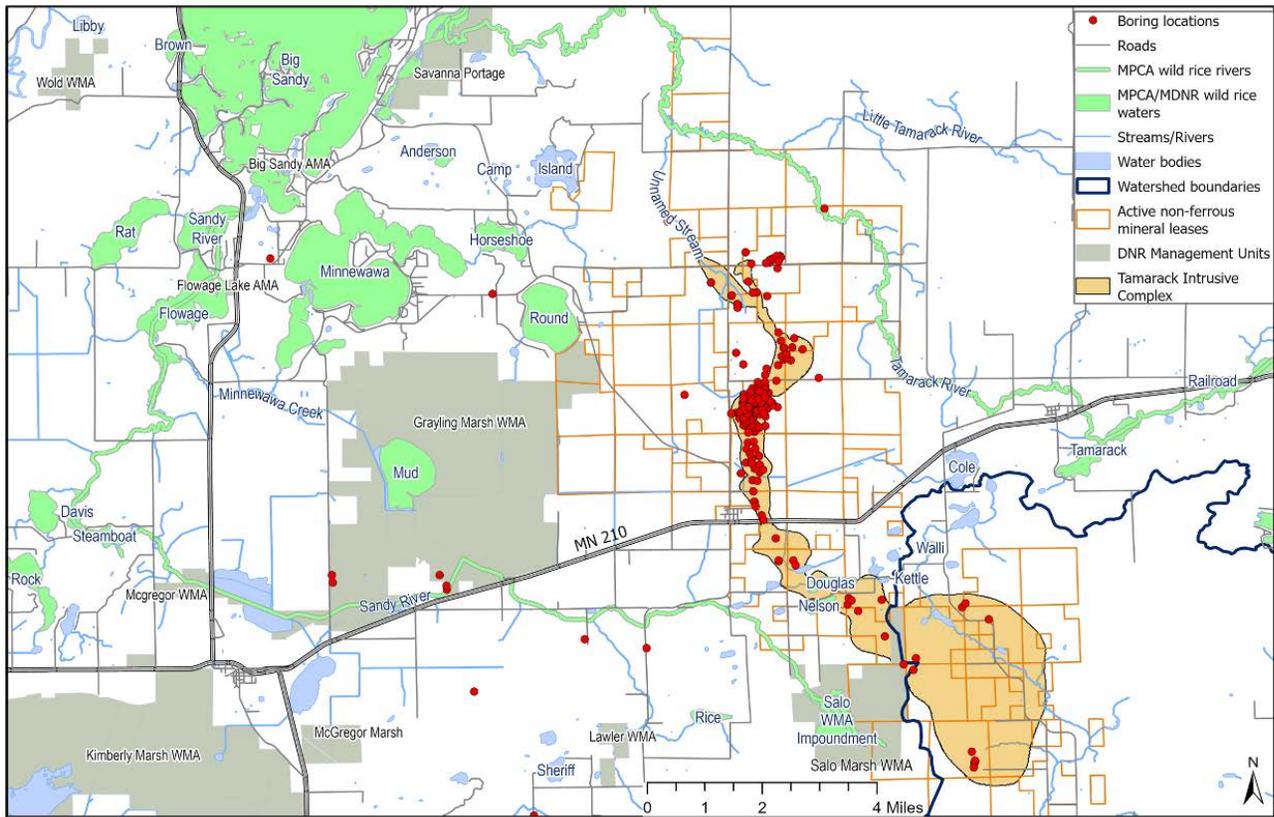


Figure 1: Maps of Talon borings, leases, area wild rice waters and WMAs.

Lease areas in Clark Township (T48N R22W) include Spruce, Douglas, Louma, Cranberry, and Nelson Lakes. Talon’s Plan in Lakeview Township (T48N 21W) includes leases²⁰ potentially affecting the Kettle River West Branch. The Tamarack area also has many areas of High and Moderate Biodiversity Significance, as shown on the next page.²¹

¹⁹ L. Scott, UMN RSDP CC, Tamarack Area Maps, **Exhibit 15**, ArcGIS data shown at <https://waterlegacy.org/wild-rice-tamarack/>

²⁰ Leases MM-9808, MM-9809, MM-9810, MM-9811, MM-9852-N, MM-9853-N, MM-9854-N, and MM-9855-N in these Sections are listed in **Exhibit 2** at 1. Locations are mapped in DNR Summary of Talon Sept. 8, 2023 Exploration Plan, **Exhibit 9** at 2.

²¹ Maps and Legends are derived from the Minnesota Natural Resources Atlas, available

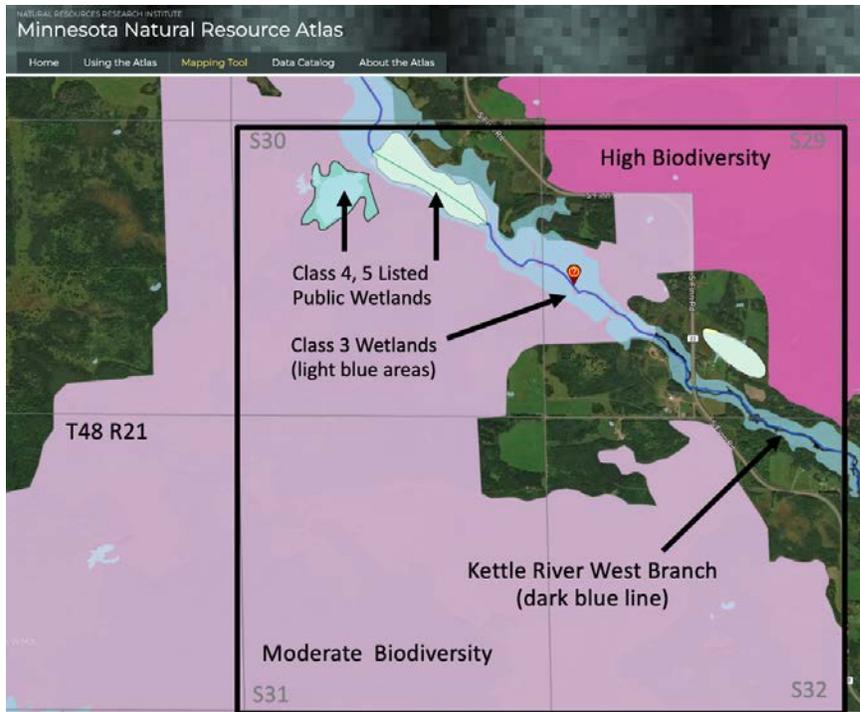


Figure 2: Kettle River, sensitive Features in Talon proposed Plan for T48 R21.

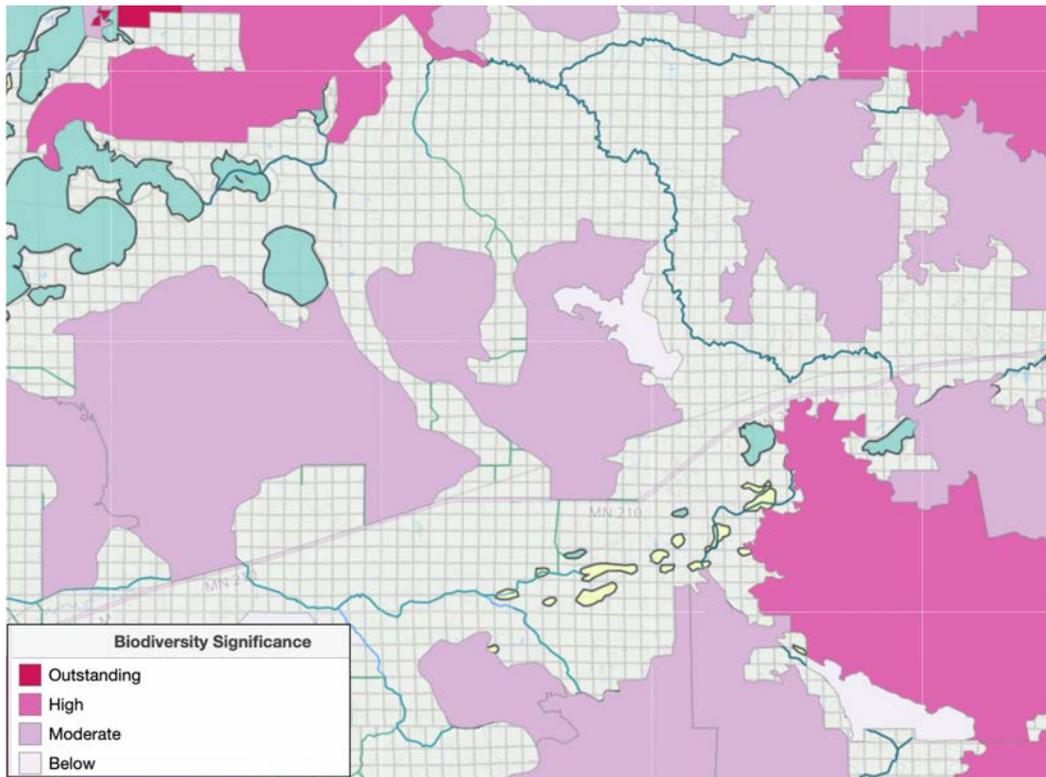


Figure 3: Moderate and High Biodiversity Significance in Tamarack Area.

at <https://mnatlas.org/gis-tool/>, **Exhibit 16** at 1 and 2.

DNR’s letter approving Talon’s 2025 plan showed that Talon’s lease locations (diagonal red lines) extended through areas of both Moderate (light green) and High (dark green) Biodiversity Significance.²²

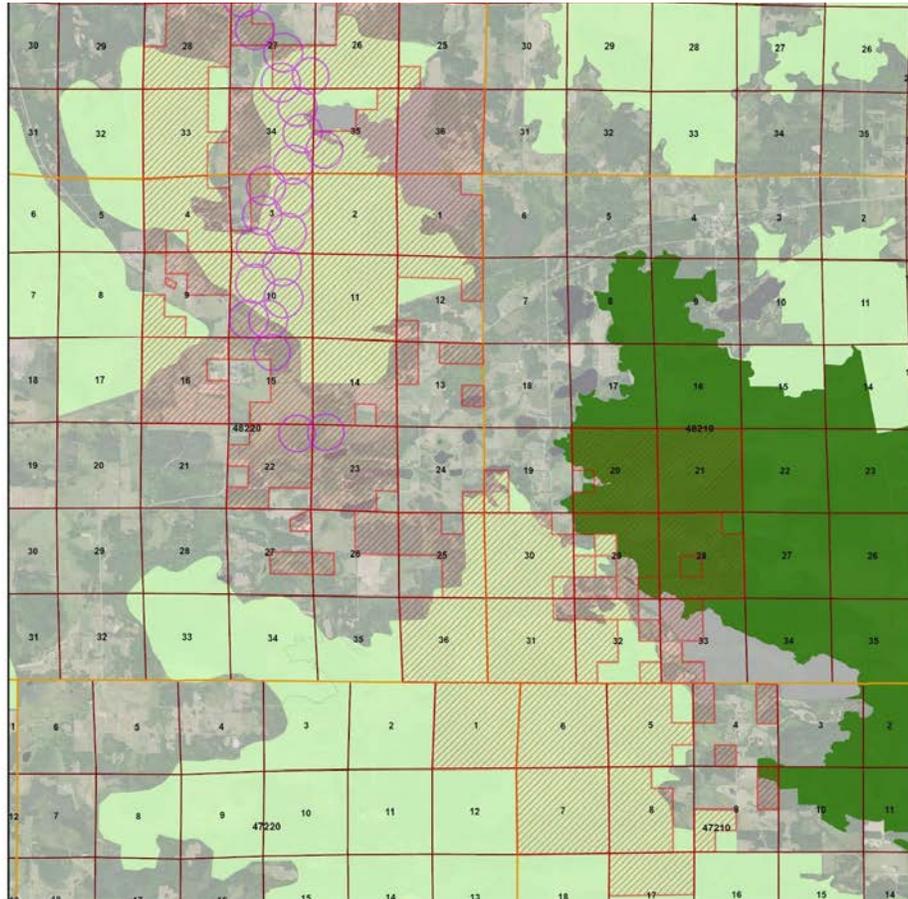


Figure 4: DNR 2025 map of Talon leases and Biodiversity, Exhibit 17 at 9.

DNR’s Inspections Spreadsheet notes numerous appearances of invasive species, including “heavy reed canary along access and along upland side of drill pad,” “occasional tansy and thistle at drill site,” “reed canary adjacent to drill pad,” suggesting that drilling

²² DNR Apr. 2, 2025 Letter re Talon Exploration Plan, **Exhibit 17**. Sites of High Biodiversity Significance “contain very good quality occurrences of the rarest species, high quality examples of the rare native plant communities, and/or important functional landscapes.” Sites of Moderate Biodiversity Significance contain “rare species and/or moderately disturbed native plant communities . . . that have a strong potential for recovery.” *Id.*, Fig. 1.

activities have spread invasive species.²³ Many more sites lack observations regarding invasive species or impacts of drilling on biodiversity.

2. Location of Borings in Wetlands, Peatlands, Open Water, and under Artesian Conditions.

The majority of the Tamarack Intrusive Complex area where exploratory borings have occurred in the past and are proposed by Talon for 2026, are located in wetlands, including marshes, wooded wetlands, and peatland bogs as shown below.

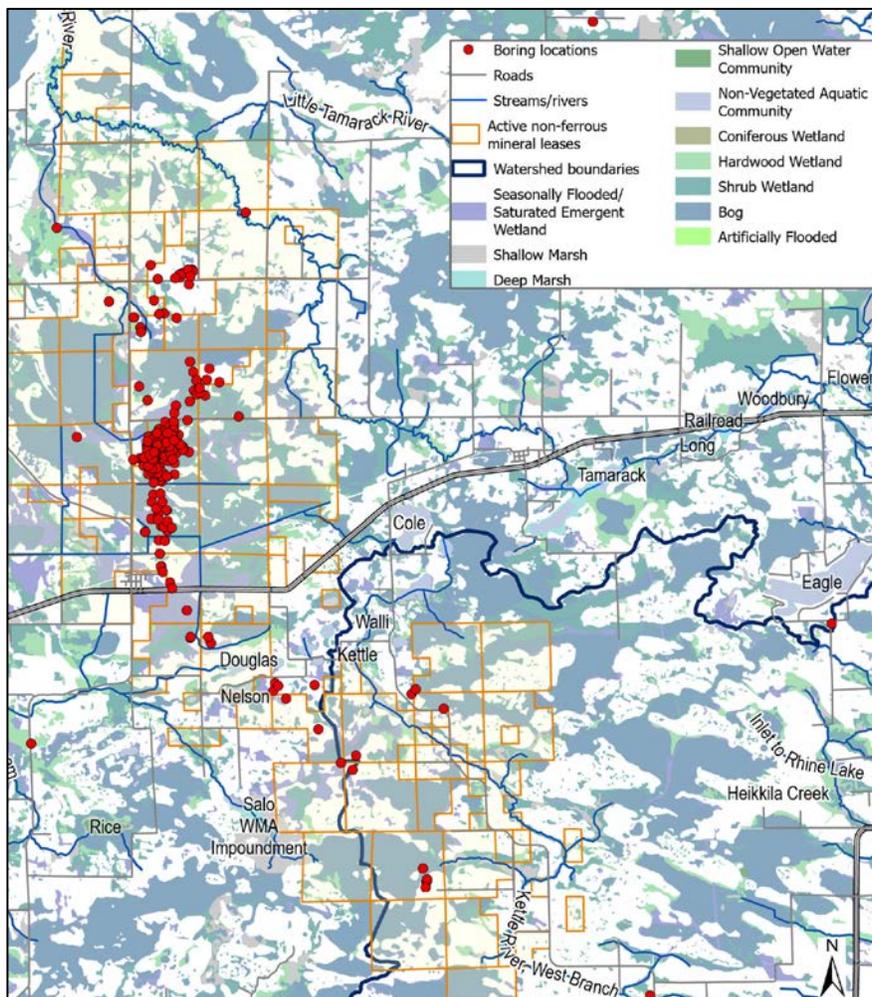


Figure 5: Tamarack area borings and wetlands, Exhibit 15 at 2.

²³ DNR, Exploration Drill Site Inspections Spreadsheet Kennecott - Talon (2025), **Exhibit 18** (“DNR Inspections Spreadsheet”), *see e.g.*, Rows 78, 111, 118.

Significant potential environmental effects may result from the unique ecosystems of the Tamarack area. Seasonal flooding can increase the risk of contamination from poorly sealed or insufficiently elevated boreholes and sumps located in “uplands” that are wet meadows can transport pollutants. Construction in peatlands can release greenhouse gases and result in cumulative impacts on climate change. The map below, Exhibit 16 at 2, shows low elevations, seasonally flooded flats and meadows (yellow) and peatland bogs (purple).

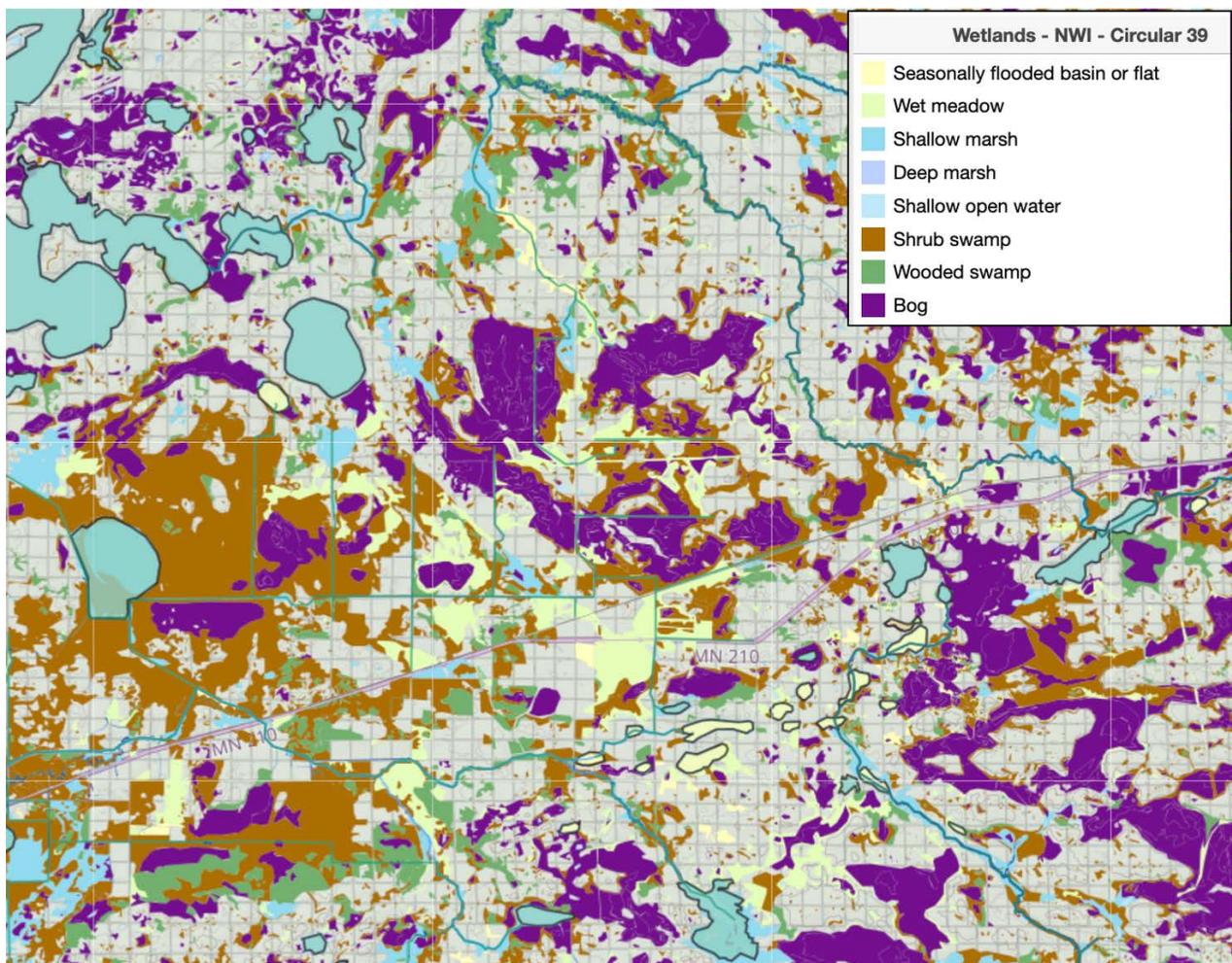


Figure 6: Wetlands, with seasonally flooded areas, wet meadows and peat bogs. Exhibit 16 at 3.

DNR’s Inspections Spreadsheet notes “floating bog here” and excavated “peat” at several drill sites. See e.g., Exhibit 18, Rows 30, 31, 45. As shown in DNR inspection

photographs, many borings are in open water, tamarack bogs, and wet areas, where containment of pollutants is difficult to achieve. Talon’s huge composite mats for drilling equipment in bogs and swamps can impair wetlands.



Talon drilling locations in wet and open water areas (Source: DNR 2021-04-22 both left and right, arrow for “borings” provided by Petitioners)



Extensive composite mats in unfrozen winter and spring open water bog conditions (Source: DNR 2021-12-14 left, and 2022-04-22 right)

A particular concern for contamination is the location of drilling sites in areas with artesian conditions. *Supra* 7, Exhibit 10. DNR noted one borehole was “producing water now, collecting in tank.” Exhibit 18, Row 70. Images below reflect water pooling at drill sites and unfrozen ground in winter, indicators of potential artesian conditions.



Water pooling, unfrozen ground in winter (Source: DNR 2024-05-01 left, 2021-02-25 right)

3. Location of Exploratory Borings Near Residences and Residential Wells.

Neither Talon’s exploration plans nor DNR’s inspections describe the proximity of Tamarack project drilling to homes, farms, or residential drinking water wells. Air emissions of diesel and particulates from drilling may affect the health of local residents. Noise from diamond and roto-sonic drill rigs may disrupt human activities as well as those of wildlife, cited *supra* at 8. WaterLegacy has heard concerns of local residents about these potential impacts. Maccabee Decl. at ¶5. Recent literature cautions that dumping of drilling waste on farmland might negatively impact soil quality due to “high levels of contaminants such as PAHs.” Adnan 2026, Exhibit 12 at 131. Drilling also “releases GHGs and

particulate matter, which detrimentally affect human health through poor air quality.” *Id.* at 130. These impacts have been cumulative over decades.

Mapping data shows that many Talon exploratory borings are near residential wells. Neither Talon’s Plan nor DNR’s summary, Exhibits 1 and 2, mention this proximity or the risks drilling may pose to drinking water quality. Hollow blue markers for wells are used since map layers for borings and residential wells overlap in several locations.

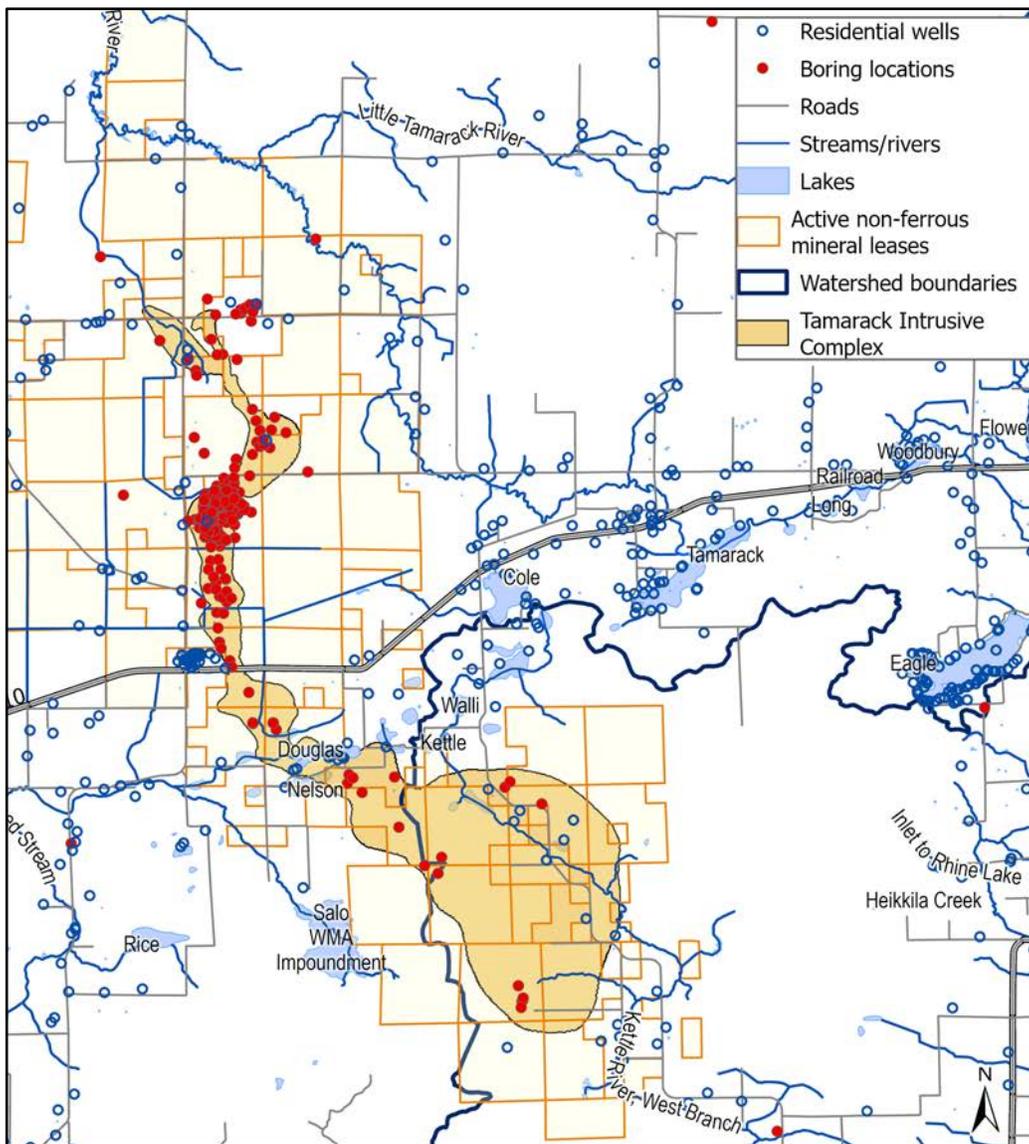


Figure 7: Tamarack area borings and residential wells, see Exhibit 15 at 3.

E. Nature of Drilling Practices that May Result in Potential Significant Environmental Effects.

1. Unlined Sumps in the Groundwater Unsaturated Zone.

Talon’s June 2024 application to Aitkin County for an Interim Use Permit stated that its drilling generates “between 1.5 to 2.2 cubic feet of waste cuttings per 100ft of drilling.” Exhibit 9 at 5. Applying this metric, each 5,000 foot borehole could generate 110 cubic feet (more than the volume of three coffins) of waste cuttings, without considering drilling fluids or wastewater. Minnesota rules prohibit discharge of wastes into the unsaturated zone of groundwater—below the land surface but above the water table. Minn. R. 7060.0600, subp. 2; *In re Denial of Contested Case Hearing Requests and Issuance of NPDES/SDS Permit No. MN0071013 for the Proposed NorthMet Project*, 993 N.W.2d 627, 663 (Minn. 2023) (“[P]ollution cannot be discharged to the unsaturated zone in a way that may result in pollution to the underground waters.”)

News media and local residents photographed large sumps in the Tamarack area that appear to have adversely impacted trees. Local researchers relate that these particular sumps appear to have been filled in since 2023. Petitioners have not been able to determine if sumps, soils, or groundwater were tested for salts and heavy metals, if the cuttings and wastewater in these sumps was pumped and removed, or if the sumps were simply filled by earthmoving equipment. Maccabee Decl. ¶ 6. The images on the next page depict two sumps that have resulted in overflowing liquids and damage to trees (especially on the right side image). Disruption of root systems and chemical impacts of salts (sulfates or chlorides) have both been proposed to explain these impacts.



Talon drilling sumps near Tamarack, MN (Sources: Ben Hovland, MPR/AP left, 2024-06-07, Wildflower Group Media 2023 right).

DNR inspections document the presence of a deer in one sump, with potential wildlife exposure to drill cutting contaminants, and whitish spills at another.



Talon drilling fluid sump with deer (Source: DNR 2021-07-21, left); Talon sump with whitish release (Source: DNR 2022-07-13, right).

Although Talon represents that unlined sumps are located in “uplands,” *supra* 5, they are located adjacent to wetlands, as shown by the presence of mats, and in areas where cuttings and wastewater are deposited in the unsaturated zone of shallow groundwater.



Talon sump in wet, rutted area (Source: DNR 2024-05-01 left); Talon sump adjacent to mats over wetlands (Source: DNR 2024-08-07 right).

Talon admits that depth to water is less than 1 foot in 77% of its target Project Area.²⁴ The depth to water across nearly the entire exploration area is less than 10 feet.

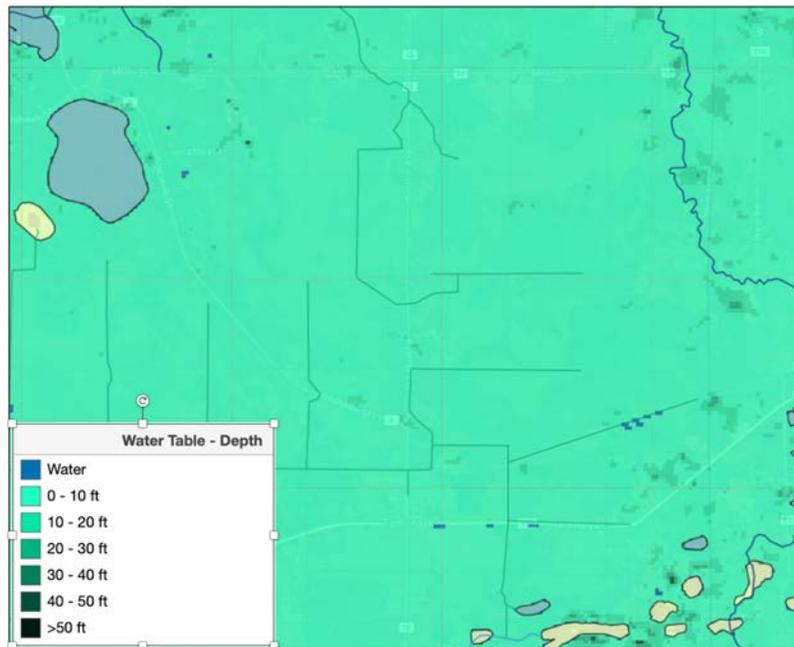


Figure 8: Depth to water 0 to 10 feet, Exhibit 16 at 4.

²⁴ Talon, Tamarack Nickel Mine Draft Amended EAW, Dec. 26 2025, at 91, <https://files.dnr.state.mn.us/input/environmentalreview/tamarack-nickel/2025-12-26-tal-amended-eaw-data-submittal.pdf>

2. Huge Areas of Wetland Impacts and Rutting.

Talon’s operations in wetlands with mats are insufficient to “minimize disturbances,” as suggested in DNR’s summary. Exhibit 1. These huge matted areas may result in significant rutting and adverse impacts in bogs and other wetlands.



Wetlands flattened by drilling “mats” (Source: DNR 2022-08-18 left); Deep ruts from drilling equipment (Source: DNR 2023-04-07 right).

DNR has set no metrics to measure or limit construction in, destruction of, or cumulative adverse impacts to wetlands or peat bogs.

3. Unsealed and Improperly Sealed Borings and Leaks.

DNR inspections have found dozens of unsealed or improperly sealed boreholes, noting: “Large gap at casing,” “gap at seal,” “gap at seam,” “boring is open,” “casing is loose,” “casing loose and depression,” “casing torn at seal,” and “open no cap.” Exhibit 18, *see e.g.* Rows 161-62, 219, 299-300, 342-43, 348-49, 382, 439. These conditions violate Minnesota Rule requirements and are likely to pollute surface water and groundwater. Given the vast area where the drilling has taken place and the decades of exploration, it is likely that many conditions adversely impacting the environment remain undiscovered and

unrepaired. Examples of damaged and broken pipe are provided below.



Sealing damage and open pipe photos with discolored ground (Source: DNR 2023-11-08 left, 2024-05-01 center, 2023-05-09 right).

Petitioners have found no records testing of water quality at any Kennecott or Talon drill site. But DNR photographs of drilling sites raise concerns about water pollution.



Exposed and buried borings, discoloration (Source: DNR 2022-05-27 left, 2023-05-09 right).

DNR inspections repeatedly found they “could not locate borings,” “could not locate boring, very muddy site,” or “did not see cement, very muddy with adjacent drilling.” Exhibit 18, *see, e.g.*, Rows 92, 93, 134, 141-43, 150-51, 168. Such sites violate rules to protect water quality that require temporarily sealed borings to be at least one foot above ground surface and five feet above flood levels. Minn. R. 4727.0950, subp. 10.



Borings below or barely above surface (Source: DNR 2023-11-08 left, 2023-05-09 center, 2024-09-23 right)

4. Toxic Heavy Metals, Additives, and Lubricants.

Talon has drilled in areas finding “massive sulfide mineralization” containing heavy metals including nickel, copper, cobalt, palladium, silver, and gold. Exhibit 8. It is likely that drill cuttings in unlined sumps, drill wastewater, and air emissions contain high levels of these metals, sulfate, and other metals not likely to be marketable, such as lead, arsenic, and manganese. Many of these heavy metals can be toxic to aquatic life, wildlife, and/or humans. *See e.g.*, Minn. R. 7050.0222, 4717.7500, and 4731.2750.

Talon has previously represented to Aitkin County that it only uses drill additives

that meet the requirements of NSF 60-1988, Exhibit 9 at 5. In its 2026 Plan, Talon proposes to dispose of “MN Dept. of Health approved drill additives” in unlined sumps. Exhibit 2 at 4. However, Minnesota Department of Health (“MDH”) rules were adopted two decades ago and only limit drill additives based on compliance with the outdated 1988 NSF Standard 60-1988. Minn. R. 4727.0935, subp. 2. This is insufficient protection.

NSF Standard 60-1988 does not preclude use of PFAS/PFOS, and standards like NSF/ANSI 53, 58, and 61 have modernized these safety requirements to require testing and set maximum contaminant levels for these toxic forever chemicals.²⁵ Although the MDH has developed health risk levels for PFOS in water, Minn. R. 4717.7860, subp. 15, there is no evidence that the MDH has set new rules for drilling additives. An EAW must evaluate Talon drilling additives and potential adverse impacts based on current science and standards. Proximate residential wells and Talon’s proposal to drill borings at depth with wider casings increase potential risks from drilling additives in groundwater.

5. Borings at Extreme Depths and Potential Injections of Fluids.

DNR’s Inspections Spreadsheet includes drilling at extreme depths. A 3,727-foot deep boring drilled with the use of an “oil rig” as first inspected in February 2024. Exhibit 18, Row 393. Other borings completed at extreme depths in 2024 were drilled as deep as 5,281 and 5,206 feet, and the deepest hole was drilled as a wedge boring. *Id.*, Rows 365, 400. MDH records reflect that, in 2023, Talon and Rio Tinto representatives proposed a

²⁵ **Exhibit 19** contains the NSF/ANSI 61/600 Update for PFAS Regulations from March 5, 2025 and NSF’s explanation of these standards.

7,000 foot boring “located in the southern portion of the Talon project, ‘the bowl’” to “drill to the bottom of the formation in proposed location area and . . . confirm copper nickel content at that location and depth.”²⁶ Talon and Rio Tinto then proposed to apply for a variance to inject potable water for packer testing and to use a larger casing (20-inch at 20-30 feet below grade). *Id.* at 1-2. Petitioners’ researcher was informed by DNR that MDH “records do not indicate any variances for this boring.”²⁷ Documents provided by the MDH under the Data Practices Act included no variance for a 7,000 foot boring or fluid injection, and Petitioners do not know if Talon sought or received a variance or completed this boring. Maccabee Decl. ¶ 7. An EAW should provide updated information on borings through 2025—including locations, depths, and any injection of fluids—and should disclose the circumstances where variance approvals will be required for 2026 and future exploration.

F. Insufficient Data, Testing, Controls, or Mitigation Measures.

A supervisor in the MDH Well Management Section has explained some of the gaps in information and analysis related to exploratory borings: “The online database in the Minnesota Well Index is not completely up to date with permanent sealing records. Some exploratory borings that have been permanently sealed do not show on this online information as permanently sealed.”²⁸ Despite this information deficit, MDH granted

²⁶ M. Malmanger, MDH, Email to T. Purrington, MDH and C. Dusek and M. Liljegren, DNR on November 17, 2023, **Exhibit 20** at 1.

²⁷ C. Dusek, DNR, Email to Researcher S.M., March 25, 2025, **Exhibit 21**.

²⁸ M. Malmanger, MDH, Email to Researcher S.M., January 15, 2025, **Exhibit 22**, at 4.

several variances to Talon in 2023 and 2024 extending the time before permanent sealing of borings is required.²⁹

In addition, although there are rules requiring control of groundwater flowing conditions at Minn. R. 4727.0985, “MDH does not track which exploratory borings are artesian/flowing.” Exhibit 22 at 4. Despite concerns about PFAS/PFOS and rules requiring compliance with NSF Standard 60-1988 for exploratory borings, “MDH does not test water from an exploratory boring for contaminants or chemicals associated with drilling lubricants.” *Id.* In addition, as discussed *supra* 23-24, NSF Standard 60-1988 is outdated and underinclusive. Finally, although MDH Rules 4727.0940 “requires that drilling mud, cuttings, treatment chemicals, and discharged water must be disposed of according to applicable federal, state, and local requirements . . . MDH is not monitoring nor approving closures of drilling fluid sumps.” Exhibit 22 at 4-5. MDH recommended contacting the Minnesota Pollution Control Agency (“MPCA”) regarding requirements for exploratory boring. *Id.* at 4.

Although Petitioners’ Representative sent a letter to both MDH and MPCA on August 5, 2025, requesting that these agencies undertake “chemical testing of sumps, borings, and potentially affected wetlands and waters and provide the results of such testing to us and to the public, as well as to DNR,”³⁰ there has been no response to this letter. Maccabee Decl. at ¶ 8. Petitioners know of no testing by any agency of releases to surface

²⁹ Maccabee Decl. ¶ 7.

³⁰ WaterLegacy, Letter to MDH and MPCA requesting testing related to Talon Exploration Plan, Aug. 5, 2025, **Exhibit 23**.

water or groundwater related to Talon exploratory drilling or sumps; no information suggests that sumps are tested or their discharge regulated before they are filled. *Id.*



Large partially filled sumps at 47558 Kestrel (left) and former Tamarack drill site with appearance of chemical release (right) (Source: Wildflower group media, June 2024).

DNR’s exploratory drilling inspection records are incomplete. Based on DNR’s online data, Kennecott and Talon completed 554 exploratory borings from 1990 through 2023. *Supra* 4. DNR’s Inspections Spreadsheet, Exhibit 18, obtained by Petitioners in March 2025, appears to list another 36 borings drilled by Talon in 2024. Maccabee Decl. ¶ 9. Petitioners cannot assess the total number of boreholes Talon has drilled to date or what percent DNR has inspected. *Id.* In addition, DNR’s Inspections Spreadsheet has many blank data cells and certain topics—such as locations in and near open water and artesian conditions—are not recorded. *See* Exhibit 18.

Some potential cumulative environmental impacts of exploratory activities are neither described nor considered in Talon’s 2026 Exploration Plan. Exhibit 2. They are not

monitored, avoided, minimized, or mitigated. First, Talon’s 2026 Plan does not describe potential air emissions from combustion of diesel and other fuels, or from particulates generated by drilling. Second, the 2026 Plan fails to consider the climate change effects from drilling and construction of roads/trails in wetlands and peatlands, which include both the oxidation of exposed peat releasing carbon dioxide and the direct release of methane, a much more potent greenhouse gas than carbon dioxide.³¹ Third, the 2026 Plan makes no mention of potential noise impacts, providing neither a qualitative nor a quantitative assessment of noise constancy, sound characteristics, or decibel levels, let alone their potential impacts on wildlife or human health and welfare.

Even for the most obvious impacts on water and plants, DNR’s established practice has been to approve Talon exploration plans without rigorous conditions to avoid, minimize, or mitigate adverse impacts to wetlands, surface water, groundwater, wild rice, or biodiversity. In response to Talon’s 2025 Plan, DNR imposed no conditions to protect wild rice and other culturally significant plants other than that “Talon should be aware of the potential presence of these species.” Exhibit 17 at 6. DNR “recommended” that “Talon take actions” and use “best practices” to avoid “substantial disturbance” to wetlands, but DNR set no limits on the scale or duration of Talon’s roads/trails, equipment, or constructed mats to protect wetlands or biodiversity. *Id.* at 4-5. Similarly DNR did not

³¹ See Jordan, S.F.A., *et al.* (2025) Interferences caused by the biogeochemical methane cycle in peats during the assessment of abandoned oil wells, *Biogeosciences*, 22:809-830, **Exhibit 24**; Saraswati, S., *et al.* (2023) Presence of access roads results in reduced growing season carbon uptake in adjacent boreal peatlands, *Journal of Geophysical Research Biogeosciences*, 10.1029/2022JG007206, **Exhibit 25**.

require, but merely asked that Talon “consider” the need for light and sound attenuation and “[c]onsider avoiding or minimizing vehicle travel on trails when soils are saturated and soft to reduce the risk of rutting” and “the risk of spreading invasive plants.” *Id.* at 5.

Although there has been extensive publicity regarding Talon excavated sumps since 2023, DNR’s 2025 plan approval still permitted unlined “[d]ug recirculation pits (sumps)” if they are not in “wetlands,” *id.* at 3, and did not address wet meadows or areas where a sump would extend into unsaturated groundwater. DNR stated that water tanks and hoses can only be emptied on uplands “where those waters do not drain into wetlands, waterbodies or water-filled ditches,” but neither identified any such “uplands” nor considered impact of seepage to groundwater from unlined excavated sumps that recharge wetlands and waterbodies. *Id.* Talon’s and DNR’s established practices are insufficient to determine, avoid, minimize, or mitigate cumulative potential significant environmental effects to wetlands, peat bogs, surface water, groundwater, drinking water, air quality, climate, noise, wild rice, aquatic life, biodiversity, wildlife, and human health and welfare due to the location and nature of Talon’s exploration activities.

ARGUMENT

I. Petitioners have Satisfied Minnesota Legal Requirements to Petition for an EAW.

Petitioners meet Minn. Stat. 116D.04, subd.2a(e) and Minn. Rule 4410.1100 requirements to petition for an EAW.

Petition (Subpart 1):

Petitioners have provided in Attachment A copies of letters in support of the Petition

with the signatures and mailing addresses of 387 individuals who reside or own property in the State of Minnesota, within the affected and adjoining counties of Aitkin, Carlton, Cass, Crow Wing, Itasca, Kanabec, Mille Lacs, Pine, and St. Louis.

Content (Subpart 2):

A. Proposed Project:

The proposed project (“2026 Exploration Plan” or “Plan”) is the plan for exploratory drilling and other down-hole exploration submitted by Talon Nickel (USA) LLC, a subsidiary of Talon Metals Corp. (“Talon”), on January 12, 2026, covering an area extending from 5.5 miles north to 7 miles southeast of Tamarack, MN at up to 24 drill sites and drilling an unspecified number of new borings and wedged borings from existing parent holes, with drilling depths ranging from 500 to 6,000 feet.

B. Project Proposer:

Brian Goldner, Chief Exploration and Operations Officer
Talon Nickel USA, LLC
165 Warren Street, Tamarack, MN 55787

C. Petitioners’ Representative

Paula G. Maccabee, WaterLegacy Executive Director and Counsel
1961 Selby Avenue, Saint Paul, MN 55104

D. Brief Description of Potential Environmental Effects Which May Result from the Project.³²

The proposed plan for exploratory drilling submitted by Talon on January 12, 2026, along with cumulative potential effects, may result in the following significant environmental effects:

- Impairment of wetlands and peatlands;
- Pollution of surface water;
- Pollution of groundwater;
- Contamination of drinking water wells;

³² Petitioners explicitly preserve all and do not waive any of the potential environmental effects discussed in pages 1-37 of this Petition, Exhibits 1-26 attached to this Petition, and the Declaration of Paula Maccabee, whether or not stated in this Part D “Brief Description.”

- Impairment of wild rice and other plants and cultural resources;
- Air emissions of particulates, diesel, and other toxic chemicals;
- Noise impacts from drilling and construction;
- Greenhouse gas effects from drilling and construction in wetlands and peatlands;
- Spreading non-native invasive plant species; and
- Adverse effects on aquatic life, wildlife, and human health.

E. Material Evidence that Because of the Location and Nature of the Proposed Project there May be Potential for Significant Environmental Effects.

Material evidence that the location and nature of the proposed project may have the potential for significant environmental effects is detailed in the Statement of Material Facts, on pages 1 through 37 of this Petition, in the attached Maccabee Declaration, and attached Exhibits 1-26. Some of this evidence is summarized here.³³

- Talon’s 2026 Exploration Plan, along with exploration by Talon and Kennecott in the environmentally salient area since 1990, may have cumulative potential significant environmental effects due to pollution and harm to wetlands, peatlands, surface waters, groundwater, drinking water, air quality, climate, noise, aquatic life, wild rice and other culturally significant plants, biodiversity, wildlife, and human health and welfare. (*Supra* 1-37, Exhibits 1-25)
- Talon’s 2026 Exploration Plan proposes new borings and “wedge” drilling of existing borings from 500 to 6,000 feet deep in an area extending from 5.5 miles north to 7 miles southeast of Tamarack, MN to prospect for nickel, copper, and platinum group metals in sulfide-bearing rock. (*Supra* 2-6, 27; Exhibits 1, 2).
- Talon’s Plan is a continuation of drilling from 1990 through 2025, by Kennecott Exploration Company and Talon of at least 590 boreholes, from 61 to 5,291 feet deep, in the same Tamarack region. (*Supra* 3-6, 27, Exhibits 1-2, 6, 9, 18).
- Talon recently discovered additional pooling of massive sulfides below and south of the known massive sulfide mineralization and intends to use three drill rigs operating in 2026 to accelerate expansion. (*Supra* 2-4; Exhibits 3, 7, 8).

³³ Petitioners do not waive and explicitly preserve and rely on all the material evidence contained in pages 1-37 of this Petition, Exhibits 1-26 attached to this Petition, and the Declaration of Paula Maccabee, whether or not repeated in this Part E “Material Evidence.”

- Exploratory drilling in sulfide-bearing rock, even without mining, poses significant environmental risks for release of sulfuric acid and heavy metals, particularly in areas with artesian conditions, incompletely reclaimed drillholes, or drill waste in contact with soil, wetlands, and underground water. Pollution results from the elements in the rock drilled (cuttings) as well as drilling fluids. (*Supra* 6-8, Exhibits 10-12).
- The Tamarack deposit contains high levels of sulfide and metals, and Minnesota rules regulate sulfate and heavy metals to protect water quality, wild rice, aquatic life, drinking water, and human health. (*Supra* 8-9, Exhibits 3, 5, 13, 14).
- Talon's 2026 Exploration Plan drilling locations are near or encroaching on the Tamarack River wild rice water, the West Branch Kettle River, and many public waters lakes and wetlands. Neither Talon's Plan nor DNR's summary discuss protecting wild rice or sensitive public waters. (*Supra* 6, 9-11, 28, Exhibits 1, 2, 15, 16, 17).
- Talon's 2026 Exploration Plan will take place in Sites of Moderate and High Biodiversity Significance, and existing drilling has already resulted in and may result in further spread of non-native invasive species to these areas. (*Supra* 10-13; Exhibits 1, 2, 16, 17, 18).
- Talon's 2026 Exploration Plan will take place in locations, including wetlands, peat bogs, and flooded or open water areas where containment of pollutants is difficult, and equipment and huge mats on wetlands can result in significant wetland disturbance and rutting. (*Supra* 13-15, 21, Exhibits 1, 2, 15, 16).
- Talon's 2026 Exploration Plan will take place in wet and muddy areas, including areas that seem to reflect artesian conditions that create greater pollution risks. (*Supra* 16, Exhibit 10).
- Talon's 2026 Exploration Plan and cumulative borings overlap locations of residential drinking wells, although neither the Plan, nor DNR's inspections or established practices consider measures to protect drinking water near exploratory borings. (*Supra* 16-17, Exhibits 1, 2, 15, 17, 18).
- Talon's 2026 Exploration Plan proposes activities near homes and farms, which may create potential health and environmental effects from diesel and particulate emissions from equipment and drilling not considered in Talon's Plan or DNR's

summary. (*Supra* 16-17, 27, Exhibits 1, 2, 12)

- The noise from Talon’s 2026 Exploration Plan drilling activities may have the potential to adversely affect human health and welfare as well as to impact wildlife. (*Supra* 8, 16, 28, Exhibit 12).
- Talon’s 2026 Exploration Plan proposes to use unlined sumps dug into the unsaturated zone of shallow groundwater and adjacent to wetlands that may result in pollution of groundwater and surface water, danger to wildlife, and violations of Minnesota Rules. (*Supra* 5, 14, 18-20, 29, Exhibits 1, 2, 10, 16).
- Talon’s 2026 Exploration Plan does not address the numerous damaged and improperly sealed or capped borings in the existing and cumulative Tamarack drilling program, which violate Minnesota Rules and may potentially result in pollution of surface water and groundwater. (*Supra* 21-23, Exhibits 2, 18).
- Talon’s 2026 Exploration Plan proposes drilling at extreme depths, and Talon’s past practices of drilling with an oil rig and seeking fluid injection and deeper borings than proposed in its drilling plan indicate that project activities may exceed the scope of the 2026 Plan. (*Supra* 24-25, Exhibits 2, 20, 21).
- Talon’s 2026 Exploration Plan may have the additional potential for significant environmental effects due to company and State agency practices that do not prohibit drilling additives that include PFAS/PFOS and other chemicals not considered in outdated standards. (*Supra* 22-24, Exhibits 2, 9, 19).
- Talon’s 2026 Exploration Plan may have the additional potential for significant environment effects due to company and State agency practices that provide variances and insufficient inspections, data, testing or monitoring of chemicals or artesian conditions at sumps, drilling sites, and affected wetlands, surface waters, and groundwater. (*Supra* 25-27, Exhibits 17, 18, 22, 23).
- Many potential cumulative environmental effects of Talon’s 2026 Exploration Plan are neither described or considered in the Plan so they can neither be monitored, avoided, minimized, or mitigated. These include cumulative effects from vehicles, construction, and drilling on air emissions; noise; and peat oxidation, methane release, and climate. (*Supra* 27-29, Exhibits 12, 24, 25).

Filing of Petition (Subpart 3):

This Petition and supporting Petition Signatures in Attachment A, Declarations of Jacob Crawford and Paula Maccabee, and Exhibits 1-26 have been filed with the Environmental Quality Board (“EQB”) on January 30, 2026.

Notice to Proposer (Subpart 4):

Petitioners have notified the project proposer by U.S. Mail, on January 30, 2026, of the filing of this Petition and supporting documents with the EQB.

II. An EAW is Required for Talon’s 2026 Plan because the Locations and Nature of Drilling may have Cumulative Potential Significant Environmental Effects.

On a petition for EAW, the responsible governmental unit (“RGU”) “**must**” prepare an EAW whenever material evidence “demonstrates that, because of the nature or location of a proposed action, there **may** be potential for significant environmental effects.” Minn. Stat. §116D.04, subd. 2a(e) (emphasis added); Minn. R. 4410.1100, subd. 6 (“The RGU **shall** order the preparation of an EAW if the evidence presented by the petitioners, proposers, and other persons or otherwise known to the RGU demonstrates that, because of the nature or location of the proposed project, the project **may** have the potential for significant environmental effects) (emphasis added). The EAW petitioner’s burden is a “minimal standard.” *Carl Bolander & Sons Co. v. City of Minneapolis*, 488 N.W.2d 804, 810 (Minn. App. 1992); *see also In re Lorentz & Sons Construction, Inc.*, No. A22-0818, 2023 WL 1955159 at *6 (Minn. Ct. App. Feb. 13, 2023).

The cumulative potential effects from drilling in the lease areas in Talon’s 2026 Exploratory Plan, from hundreds of existing borings that Talon and Kennecott have drilled in the Tamarack area since 1990, and from reasonably expected continuing exploratory

activities in this environmentally salient area must all be considered to determine whether an EAW is required for Talon's 2026 Plan. An RGU is required to consider "cumulative potential effects" to determine whether a project may have the "potential for significant environmental effects." Minn. R. 4410.1100 ("In considering the evidence, the RGU must take into account the factors listed in part 4410.1700, subpart 7.").

"Cumulative potential effects" means "the effect on the environment that results from the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources." Minn. R. 4410.0200, subp. 11a. "Significant cumulative potential effects can result from individually minor projects taking place over a period of time." *Id.*

The "point of the 'cumulative potential effects' criterion is to put the proposed project into context" and "determine whether the project, which may not individually have the potential to cause significant environmental effects, could have a significant effect when other local projects already in existence or planned for the future are considered." *Citizens Advocating Responsible Dev. v. Kandiyohi Cnty. Bd. of Comm'rs*, 713 N.W.2d 817, 829 (Minn. 2006). "If a governmental body is allowed to strategically ignore pertinent local activities when conducting environmental review, the legislature's and EQB's intentions will not be fulfilled." *Id.* at 831.

In response to a petition for a mineral leasing EAW, the Minnesota Court of Appeals specifically held that an EAW may be required for metallic minerals exploratory drilling on leases in Aitkin County, and that "individuals may submit a new petition if they become aware of exploration plans." *In re Environmental Assessment Worksheet for the 33rd Sale*

of State Metallic Leases in Aitkin, Lake, and Saint Louis Counties, Minnesota (“*In re Metallic Leases EAW*”), 838 N.W.2d 212, 218 (Minn. App. 2013). The Court noted that “as the DNR acknowledges, environmental review in the form of an EAW or an EIS may be required” for exploration plans. *Id.* The Court underscored that “DNR has a duty to determine whether environmental review is required before approving exploration plans.” *In re Metallic Leases EAW*, 838 N.W.2d at 218.

The DNR has yet to consider the substantive merits of requiring an EAW for any metallic mining exploration plan. Although an EAW was requested for Talon’s March 13, 2025 Exploration Plan, Petitioners’ Representative did not secure necessary evidence or file the Petition until after DNR had already approved this 2025 plan. Maccabee Decl. ¶ 10. DNR denied the EAW on the grounds that the project was exempt from review, since all government decisions had already been made.³⁴ DNR has interpreted Minn. R. 6125.0700, subp. 26a, so that DNR provides its approval and sets conditions on any exploration plan 20 days after DNR receives that plan. Exhibit 26, ¶¶ 23, 24, 35. Unless DNR changes its longstanding interpretation in this matter, this Petition, submitted to the EQB with notice to Talon on January 30, 2026 is timely filed less than 20 days after Talon’s January 12, 2026 Exploration Plan.

This Petition has provided substantial and material evidence that Talon’s 2026 Exploration Plan requires that an EAW must be prepared because the locations and nature of activities in Talon’s 2026 Plan may have the potential for significant environmental

³⁴ DNR, *In re Determination of Need for an EAW for the Talon Nickel 2025 Exploratory Drilling Plan*, Record of Decision (Sept. 2, 2025), **Exhibit 26** at 14.

effects when the cumulative potential effects of other local projects already in existence or planned for the future are considered, as is required by law. Pending decision on this EAW Petition, government approvals and Talon exploratory drilling activities are prohibited. Minn. Stat. § 116D.04, subd. 2b; Minn. R. 4410/3100, subp. 1.

CONCLUSION

For the reasons stated in this Petition, and on the basis of the material evidence contained in this Petition, its Declarations, and Exhibits 1-26, Petitioners ask the EQB to:

- (1) designate DNR as the RGU and send this Petition to DNR for the preparation of an EAW for Talon's 2026 Exploration Plan project, because Petitioners have timely met the requirements of Minn. Stat. § 116D.04, subd. 2a and Minn. R. 4410.1100.
- (2) direct DNR to coordinate preparation of that EAW with the MDH and MPCA, which also have jurisdiction to protect wetlands, surface water, groundwater, and other natural resources affected by Talon's exploratory drilling.

Dated: January 30, 2026

Respectfully submitted,

JUST CHANGE LAW OFFICES

/s/ Paula G. Maccabee

Paula G. Maccabee

WaterLegacy Executive Director/Counsel

1961 Selby Avenue

St. Paul, Minnesota 55104

Phone: (651) 646-8890

Fax: (651) 646-5754

paula@waterlegacy.org

pmaccabee@justchangelaw.com

Petitioners' Representative