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WATERLEGACY APPEALS DNR'S DENIAL OF EIS FOR NEWRANGE MINE

Environmental Groups and Fond du Lac Band of Lake Superior Chippewa Say NewRange Mine EIS is Mandatory under Minnesota Law

DULUTH, MINN., November 9, 2026 – WaterLegacy has appealed the Minnesota Department of Natural Resources' (DNR) denial of an Environmental Impact Statement (EIS) for the NewRange copper-nickel mine project (NewRange Project) in the Partridge River headwaters of the St. Louis River, the largest United States tributary to Lake Superior. Other environmental groups and the Fond du Lac Band of Lake Superior Chippewa (the Band) have also taken the position that a full EIS is necessary to analyze the impacts of this completely new mine proposal and alternatives—including the alternative of no mine—to avoid harm.

The NewRange Project is a complete redo of the PolyMet mine plan that was reversed and remanded by the Minnesota Supreme Court and had its federal Clean Water Act Section 404 permit revoked by the U.S. Army Corps because the mine would have caused violations of the Band's downstream water quality standards.

NewRange proposes to construct three new tailings disposal facilities in the Partridge River watershed. Construction of ***any*** new facility for the "disposal of tailings from a metallic mineral mine" requires a **mandatory EIS** under Minnesota Rules. In addition, pollution from the NewRange proposed tailings disposal facilities could contaminate Wyman Creek, a trout stream; Colby Lake, the drinking water source for Hoyt Lakes; and Partridge River and St. Louis River waters already impaired due to mercury and sulfate pollution. Yet, the DNR denied requests by WaterLegacy, other environmental groups, and the Band for a new EIS and opted for a more limited review requested by NewRange.

Paula Maccabee, Executive Director and Counsel for WaterLegacy, said, "The NewRange Project may be even worse than the PolyMet plan." Maccabee continued, "The NewRange Project would destroy more wetlands, dig deeper mine pits, heap up more waste rock, dump more untreated wastewater in unlined pits, and minimize treatment of contaminated seepage. DNR needs to follow the law and order a mandatory full EIS to analyze this dangerous Project proposed by NewRange."

The NewRange Project is an entirely new mine proposal that requires a new EIS:

- NewRange would construct three new facilities for the disposal of tailings waste from the NorthMet sulfide ore mine. Under Minnesota Rule 4410.4400, subp. 8(B) construction of even one new metallic mineral mine tailings disposal facility requires a mandatory EIS.

- The dam for the main NewRange tailings disposal facility is likely to be a Class 1 high hazard dam, since it is upstream of Hoyt Lakes and its drinking water source, Colby Lake. This type of dam also requires a mandatory EIS. Minn. R. 4410.4400, subp. 18.

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- More than half of the acreage of the NewRange Project (4,200 acres of its 7,900 acre impact area) was not included in the PolyMet plan.

- NewRange will not capture and treat polluted seepage from the legacy LTVSMC tailings basin, a key selling point and pollution "offset" used in the PolyMet Final EIS to exclude analysis of downstream pollution in the St. Louis River and Lake Superior.

- The NewRange Project would directly harm 1,145 acres of wetlands, an increase of 241 acres of direct wetlands impacts from the revoked PolyMet plan.

- The NewRange Project proposes deeper mine pits, taller stockpiles of waste rock, and permanently storing Category 1 waste rock with higher sulfate—and greater potential for acid rock drainage than the PolyMet plan—in a massive unlined waste rock stockpile.

- The NewRange Project proposes to eliminate the Mine Site wastewater treatment facility, store contaminated and untreated mine contact water and tailings seepage in unlined pits, and flood mine pits with untreated wastewater at closure.

- The NewRange Project contains many features that are inconsistent with rulings by the Minnesota Supreme Court as well with determinations made by the Band, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) in revoking the PolyMet federal wetlands permit.

PROCEDURAL BACKGROUND

The PolyMet permit to mine was issued by DNR on November 1, 2018, an NPDES/SDS wastewater permit was issued by the Minnesota Pollution Control Agency (MPCA), on December 20, 2018, and an Army Corps Clean Water Act Section 404 wetlands permit was issued on March 21, 2019. The DNR PolyMet permit to mine was reversed and remanded by the Minnesota Supreme Court in 2021; the MPCA PolyMet wastewater permit was reversed and remanded by the Court in 2023, and the Army Corps Section 404 permit was revoked in 2023.

NewRange submitted an application to the Army Corps for a new Section 404 permit in July 2026 and requested a "supplemental" EIS review in a letter to DNR on July 29, 2026. On August 24, 2026, WaterLegacy, the Minnesota Center for Environmental Advocacy, Friends of the Boundary Waters Wilderness, and the Fond du Lac Band of Lake Superior Chippewa requested a full mandatory EIS as required by law based on information in the NewRange submittals. DNR approved the request by NewRange and denied the environmental groups' and the Band's request for a mandatory EIS on October 8, 2026.

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