



H.R. 3905

Summary of the Negative Impacts of the Legislation

H.R. 3905, introduced on October 5, 2017 by Rep. Tom Emmer (R-MN), would eviscerate bedrock environmental laws and overturn sound, science-based decisions that protect the Boundary Waters Canoe Area Wilderness (Boundary Waters) and the Superior and Chippewa National Forests.

1. The bill would automatically grant Twin Metals Minnesota LLC two federal mineral leases on Superior National Forest lands: One expired federal mineral lease immediately abuts the Boundary Waters and the second is within three miles of the Wilderness boundary. Both leases would be along rivers and lakes that flow into the Wilderness. Renewal of these two federal mineral leases was denied in December 2016 by the Bureau of Land Management (BLM) after the Forest Service, in an 18-page Record of Decision, withheld its consent to renewal. Peer-reviewed science documents that copper mining on these two lease areas, under ordinary operations, would pollute the Boundary Waters.

2. The bill would undermine the now-required National Environmental Policy Act (NEPA) review before the granting of the Twin Metals federal mineral leases: Federal mineral leases are required to go through a NEPA analysis, including renewals where there is risk of harm to the environment. H.R. 3905 would grant the Twin Metals federal mineral leases without the normal environmental analysis under NEPA or public input. Contrary to what the bill states, there is no “pending environmental assessment” and 30 days is not adequate to do any environmental review.

3. The bill would void the Forest Service Record of Decision that withholds the Forest Service consent to the two Twin Metals mineral leases and which documents the risk of harm to the Boundary Waters if the leases were granted: The Forest Service is charged with management of the Superior National Forest and the Boundary Waters Canoe Area Wilderness and must consent to mining within the Superior National Forest. Its decision on the lease renewals was the result of a 3-year review and public input, including multiple meetings with elected officials across the state. An overwhelming majority of the public - 74,000 people - urged the denial of the leases and consideration of withdrawing federal minerals in the Boundary Waters watershed from federal mining leasing. The decision was made by professional career Forest Service staff. The Record of Decision is supported by an extensive bibliography of scientific evidence of harm to the Boundary Waters.

4. The bill would make all mineral leases issued in the Superior and Chippewa National Forests in Minnesota perpetual: Modern mineral leases on national forests lands provide for renewal at the discretion of the BLM and with the consent of the Forest Service, and require consideration of environmental impacts and public input. The bill mandates an initial 20-year lease term with automatic 10-year renewal terms in perpetuity, thus eliminating for lease renewals the consent rights of the Forest Service, the discretionary authority of the Bureau of Land Management, and all environmental considerations in a NEPA analysis and public input.

5. The bill would over-ride the 1946 and 1950 laws on mineral leasing in the Superior and Chippewa National Forests that provide that no mining shall occur in National Forest public domain and

acquired lands without the consent of the Forest Service: The 1950 law requiring consent applies to public domain lands which constitute 90% of relevant Superior National Forest lands. The 1946 mineral law applies to acquired lands, requires Forest Service consent to any mining, and directs that mining on such lands can only occur if the Secretary of Agriculture advises the Secretary of the Interior “that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes.” Acquired lands were purchased for watershed and habitat protection; no such protection can co-exist with sulfide-ore copper mining.

6. The bill would amend the 1906 Antiquities Act by mandating Congressional approval for any national monument designations in the Superior and Chippewa National Forests.

7. The bill would amend the 1976 Federal Land Policy and Management Act (FLPMA) by mandating Congressional approval for mineral withdrawals in the Superior and Chippewa National Forests: Currently the Forest Service, in consultation with the BLM, is carrying out a two-year study on a possible 20-year mineral withdrawal of 234,328 acres of the Superior National Forest within the Boundary Waters watershed. The study is being carried out pursuant to the withdrawal requirements of Section 204 of FLPMA. H.R. 3905 would require Congressional approval for this and any other mineral withdrawal proposals on the two national forests. Such a requirement is not applicable to any other national forests in the United States.

8. The bill would bar the Forest Service from complying with the 1978 Boundary Waters Wilderness Act. Congress directed the Forest Service to maintain the high water quality of the Boundary Waters and a Mining Protection Area within the Superior National Forest. The Forest Service concluded that consenting to mineral lease requests by Twin Metals would be “contrary to Congress’ determination that it is necessary to ‘protect the special qualities of the [BWCAW] as a natural forest-lakeland wilderness ecosystem of major esthetic, scientific, recreational and educational value to the Nation.’”

9. The bill puts the fate of the Boundary Waters in the hands of a Chilean mining conglomerate, Antofagasta, which owns Twin Metals Minnesota LLC: Antofagasta has a devastating record of environmental pollution at its South American copper mines (pending \$23 million fine for water pollution at its flagship copper mine, water depletion conflicts, history of labor strife, and a pattern of coziness with governmental officials). The company has never operated a copper mine in water-intensive areas such as the Superior National Forest. A Twin Metals mine would be in the headwaters of the Boundary Waters Canoe Area Wilderness, the only significant lakeland Wilderness and the most visited Wilderness in America.