



2022-06-21
OPINION

Umeå District Court, Land and Environmental Court
Box 138
901 04 Umeå
mmd.umea@dom.se

Case No. M 1573–20

Application for permission for mining activities etc. at Nunasvaara Södra in Kiruna municipality.

The Nature Conservation Society in Norrbotten (SNF further in the text) hereby submits its opinion on the application above.

The process order

The company is now applying for mining operations in Nunasvaara south. At the same time, through consultation letters and test drilling in 2021, it has been made clear that the company intends to seek permission for mining operations for three additional locations; Nunasvaara north and Niska south and north. This is clearly stated in the application and referred to in various places as Project Niska.

The application for a processing concession for Nunasvaara N and Niska S and N has been applied to the Mining State.

In the ESBO consultations carried out by the company with some reluctance, the intended combined activities in the project "Talga Vittangi graphite project" have also been commented on.

The EIA must contain the information needed for an examination according to ch. 7. Section 28 b and Section 29 of the Environmental Code. This means that, among other things, it must be shown about the activity or the measure **alone or together with other planned activities or measures**, will not damage the habitat or habitats in the area intended to be protected or cause the species or species intended to be protected to be exposed to a disturbance that may significantly hinder conservation in the area.

SNF therefore believes that the current application should not or cannot be decided separately, but first together with future application(s), so that all consequences can be taken into account.

The Finnish Nature Conservancy obviously has the same opinion as SNF regarding the process order and states in the consultation document;

"It is not justified to divide the mining project into two environmental impact statements. It is about the same type of ore and also about nearby mines in the same catchment area that use the same beneficiation plant. According to Finland's, the EU's and at least Sweden's environmental legislation, these are projects that must clearly be assessed together. According to EU regulations, the enrichment plant is the "center of gravity". The fact that the projects are in different planning stages does not justify dividing the project. The project must be planned so far that the environmental consequences can be reliably assessed."

The Finnish Ministry of the Environment also holds the same opinion.

An overall assessment for the entire project "Vittangi graphite project" is necessary to be able to assess the overall environmental consequences, not least in terms of water impact in the recipients. The same also applies to the highest degree in terms of the consequences for reindeer husbandry. It is clear that when mining continues in the entire area, the conditions for reindeer husbandry change further.

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The intended mining activity may affect the Natura 2000 areas in the neighbourhood. The company still claims that this is not the case, but has, when prompted, also submitted an application for Natura 2000 approval. The intended area to be tested in a context according to the SNF's view is shown in Appendix 1.

Naturskyddsföreningen's principled stance on mining issues

The transition to a sustainable, resource-efficient and fossil-free society necessitates a shift from today's linear to a circular economy. A cycle must be created for materials through longer life cycles for products, an increased reuse of these and a significantly greater recycling of materials. Instead of the linear economy chain "raw material product-waste", materials must be circulated as much as possible. This minimizes the need for extraction of new natural resources. Despite the progress that has been made towards a more circular economy, several measures are required to increase the recycling of raw materials and above all metals.

Therefore, SNF advocates a mineral hierarchy, which contains the following steps, A Minimize the demand for metals and other minerals, B Recycle products and components, C Recycle already mined minerals, D Apply alternative methods of extraction and last but not least, E Extract new minerals (mining).

The SNF mineral policy is also very clear regarding the Sami's right to free and informed prior consent (FPIC) in the event of any exploitation, which seriously hinders the possibility of reindeer herding. If the affected Sami village(s) do not give their consent or, where appropriate, do not wish to sign an agreement, it is SNF's opinion that permission should not be granted either.

The find

About 68 percent of the world's graphite resources are found in China, with India and Brazil trailing at fourteen and seven percent respectively. In Sweden there are large mineral resources of graphite, estimated figures are around three million tonnes of graphite (SGU, 2014).

In other words, it is not the lack of graphite that makes the mining in the "Vittangi graphite project" so urgent, but that the deposit, according to the company, constitutes the world's highest grade graphite resource, and that the planned mine would allegedly have significantly less environmental impact than graphite mines in other parts of the world and of course generate good income, which will not primarily stay in Sweden.

Graphite has been mined off and on at one place in Sweden in the past, the Kringel mine in Ovanåker municipality. The mine has been in a "moth bag" since 2015. What experience there is from this previous mining, among other things in terms of environmental impact, has not been reported, and SNF has also not been able to find any such information. For example, it could have been clarifying if there was experience regarding the dispersion of the graphite particles and whether this could have been minimized in the dust formation.

From Appendix A: *"A certain proportion of potentially fibrous minerals is present as gray rock in the ore body and unrich rock, namely tremolite, with an average proportion in the range of 5–20%. It is currently unknown whether the tremolite is in fibrous asbestos form, and what proportion of the gray rock this constitutes."*

Tremolite in fibrous asbestos form is classified as harmful to humans if airborne and inhaled. The further accounting for this issue has been difficult to find.

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A follow-up question is also how graphite scattered in the environment can affect reindeer herding and what the consequences can be?

Technical description

Mining and beneficiation

The Nunasvaara Södra graphite mineralization is planned to be mined in a series of six open pits over a period of 24 to 25 years. Production blasting is scheduled to be carried out during the months of April to September, Monday to Friday between 07:00 and 18:00. Ore and waste rock handling and smaller amounts of block quarrying will also be carried out during these times. Enrichment, external transport and handling of waste sand will take place all year round.

What does the plan look like when underground mining is also brought into play? Will the blasting then also take place only during the bare ground period from April to September? There is good reason to assume that underground mining will take place all year round, which means a completely different environmental impact than the one described now.

The changes in drawings and descriptions in relation to the basic documents are extensive, including a completely new sand and gray rock magazine.

SNF's opinion is that the latest design, which TCS has presented, much better corresponds to the requirements for construction with now known knowledge in the industry regarding mining dams. It is therefore very good and can then be said to live up to BAT.

What is not clear, however, is whether the dimensioning is calculated to correspond to the need for the entire Vittangi graphite project or whether additional sand and clarification warehouses will be required?

Corresponding questions naturally arise for all other parts in terms of underground mining, water management facilities, discharges to recipients, transport on the roads, etc.

Most reported amounts of pollution, emissions, etc. become irrelevant as they are not reported for the intended overall activity.

SNF has not found any consequence investigation of a dam failure. Talga has classified the dam in class C and Talga seems to assume then that the chosen method with "cakes" and co-deposited waste cannot cause a breakdown at all?

Climate impact

All research shows unequivocally that the Paris Agreement's goal of reducing fossil emissions must be reduced NOW. The activity applied for here does not contribute to a reduction in emissions, but these will instead increase. This fact alone calls the whole project into question.

A more approachable and realistic path should therefore be to globally mobilize resources for graphite mining already in progress and contribute to environmental and climate improvement measures as well as increased productivity.

The climate impact reported in the application is not relevant either, as the environmental consequences for the entire Vittangi graphite project are not reported.

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Socio-economic impact analysis

SNF's experience of similar reports for upcoming establishments and projects is that they are quite consistently far too positive and give municipal representatives hope for "Gold and green forests". The reality is usually different.

Regarding the impact on the indigenous Sami people and reindeer husbandry, they are summarized as follows; *"The area lies further within the Sami village of Talma's winter grazing areas and Gabna Sami village to the south may also be affected (comment; Saarivuoma Sami village to the north is completely forgotten). The consequences for Talma, Gabna, Saarivuoma and reindeer husbandry are therefore the subject of separate investigations/studies."*

"This study shows that the socio-economic consequences of Talga's project are positive. These positive consequences should be weighed against any other and potentially negative consequences that the project gives rise to, for example in terms of the environment and/or reindeer husbandry."

The description's lack of what the consequences for the reindeer husbandry and the indigenous Sami people could be is downright shameful.

Natural value inventory

Completed inventories; Year 2015 natural value inventory + on 10–11 June also a bird inventory (overview breeding bird inventory). 27 September 2018 an in-depth species inventory was carried out. On 22–23 May 2019 bird inventory. Inventory of raptor nests on 18 September 2020. During the spring 2021 inventory of golden eagles, owls, woodpeckers and grouse has been carried out. This may seem satisfactory.

In collaboration with Norrbotten's Ornithological Society, it has emerged that they have knowledge of nests for the King's eagle. They therefore believe that this should result in a continued special inventory next spring (2022) for possible further measures.

The extent of inventories should be assumed to be complete, but it is also evident at the outset that these do not cover the entire area of the Vittangi graphite project.

SNF's opinion is also that it can be questioned whether the conclusion, that the exemption application from the species and habitat directives is not required, is correct. If further inventories have nevertheless taken place, it is by no means excluded that there may be additional protected and red-listed species, which lead to a different conclusion.

As the results were not considered fair by people who often stay in the area, SNF has received a "second opinion". It is reported as Appendix 2. . /.
This review is highly critical of the results and conclusions of completed inventories and questions whether the inventories reported by the company's consultants are accurate.

Hydrology and impact on recipients

The company has persistently claimed that the operation should not result in emissions that negatively affect the recipient. A number of demands for additional reports have all resulted in the same answer from the company – no, there will be no decisive impact on the recipient Torne River.

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On the other hand, what the company has neither reported nor had to answer questions about, is what the results of the water management processes will be when the mining operations reach their maximum with mining both in open pits and underground.

The chosen model of applying for an environmental permit for 1 (one) mining area instead of 4 (four) cannot be perceived as anything other than a way to withhold aggregate results of environmental impact and very possible impact on both the Torne and Vittangi rivers. For obvious reasons, the Vittangi river is not treated at all in the current application.

Reindeer nutrition

Talma Sami village's Reindeer Nutrition Analysis;

Introduction; "Talma Sámi village wants to be very clear from the outset that the Sámi village opposes the establishment of a mine at Njunjesvárri. This attitude has been held by the Sámi village since the initial contacts with Talga and the perception has been reinforced through the work with this RNA. The area in question is of decisive importance for reindeer husbandry within the Sami village and it is the Sami village's firm opinion that mining and reindeer husbandry cannot work together in the area.

The production of this RNA should therefore in no way be understood as meaning that it would be possible to continue reindeer husbandry in the area alongside mining."

Samibyn describes direct, indirect and cumulative consequences and concludes thus; *"Talma Sami village is of the opinion that there are no damage prevention measures that lead to mining and reindeer herding being able to coexist in the area. Therefore, no such measures are proposed here."*

SNF has not been able to find Gabna's reindeer nutrition analysis in its entirety among the documents. Excerpts can be found in Talga's supplement (below) with reference to the treatment of Gabna in file appendix 56, which is not in the documents received.

The Saarivuoma Sami village has apparently not been contacted at all, although the village will be affected.

From the supplement that Talga has drawn up as a result of the County Administrative Board's request for supplements regarding the impact on reindeer herding and affected Sami villages (551-8147-2020) it can be inferred that Talga assesses that the planned mining operation will not make it significantly more difficult for reindeer herding.

Talga's starting point is that reindeer husbandry in the vicinity of the business should be able to continue and that damage to reindeer husbandry should primarily be prevented and limited. In cases where this is not possible, losses must be compensated.

Talga's further conclusions;

"During winter when reindeer are in the area surrounding the proposed project, no mining or ore transport will occur within the industrial area. During this time, only the enrichment plant is in operation and a related avoidance zone is not judged to overlap with any national interest for reindeer husbandry. However, the transport route between the mining area and the E45 crosses areas classified as of national interest for the reindeer industry."

This description is completely incorrect, when production is ongoing in all mines.

Furthermore, Talga writes;

"A balance between national interests should not be required because the impact on reindeer herding is relatively minor and can further be mitigated through relevant measures.

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If such a balance is nevertheless made, the conclusion is that the national interest in valuable substances or materials should take precedence."

SNF definitely does not share this attitude.

SNF finds it remarkable that (1) Talga does not bother to understand and respect the views expressed by Talma and Gabna (2) failed to report the intended collective mining for the Sami villages, so that they had a complete basis for the analysis (3) Saarivuoma Sami village does not seem to have been informed at all.

Furthermore, Talga should respect the rights of the Sami as a cultured people according to the UN's various declarations and the Council of Europe's framework convention on the protection of national minorities.

Views for the future of the handling model

The company's application is dated 2020-05-27, EIA dated 2020-06-01 and announcement was made 2022-04-20.

The documents that SNF has received include 80 file attachments. In the almost two years that have passed between the application and the announcement, the company has received demands from a number of authorities to answer questions. These requirements have in many cases resulted in supplementary investigations. After the answers and additions that the company has then submitted, the actuality of the original documents has constantly changed in many respects.

In some cases, the documents must be read in parallel to clarify with certainty what "applies".

Even the descriptive first part of the application does not match what it has become in the end. Possibly, it is easy for the authorities involved to follow the changes, as these take place continuously.

On the other hand, it is associated with considerable difficulties to ensure that the application has been understood correctly, when everything is presented to SNF at once.

Therefore, the announcement should be able to contain, in relation to originally submitted application documents; **A**Updated Technical Description, **B**updated EIA and **C** updated Waste Management Plan together with other documents crucial to the application.

There are 6 (six) documents (file attachments 6, 7, 11, 12, 13 and 14) with English text. SNF believes that it should clearly appear directly on these which documents with Swedish text are translated from these with English text. This would further save valuable time and the reader would not have to think about whether it is necessary or not to take part in the English content.

Collective conclusion and claim

It is obvious that permission is required according to ch. 7. Section 28 a of the Environmental Code for it intended collected the operations within the total mining area for Nunasvaara S and N as well as Niska S and N and named by the company son Vittangi graphite project.

It is neither appropriate nor possible to examine an application that tries to circumvent this fact by applying in several stages.

Furthermore, the FPIC principle should be applied with regard to reindeer husbandry and affected Sami villages.



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The application must therefore be rejected and the company must be asked to come back with a combined application for the entire Vittangi graphics project .

Appendix 1; Vittangi graphite project and affected Sami villages . /1.
Appendix 2; Second opinion regarding natural value inventories . /2.

Björn Lundquist

Vice chairman of the Nature Conservation Society in Norrbotten