

ABOUT LAURA GAUGER

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LIFE STATISTICS: Born in 1956 in West Bend, Wisconsin. Lived mostly in Wisconsin until moving to Duluth, Minnesota in 2010.

EDUCATION: Bachelor of Science Degree in Pharmacy from the University of Wisconsin-Madison (1979); licensed to practice pharmacy in the states of Wisconsin and Minnesota.

CONNECTION TO THE FLAMBEAU MINE (a Kennecott/Rio Tinto project constructed and operated in Wisconsin in the 1990s):

- Became interested in following developments at the Flambeau Mine site in 1997, several years after moving to northern Wisconsin. This eventually led to numerous open records requests of the Wisconsin Department of Natural Resources (DNR) to obtain official documents and environmental monitoring data for the mine;
- Co-authored, with Roscoe Churchill of Ladysmith, Wisconsin, a book¹ about the Flambeau Mine that was published in 2007 by Deer Tail Press, a small publishing house founded by the authors. The book includes, among other things, a detailed analysis of existing mining regulations impacting the project and how water quality at the mine site fared under those regulations. The book is available in many libraries and schools across the Lake Superior region and can also be accessed online. Go to: <https://deertailpress.wordpress.com/>
- Manages a website devoted to providing historic and current information about the Flambeau Mine (environmental monitoring reports, process documents, technical reports, court documents, news articles, correspondence, photos, narrative). It also includes select information on the PolyMet-NorthMet project proposed for northeastern Minnesota. Go to: <https://flambeaumineexposed.wordpress.com/>
- Was an official party to two legal actions involving the Flambeau Mine:
 - 2007 contested case hearing² over a request from Flambeau Mining Company (FMC; a wholly owned subsidiary of Rio Tinto) to obtain a Certificate of Completion of mine reclamation. As a result of a negotiated agreement between the opposing parties, the company received only partial certification for reclamation of the mine site. To this day, certification standards still have not been met for the remainder of the site.
 - 2011-2013 federal court case³ involving surface water pollution of a tributary of the Flambeau River into which FMC was discharging contaminated runoff from the Flambeau Mine site without the required federal Clean Water Act permit that would have set discharge limits. The U.S. District Court for the Western District of Wisconsin found FMC to be in violation of the Clean Water Act on numerous counts. The decision was later overturned, however, by the U.S. Court of Appeals for the 7th Circuit— this despite the fact that the Wisconsin DNR, after completing an assessment of the polluted tributary, had recommended to the United States Environmental Protection Agency (EPA) in late 2011 (before the trial) that the stream be added to the agency's "impaired waters list" due to copper and zinc toxicity linked to the Flambeau Mine operation.

In its August 2013 ruling, the Court of Appeals did NOT disagree with the lower court's finding that FMC was discharging pollutants to a water of the United States. This, of course, would have been difficult to justify, given the tributary is now on the EPA's impaired waters list. Rather, the court focused on a very narrow issue regarding whether or not FMC could be held *accountable* for the company's failure to have the federally-mandated Clean Water Act permit. The Court deferred to the DNR's regulatory authority as the administrator of the Clean Water Act in Wisconsin and ruled that the *mine permit* issued by the State of Wisconsin to FMC *shielded* the company from prosecution under the federal Clean Water Act, even though the state-issued permit had not placed limitations on the amount of contaminants discharged to the stream. The plaintiffs were then ordered to reimburse Rio Tinto a portion of its court costs, and Gauger's share was \$20,000.

1. *The Buzzards Have Landed! The Real Story of the Flambeau Mine*, Roscoe Churchill and Laura (Furtman) Gauger, Deer Tail Press, 2007.

2. In the Matter of the Application of Flambeau Mining Company for Issuance of a Certificate of Completion of Reclamation, Flambeau Mining Company (Petitioner); Lac Courte Oreilles Band of Lake Superior Ojibwe, Wisconsin Resources Protection Council, Headwaters Group of Northern Thunder, Rusk County Citizens Action Group, Sierra Club, Al Gedicks and Laura Gauger (Objecting Parties); State of Wisconsin Division of Hearing and Appeals, Case No. IH-07-05, May 2007.

3. Wisconsin Resources Protection Council, Center for Biological Diversity and Laura Gauger (Plaintiffs) v. Flambeau Mining Company (Defendant); United States District Court for the Western District of Wisconsin, Case No. 11-cv-45, Jan 2011 – Jul 2012; and Wisconsin Resources Protection Council, Center for Biological Diversity and Laura Gauger (Plaintiffs-Appellees/Cross-Appellants) v. Flambeau Mining Company (Defendant-Appellant/Cross-Appellee); United States Court of Appeals for the Seventh Circuit, Appeal No. 12-2969 and 12-3434, Aug 2012 – Aug 2013.