

What is the Environmental Review Process for the Tamarack Nickel Project?



What is “environmental review?”

Environmental review is a process required under state law through the Minnesota Environmental Policy Act (MEPA). Environmental review is used to evaluate the potential effects of a proposed project on the environment. Documents such as environmental impact statements (EISs) are intended to provide project decision-makers and the public with objective facts about the potential for significant environmental, social, and economic effects of a proposed project. Project alternatives (e.g., alternative sites, technologies, layouts, scales, etc.) are considered, as well as ways to avoid, minimize, or mitigate significant impacts. This information is available to a project proposer to consider in refining its project design. The EIS is also used to inform regulatory agencies’ decisions on permits and other approvals.

Who is responsible for preparing the environmental review document for the proposed project?

The Minnesota Department of Natural Resources (DNR) is designated under state law to conduct environmental review for mining projects requiring such review. As such, the DNR will prepare the EIS for the proposed Tamarack Nickel project. The DNR will also use an independent consultant to assist the agency in developing the EIS. The DNR is responsible for assuring the accuracy and completeness of the EIS. Under MEPA, the project proposer is required to pay the state’s costs for EIS preparation, including any contractor costs.

What steps are involved in the environmental review process for the proposed project?

The state environmental review process for the proposed Tamarack Nickel project involves the following steps:

- **EIS Scoping**—The purpose of scoping is to identify the potentially significant environmental and socioeconomic issues requiring detailed analysis, any reasonable alternatives to the project to be evaluated, and the potential mitigation options for the EIS. Scoping helps the DNR focus the review on the most important issues, but also helps define alternatives, timelines, and additional data needs. This phase of the process can include several rounds of back and forth between the DNR/consultant team and the project proposer to obtain necessary information for a draft scoping decision. This process can also involve working with other agencies and tribal governments for input. Once the DNR determines that the scoping information is complete, the DNR would publish a scoping environmental assessment worksheet and draft scoping decision document for public review and input for a minimum of 30 days. The public review period would include at least one public meeting. After careful review of public input, the DNR would then make any necessary changes to the draft scoping document and then adopt a final scoping decision. This final scoping decision outlines the required content of the EIS going forward.

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- **Draft EIS**—Following the completion of scoping, the DNR and its consultant would begin the detailed process of reviewing the project based on the adopted EIS scope and preparing a draft EIS. This is an analytical document that describes and evaluates potentially significant environmental effects, alternatives to the proposed project, and potential mitigation measures. This is an iterative stage where the agency often seeks additional information from the project proposer, other agencies and tribal governments, and other sources. Once a draft EIS document is prepared, the DNR would seek public review and input for a minimum of 45 days. The DNR would also hold at least one public meeting at this point in the process.
- **Final EIS**—After considering all public comments on the draft EIS, the DNR would seek additional information and would modify the draft EIS as needed. The DNR would also document how we responded to all substantive comments on the draft EIS, including any modifications to the draft EIS, additional information, project changes, or new alternatives or analyses that were developed in response to public comments. The DNR then would publish a final EIS for public review and comment on the adequacy of the EIS. This public review is a minimum of 2 weeks and does not require additional public meetings.
- **Determination of Adequacy**—After considering all comments received on the final EIS, the agency makes any necessary adjustments to the EIS documentation and then issues a final decision on the adequacy of the EIS. The adequacy determination is not a project approval or denial. Rather, a final EIS would be determined adequate if the EIS was prepared according to MEPA rules, included responses to public comments on the draft EIS, and addressed the items in the final scoping decision. The final EIS provides valuable information to state and local government that are responsible for approvals and permit decisions related to the project. These decisions cannot be made unless and until the final EIS has been deemed adequate. A decision that an EIS is adequate is not, itself, a decision to grant permits or other required approvals.

What about permitting for the project?

The state’s permitting process is separate from the environmental review process. Permits can only be issued after the determination of adequacy on the final EIS. Permits contain specific provisions, such as pollution limits, as well as other conditions like monitoring, maintenance, and reporting requirements. The DNR has not received any permit applications for the Tamarack Nickel project. All applicable permits and approvals are required prior to commencement of project construction.

