

American Canoe Association • American Rivers • Center for Biological Diversity
Conservatives for Responsible Stewardship • Crow River Trail Guards • Defenders of Wildlife
Earthjustice • Earthworks • Environment America • Environment Minnesota
Environmental Law & Policy Center • Environmental Protection Information Center
Friends of the Earth US • genHkids, Inc. • Gophers for the Boundary Waters
Great Old Broads for Wilderness • Izaak Walton League of America
Izaak Walton League of America - Minnesota Division • Kentucky Heartwood
Kids For The Boundary Waters • Klamath Forest Alliance • League of Conservation Voters
Minnesota Environmental Partnership • National Parks Conservation Association
Northeastern Minnesotans for Wilderness • Pando Populus
Science & Environmental Health Network • Sierra Club • Southern Utah Wilderness Alliance
The Conservation Alliance • The Wilderness Society • University of Minnesota Outdoors Club
Voyageurs National Park Association • Waterkeeper Alliance
Western Environmental Law Center • Wilderness Watch
Women’s Congress for Future Generations

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Submitted via e-planning project page at <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=147354>

Re: Comments on DOI-BLM-Eastern States-0030-2018-0002-EA (Addition of Terms and Conditions for Renewal of Hardrock Leases, MNES 001352 and MNES 001353)

Dear Acting Secretary Bernhardt, Acting Director Steed, Eastern States Director Mouritsen, Northeastern States Director Gettinger, and Project Manager Strohl,

On behalf of our millions of members and supporters, we write to express our serious concerns with the Bureau of Land Management’s (BLM) stated intent to renew two expired hardrock mineral leases located in the headwaters of the Boundary Waters Canoe Area Wilderness (Boundary Waters) and Voyageurs National Park on Superior National Forest lands in northeastern Minnesota. BLM lacks authority to renew the leases, which were initially issued in 1966 and expired in 2016 after the U.S. Forest Service determined that their renewal carried an “unacceptable” level of “inherent risk” of devastating impacts on the Boundary Waters and withheld its consent. Nevertheless, after reviving the expired and properly-canceled leases in May, 2018, BLM released an environmental assessment (EA) for the Twin Metals Minnesota Lease Renewals on December 20, 2018 for an inadequate 30-day public comment period spanning the winter holidays and a partial government shutdown. The EA is fundamentally flawed, as it fails to address the significant impacts of sulfide-ore copper mine development on the leases or to consider a no-lease-renewal alternative.

The Boundary Waters is America’s most-visited wilderness and provides nearly endless opportunities for hunting, fishing, and quiet recreation across its 1.1 million acres of interconnected lands and waters. The Superior National Forest itself, which includes the Boundary Waters, contains twenty-percent of all the freshwater within the National Forest System. It also supports an abundance of wildlife from deer, moose, black bear, bald eagle, and

numerous fish species, to iconic species protected under the Endangered Species Act such as Canada lynx and gray wolf. Adjoining this area are Voyageurs National Park in Minnesota and the Quetico Provincial Park in Canada. Together, these areas provide a vast, trans-national canoe country wilderness that is the driver of a diverse, stable, and growing economy.

Unfortunately, BLM's EA fails to consider how the development of a sulfide-ore copper mine on the leases would impact these public lands and waters. An overwhelming body of peer-reviewed science¹ shows that such mining would lead to irremediable contamination of the canoe country wilderness' pristine and interconnected waters, which have little natural ability to buffer against acid mine drainage. The EA also ignores the devastating effects that mining would have on northeastern Minnesota's sustainable economy – including local businesses that depend on a pristine Boundary Waters and its unsurpassed recreational opportunities and wildlife. Indeed, an independent 2018 study by prominent Harvard economist James Stock found that protecting public lands near the Boundary Waters would generate substantially more jobs and income than copper mining.

Instead, the EA relies on a flawed legal opinion, currently being challenged in court, that the BLM must renew the leases under either the existing terms and conditions from the last renewal or slightly different terms and stipulations that do nothing to prevent water contamination or other foreseeable impacts of developing an industrial mining complex in the heart of the Superior National Forest. Moreover, the EA is only considering alternatives to renew the leases, and fails to discuss or analyze in any way most of the numerous significant and reasonably foreseeable impacts of lease renewal and mine development. In short, the EA is fatally flawed and violates the National Environmental Policy Act.

The fact is that the leases expired in December 2016 when the BLM rejected Twin Metals' applications to renew them. This was a direct result of the Forest Service's withholding its consent to renewal of the leases in consideration of the overwhelming science that development of a sulfide-ore copper mine on these leases would result in significant and irreparable contamination of the Boundary Waters and other forest resources and prevent the Forest Service from satisfying its legal obligations to manage and protect those resources. Given these obligations and the known risks of sulfide-ore mining in water rich environments, the Forest Service, in January 2017, proposed to ban mineral leasing on approximately 234,000 acres of Superior National Forest land in the Boundary Waters watershed for twenty years. The Forest Service initiated an environmental study process to analyze the impacts of the proposed ban versus allowing mineral leasing and development to proceed. This would have been the first and only watershed-wide assessment of how sulfide-ore copper mining could affect public lands and waters on the Superior National Forest and nearby protected areas.

Unfortunately, just months before completion and after receiving some 180,000 public comments – 98% of which supported the proposed ban – the Secretary of Agriculture abruptly cancelled the Forest Service's proposed ban and terminated the study. The announcement followed statements by President Trump and Vice President Pence at rallies in Duluth that they

¹ <https://earthworks.org/boundarywaters/>

were “rolling back the ban.” Aside from a press release, no information or analysis on the decision to cancel the proposed ban has been released to the public, despite requests by Congress and by citizens under the Freedom of Information Act.

With the Forest Service’s proposed ban – and all the science and public support for it – brushed aside and buried, the Interior Department has forged ahead with its agenda to sell off Minnesota’s most prized public lands to a foreign-owned mining conglomerate by reinstating and now renewing Twin Metals’ expired mineral leases. It has done so based on a legally invalid opinion by a former industry lobbyist now serving as the Department’s head lawyer. That opinion is the subject of a federal court case, and any action by BLM to renew the leases prior to resolution of their legal status misleads the public and is a waste of taxpayer dollars. If Twin Metals wishes to develop a mine on the lands it previously leased, it must follow the detailed procedures and public process for obtaining a new lease.

Moreover, any decisions about mineral leasing and development on the Superior National Forest are properly handled with the Forest Service as the lead agency for purposes of the NEPA review, as has been past practice, including on the cancelled proposed mineral withdrawal and on a 2012 study to consider prospecting permits in this same area. As the lead agency on the lease renewal EA, BLM has usurped the Forest Service’s authority on Superior National Forest lands in what appears to be an attempt to ignore or suppress the best available science that informed the Forest Service’s decision to withhold its consent to lease renewal in the first place.

In conclusion, sulfide-ore copper mining would have devastating impacts on the unique and irreplaceable resources of the Boundary Waters and surrounding canoe country. By renewing the expired leases, BLM would set the stage for a mine that Forest Service experts, the scientific community, and an overwhelming majority of the public have already rejected. The BLM is attempting to do so based on a fatally-flawed EA that does not even consider the impacts of building and operating a mine. At the very least, a full environmental impact statement (EIS) and robust public process are required. BLM should abandon the current EA and work with the Forest Service to reinitiate the study of the proposed 20-year mining ban.

Sincerely,

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