# Minnesota Land and Manoomin Protection Project Fellowship Team with Public Lab

On behalf of the Minnesota Land and Manoomin Protection Project Fellowship Team with Public Lab, we submit this comment on the Regional Haze State Implementation Plan.

The State of Minnesota celebrates its progress towards reducing nitrogen oxide and sulfur dioxide emissions, both of which form particulates and contribute to haze. We celebrate this success along with the State of Minnesota, while also looking towards a future where Minnesota can further decrease air pollutants.

Air pollution is unique amongst environmental pollutants because it travels so easily—that is, pollution in one place rarely stays there. The Plan shows that pollution in Voyageurs and Boundary Waters mostly comes from Minnesota. While other states also contribute to air pollution near Voyageurs and Boundary Waters, Minnesota is the biggest source. Therefore, reducing air pollution within Minnesota will make the biggest difference to meet the goals set forth in the Plan.

The State of Minnesota will not be able to meet emissions reduction targets in any part of the state while continuing to permit destructive, polluting industries in other parts of the state. Even though existing polluters continuously update their technology to reduce emissions, never allowing an industry to establish itself in the first place is the biggest reducer of air pollutants.

If permitted and built, the Huber Frontier Project (Huber Project) is likely to contribute to air pollution within the State of Minnesota, which likely would travel to Voyageurs and Boundary Waters. The Huber Project would be located in Cohasset, MN. The Huber Project is an OSB factory, which would emit from the combustion process. In its Environmental Assessment Worksheet (EAW), Huber explains that the OSB factory would emit particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, carbon monoxide, carbon dioxide, methane, nitrous oxide, lead, dust, odors, and various hazardous air pollutants, while also requiring increased vehicle traffic. Increased vehicle traffic will emit particulates, carbon monoxide, hydrocarbons, nitrogen oxides, and greenhouse gasses. For the drying process, the Huber Factory would require methanol and formaldehyde, both of which are toxic. See Huber EAW at pages 33 to 36.

Voyageurs and Boundary Waters are within 300 km of the Huber Project project site. While the EAW determined that the factory will have no adverse impacts on visibility in these areas, the Huber Factory only conducted a preliminary evaluation. Because of this, we do not agree with the EAW's conclusion that the Huber Project would not adversely impact Voyageurs and Boundary Waters. The preliminary assessment only considered a few of the numerous pollutants the Huber Project will emit. Additionally, air pollution is cumulative. Even if the Huber Project on its own minimally contributed to air pollution within Minnesota, the Huber Project is not the only polluter. We would also like to emphasize that the assessment in the EAW was prepared by the polluter themself, which requires us to take the assessment with a grain of salt.

Likewise, if the state permits and allows the building of the Talon-Rio Tinto Mine, a proposed Nickel mine near Tamarack, MN, the mine is very likely to hurt air quality in the State of Minnesota. This air pollution would likely impact Voyageurs and Boundary Waters. The Mine has not submitted an EAW to the State of Minnesota yet, so the project's specific impacts are unclear. While Talon states that this nickel mine would be the most environmentally friendly nickel mine to date, this does not mean much. Nickel mines are notorious polluters. Nickel mining releases greenhouse gasses, toxic aerosols, and drives deforestation to make way for mining. Nickel mining, smelting, and transportation all create dust.

The Eagle Mine in Michigan is comparable to the proposed Talon Mine. In a 2020 report, the Eagle Mine stated the facility emits dust while moving and storing ore. Also, the vehicles used in mining, moving, and storing ore produce emissions. Importantly, the report does not quantify emissions.

While air pollution is concerning because of its impact on the environment, air pollution also harms people. While the Plan focuses on Voyageurs and Boundary Waters as natural places, both areas are on Anishinaabe land. To this day, the Anishinaabe people (referred to as Chippewa in the treaties) retain usufructuary rights in Boundary Waters and Voyageurs. If they are built, air pollution from the Huber Factory and the Talon Mine will hurt the resources the Anishinaabe people have treaty rights to. In the meantime, other polluters continue to emit harmful substances that negatively impact the resources the Anishinaabe people rely on, such as wild rice (manoomin). Treaty-guaranteed resources, such as wild rice, game, and fish, are essential to the survival of the Anishinaabe people. These resources provide their daily sustenance and economic opportunities and are culturally important. Harm to these resources is detrimental to the survival of the Anishinaabe people.

A Nickel-Copper mine in Russia near the Norwegian border emitted nickel, copper, cobalt, sulfur dioxide, and dust. The mine also emitted toxic metals, including arsenic, lead, cadmium, and mercury. In a study near the mine, across the border into Norway and Finland, researchers found toxic metals concentrated in mushrooms, fish, game, and berries. While this is just one example, it is illustrative of the impact a mine can have on local resources. The State of Minnesota should not permit polluters that will likely emit toxic metals and substances that can concentrate in the environment. Potentially, toxic substances in the air could concentrate in the environment in Minnesota. In particular, the land that makes up Voyageurs and Boundary Waters contain treaty-guaranteed resources, such as wild rice, fish, game, and more. Particularly considering the importance of treaty-guaranteed rights (reinforced by the U.S. Supreme Court in 1999 in the Mille Lacs case (holding that Native Americans still hold treaty guaranteed usufructuary rights despite several events that could have extinguished the rights)), Minnesota must improve their air quality. These pollutants hurt the air, the people breathing the air, and have the potential to concentrate in the environment. Not allowing new polluters to enter the state, regardless of the jobs they promise, is key to preventing air quality degradation. Instead, the State of Minnesota has an opportunity to create long-lasting jobs and a thriving economy through community-led renewable energy initiatives that sustains the environment and people.

The updated plan calls for creating non-binding targets. While creating targets at all is an important first step, creating non-binding targets means the State of Minnesota cannot enforce the targets. Therefore, the State should include binding targets in its plan, which would require the Minnesota Legislature enact legislation to comply with the federally mandated haze plan. This way, Minnesota can set targets that are enforceable against both public and private entities. See Regional Haze SIP at 132.

For all the reasons detailed above, our team suggests the Regional Haze SIP focuses on preventing new pollution from entering the region in addition to reducing pollution from existing sources. While meeting the goals of the SIP is crucial, so is protecting the environment, treaty-guaranteed usufructuary rights, and humans from the harm of air pollution.

Sources:

Huber EAW: https://www.cohasset-mn.com/vertical/sites/{4DED3294-59E1-4C4A-B675-C7E6970BA170}/uploads/Frontier_Project_HEW_EAW_Final_2022.pdf

Iris Crawford, Will mining the resources needed for clean energy cause problems for the environment?, Massachusetts Institute of Technology (July 21, 2022) https://climate.mit.edu/ask-mit/will-mining-resources-needed-clean-energy-cause-problems-environment

Martine D. Hansen, et al., The Impact of a Nickel-Copper Smelter on Concentrations of Toxic Elements in Local Wild Food from the Norwegian, Finnish, and Russian Border Regions, International Journal of Environmental Research and Public Health (July 2017) https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5551132/

Eagle Mine 2020 Annual Mining and Reclamation Report (March 15, 2021) https://www.michigan.gov/-/media/Project/Websites/egle/Documents/Reports/OGMD/2020-ogmd-eagle-mine-annual-report.PDF?rev=64f826ec726f4db0ab04cc83ab28ecd0