

DANGEROUS MEDIOCRITY

A comparative analysis of sulfide mining
regulation in the Lake Superior Basin



ecojustice

■ A Study with Purpose

A mineral rush is underway across the upper Great Lakes region. The waters, forests and wildlife of the Lake Superior basin share their homelands with deposits of copper, nickel, gold, uranium and other metals. Within a few miles of Great Lakes shoreline, one mine is already proposed, and exploration is spreading like wildfire, fueled by worldwide demand and increasing metal prices.

Protection of the Great Lakes has never been more important.

The neighboring states of Michigan, Wisconsin, and Minnesota, as well as the province of Ontario, operate independently of one another when it comes to permitting, regulating, and monitoring prospective mines. And yet water is not constrained by state borders and neither are pollutants. The environmental impacts of sulfide mining in one of these jurisdictions may reach well beyond its border. Federal oversight of permitting and monitoring new mines is severely limited, but sorely needed.

With the recent boom in exploration across the Lake Superior basin, proper oversight has never been more important.

Recognizing the need for consistent review, regulation and enforcement, the National Wildlife Federation undertook an extensive examination of the laws and their implementation in Michigan, Minnesota, Wisconsin, and Ontario. Specifically, we asked:

- What regulations exist?
- Is regulation effective?
- How do federal statutes interact with state and provincial processes?
- What is needed for more consistent resource protection across these jurisdictions?

Our findings are found in a newly-released report:

SULFIDE MINING REGULATION IN THE GREAT LAKES REGION: A COMPARATIVE ANALYSIS OF REGULATION IN MICHIGAN, MINNESOTA, WISCONSIN & ONTARIO

This document provides a summary of the report and expert recommendations on how permitting and monitoring processes can be improved to benefit the Great Lakes and the entire region. To read the full report, visit www.nwf.org/sulfidemining

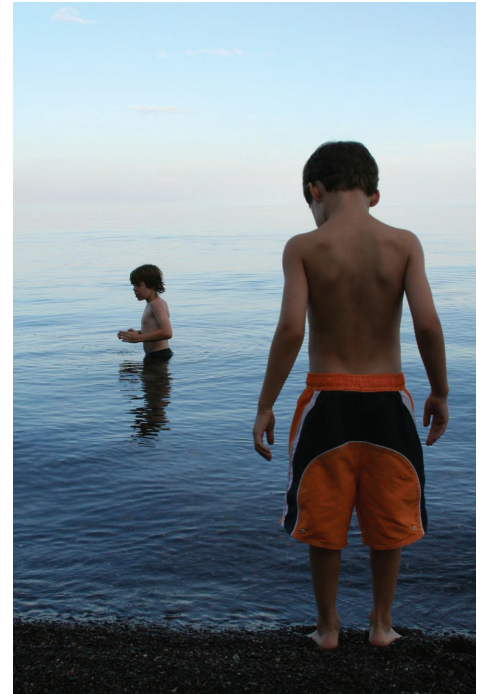


Photo by Nina Hale

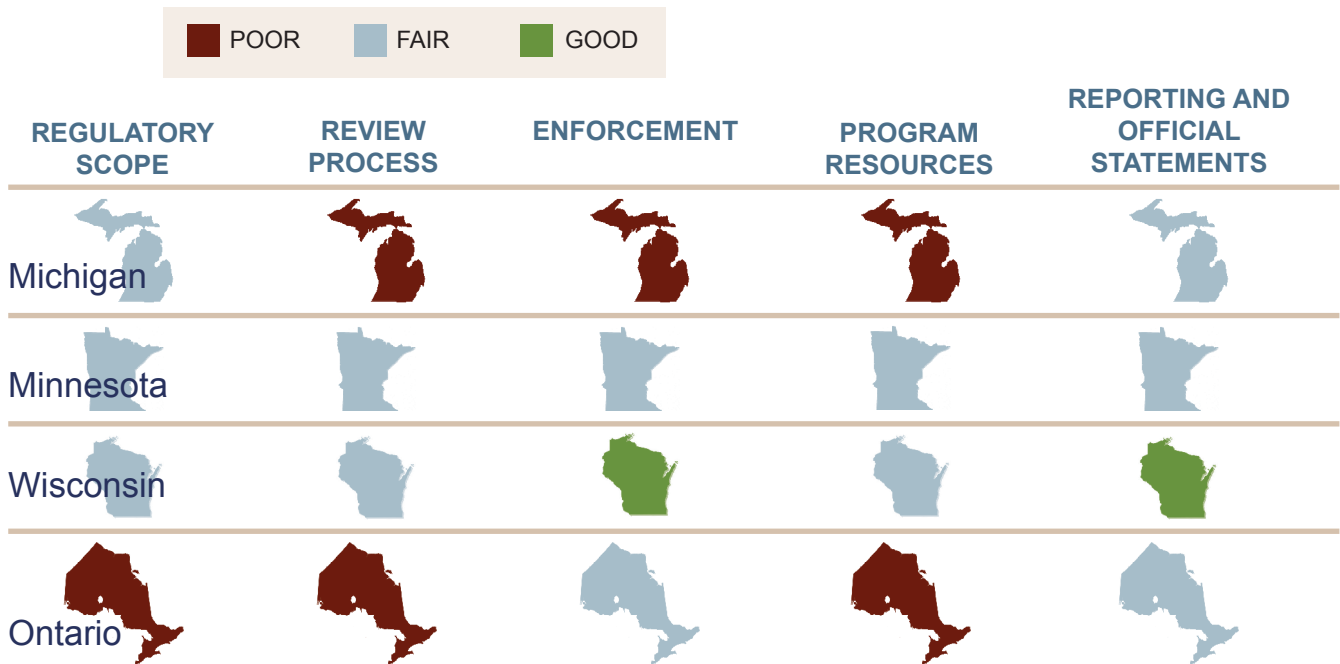
Review & Measurement:

A closer look at Michigan, Wisconsin, Minnesota, and Ontario

With the help of expert panels from each jurisdiction, NWF developed a series of indicators that provide an appropriate gauges of how each is performing in a given area. Statutes, regulations, and the jurisdiction’s implementation of each were analyzed in the following areas:

- Regulatory Scope:** What issues and actions does the jurisdiction regulate?
- Review Process:** How does the jurisdiction assess an application for permission to explore, mine, and remediate a sulfide mine?
- Enforcement:** How does the jurisdiction monitor mining and remediation activities and enforce the law and regulations?
- Program Resources:** Does the jurisdiction have the resources to permit, regulate and monitor adequately?
- Reporting and Official Statements:** Does the jurisdiction require high-quality data from mine owners/operators and make data available to the public?

While these are the broad, categorical headings, each is comprised of a series of parameters. To see the detailed list of parameters and in-depth descriptions of jurisdiction performance, please refer to the full report online.



A Dismal Report Card



Photo by chefranden

While much detail is available on each jurisdiction, the broader view can be found in the table above and is startling: in 20 categories, the combined jurisdictions of the Lake Superior basin rated a “good” score in only two instances. On a matter that impacts human health, wildlife, water quality, and so much more – **is mediocre good enough?** The people of the Great Lakes region deserve better.

Recommendations

Clearly, the performance reported in the analysis cries for regional and federal improvement. Jurisdiction-specific recommendations are available at length in the full report. Some recommendations are repeated in each of the U.S. jurisdictions, indicating an across-the-board need for improvement in these areas:

- There should be a standard method set forth in the law to coordinate the efforts of the various agencies responsible for different aspects of permitting, monitoring, and enforcement of a mining project.
- State-conducted independent monitoring should be performed regularly and systematically at any active mine and reclamation site, including in the post-closure phase, and should be funded by the permittee.
- Affected tribes should be equal partners in permit decisions and monitoring.
- Mine plans should include non-environmental goals and standards such as workers' safety, long-term viability of the mine, economic plans for communities' long-term health, reasonable royalties, past performance of applicant and community priorities
- Public funds must not be committed to financing or assisting any project that has not completed and passed environmental review. This should be a matter of law with no exceptions.
- Civil penalties and fees assessed for noncompliance should be dedicated to return to the nonferrous metallic mining program.

Federal involvement, as well as state-level regulation, is inconsistent across the jurisdictions; correcting that factor alone would likely increase resource protection significantly.

In Ontario, permitting for mines is essentially non-existent, so establishment of a permitting program is the top recommendation. While there is some legislative movement toward that, its timing and efficacy are unknown.



Photo by US Fish & Wildlife

Waters at risk

Water is the most important natural resource in the Lake Superior basin and the long-term value of fresh water far outstrips that of any mineral or any mine. Sulfide mining is well known for its negative impact on water. This analysis and the subsequent recommendations offer proactive steps to protect the water, people, and traditions of the Great Lakes Basin.

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