



**Laura J. Gauger**  
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Laura Gauger is the founder and chair of [Deer Tail Scientific](https://deertailscientific.wordpress.com), a nonprofit corporation that provides factual information about the Flambeau Mine to interested parties. The open-pit copper mine, located near Ladysmith, Wisconsin, was owned and operated by Rio Tinto/Kennecott and their subsidiary, Flambeau Mining Company. It produced ore during the 1990s and to a large extent has been reclaimed. As stated in the Deer Tail Scientific bylaws:

*The mission of Deer Tail Scientific is to educate the public, government officials and tribal sovereign nations with fact-based information on: (1) the permitting, development, reclamation, environmental performance and economics of Wisconsin's Flambeau Mine; and (2) how the Flambeau Mine compares to other mines (closed, currently operating or proposed) in the Great Lakes region and beyond.*

Why place such a focus on a single and quite small copper-sulfide mine that has come and gone? Those supporting the development of new metal-sulfide mines in the Great Lakes region of the Midwest and Alaska's Bristol Bay have drawn on the example of the Flambeau Mine in efforts to convince the public and government officials that metal-sulfide mining can be done without polluting local waters. In effect, the Flambeau Mine has become the industry's calling card, vaulting it into a position of great importance in the ongoing debate over the advisability of developing new metal-sulfide mines in water-rich Minnesota, Michigan, Wisconsin and Alaska.

Over the years Gauger has collected numerous Flambeau Mine technical papers, environmental monitoring reports, diagrams, photos and related materials spanning the time period of 1969 to the present. She coauthored, with Roscoe Churchill of Ladysmith, a book about the history and politics of the Flambeau Mine<sup>1</sup>, and she has been a party to several different legal proceedings involving the mine's environmental performance, including a federal Clean Water Act lawsuit filed in 2011.

In 2021, Gauger compiled and published an electronically-searchable bibliography<sup>2</sup> of her extensive collection of Flambeau Mine documents and legal briefs, including live links to all cataloged items. It was accepted by the University of Wisconsin Digital Collections Center for inclusion on their website and can be accessed online at: <https://minds.wisconsin.edu/handle/1793/82648>. It is also posted to *Flambeau Mine Archive*, a website that Gauger manages: <https://flambeauminearchive.wordpress.com/>.

Laura, who is a pharmacist by training, resides in Duluth, Minnesota.

## **EDUCATION**

University of Wisconsin School of Pharmacy, Madison: B.S., Pharmacy, 1979

## **INFORMATIONAL WEBSITES**

Deer Tail Scientific at: <https://deertailscientific.wordpress.com/>

Flambeau Mine Archive at: <https://flambeauminearchive.wordpress.com/>

Flambeau Mine Exposed at: <https://flambeaumineexposed.wordpress.com/>

Deer Tail Press at: <https://deertailpress.wordpress.com/>

## **HONORS**

Grassroots Citizen Advocate Award, Freshwater Future, 2013.

Hospital Pharmacist of the Year Award, Wisconsin Society of Hospital Pharmacists, 1984.

Merck Sharp and Dohme Pharmacy Award, 1979.

<sup>1</sup> *The Buzzards Have Landed! – The Real Story of the Flambeau Mine*, Roscoe Churchill and Laura Furtman (Gauger), Deer Tail Press, 2007, 1285 pg.; the book is available online as a free download at: <https://deertailscientific.wordpress.com/book/>.

<sup>2</sup> *Digital Collection of Historical Flambeau Mine Technical Reports, Environmental Monitoring Data, Correspondence, Diagrams, Legal Briefs and Photos (1969-2020+)*, compiled for educational purposes by Laura J. Gauger, Deer Tail Scientific (Duluth, Minnesota, U.S.A.), 2<sup>nd</sup> Edition, 2021; <https://flambeauminearchive.wordpress.com/archive-access/>.

# Great Lakes woman struggles to educate people about pollution from Flambeau Mine

Mining advocates using Court of Appeals reversal - based on a technicality - as example of "environmentally responsible" mining

BY BRENDA AUSTIN

A Minnesota woman has been struggling to educate people and change a wrong perception that pro mining is using to garner support - and has found herself in an uphill climb. Laura Gauger of Duluth, Minnesota, is a citizen plaintiff in a Clean Water Act lawsuit against Rio Tinto of London.

The case, over now, centered on illegal discharges of pollutants into a stream at Rio Tinto's Flambeau Mine near Ladysmith, Wisconsin. Gauger, originally a farm girl from Wisconsin, and her co-plaintiffs won the case in U.S. District Court and exposed the pollution from the metallic sulfide mine.

The stream at the center of the lawsuit is a tributary of the Flambeau River and was added to the EPA's list of impaired waters recently due to copper and zinc toxicity linked to the mine operation. Gauger said, "This proves our case had merit, and also suggests to me that the mining lobbyists in Minnesota, Michigan, Wisconsin and Alaska who to this day tout the Flambeau Mine as an environmental success are either misinformed or intentionally misleading the public in an effort to further their own selfish interests."

One example, Gauger said, of the Flambeau Mine being touted as an "environmentally responsible" mining operation is the misinformation on the Eagle Mine website's Frequently Asked Questions section, which poses the question: "Has there even been a metallic mineral mine that succeeded in protecting the environment?" Their answer: "Yes. The Flambeau Mine in Ladysmith, Wisconsin was successfully designed, operated, and reclaimed a sulfide host metallic mineral mine while protecting the environment from adverse impact..." (<http://eaglemine.com/about-us/faq>)

In a blow to the plaintiff's case, late last year the Court of Appeals reversed the lower courts decision and denied a petition for a rehearing. The court then ordered the plaintiffs, including Gauger as an individual, to pay Rio Tinto's court costs totaling over \$60,000. Gauger recently reported that she is about \$1,500 short of paying off her \$20,500 share of the court costs awarded to Rio Tinto, thanks to very successful fundraising efforts by organizations and individuals who supported her efforts.

The Court of Appeals, however, did not dispute the lower court's finding that Rio Tinto had discharged contaminated runoff from the Flambeau Mine site into public waters since at least 2006. Gauger said the decision was based on a technicality that allowed errors made by the State Of Wisconsin in its administration of the Clean Water Act to shield Rio Tinto from prosecution. The Wisconsin Dept. of Natural Resources had never required Rio Tinto to obtain a National Pollution Discharge Elimination System permit, a requirement of the Clean Water Act that would have put strict limitations on the amount of pollutants discharged to the stream.

"The DNR regulated the mine under a state authorized mine permit," she said, "and they apparently felt they had their bases covered by what was required by that permit. But that permit did not address the discharge of pollutants into the stream that was the subject of our lawsuit. I feel the Wisconsin DNR messed up, but now what is a citizen supposed to do? Take on the Wisconsin DNR? I think the court set a really bad precedent. It is now being put out there by mine supporters that this ruling means the

plaintiffs scored a victory on two different fronts in the lawsuit. The first being a victory for the environment: "The court case provided a means for exposing, under oath and with credibility, the serious water pollution problems at the Flambeau Mine site. So the next time the Flambeau Mine is held up by supporters of PolyMet or Twin Metals (Minnesota), Lundin (Michigan), GTac (Wisconsin), the Pebble Partnership (Alaska) or anyone else as an example of how mining can be done 'without polluting local waters,' you will have solid ammunition to use in the defense of your clean water," she said in her latest press release.

She said the second is a victory for the "little guy." Gauger said supporters rallied around the plaintiffs to send the following message to Rio Tinto and other corporate polluters: "Enough! You cannot ride roughshod over citizens who are simply trying to protect public waters, and you cannot keep us

down. We 'little guys' watch out for each other, we have each other's backs, and we are tenacious. You may as well give up on your latest mining proposals because we will ultimately prevail in this battle to protect the water and the 'little ones' whose voices need to be heard," she said.

Gauger praised the legal and scientific team that represented her in court. Attorney Jamie Saul and his colleagues at McGillivray, Westerberg & Bender (Madison, WI) handled the four-year federal court case from start-to-finish. In addition, Dr. David Chambers of the Center for Science in



Laura Gauger with the late Roscoe Churchill, believes protecting the water protects everything we love - including bluegills!

Public Participation (Bozeman, MT) drafted scientific reports. Gauger said, "This fine team of lawyers and scientific consultants truly believed in the case and did their best to deliver the kind of truthful information to the court that was needed to expose the serious water pollution problems at the Flambeau Mine site. Their expertise, passion for environmental justice, and understanding way and kindness shown in working with me on finances will not be forgotten."

With her fundraising goals in sight to pay off her portion of the legal fees, Gauger said Freshwater Future in Petoskey helped design her fundraising

campaign. Another group critical in helping her is Midwest Environmental Advocates (MEA); a non-profit law firm out of Madison, Wisconsin that agreed to serve as her fiscal sponsor for the fundraiser. "I wanted to have a non-profit sponsor for the fundraiser to give transparency to the whole thing, all contributions are handled by MEA. That way people know the money is going where it was intended to go, and that there is an account set up by MEA for donations."

For more information on Laura Gauger and her Clean Water Act case against Rio Tinto, go to: <http://flambeaumi-neexposed.wordpress.com>.



Laura Gauger enjoying a day out in her canoe.

Flambeau Mine is this wonderful example of environmental responsibility when really it is not."

"The mining company has not been held accountable," she said. "They got off scot-free, but not because the water over there is clean - but because they found a way to skirt the law. You tell someone you didn't violate the law and it implies that the water is clean, but that is not the case. It just means the mining company was able to find a way to get around being legally responsible for the pollution."

Gauger says she does feel that she and the other plain-

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