

BETTY McCOLLUM
4TH DISTRICT, MINNESOTA

2256 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6631
FAX: (202) 225-1968

661 LASALLE STREET
SUITE 110
SAINT PAUL, MN 55114
(651) 224-9191
FAX: (651) 224-3056

www.house.gov/mccollum



**UNITED STATES
HOUSE OF REPRESENTATIVES**

COMMITTEE ON APPROPRIATIONS
RANKING MEMBER,
SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES
SUBCOMMITTEE ON DEFENSE
SUBCOMMITTEE ON LEGISLATIVE BRANCH

**CONGRESSIONAL
GLOBAL HEALTH CAUCUS,
CO-FOUNDER**

**CONGRESSIONAL
NATIVE AMERICAN CAUCUS,
CO-CHAIR**

July 27, 2017

The Honorable Paul Gosar
Chairman
Subcommittee on Energy and Minerals
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Alan Lowenthal
Ranking Member
Subcommittee on Energy and Minerals
House Committee on Natural Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Gosar and Ranking Member Lowenthal:

I write to express my strong opposition to the discussion draft proposed by Representative Tom Emmer considered today, July 27, in the Energy and Mineral Resources Subcommittee of the House Natural Resources Committee. This proposed legislation would undercut existing environmental and public lands laws to allow a Chilean mining conglomerate to conduct dangerous sulfide-ore coppering mining adjacent to the Boundary Waters Canoe Area Wilderness.

Located in northeastern Minnesota along the United States' border with Canada, the Boundary Waters Canoe Area Wilderness (BWCAW) comprises approximately 1.1 million acres of unspoiled woodlands and more than 1,000 pristine lakes. It is home to iconic species such as loons, moose, and lynx, while the waters support thriving populations of walleye, bass, and trout.

Congress recognized the value of this unique national treasure when it passed the Boundary Waters Canoe Area Wilderness Act in 1978. This critical legislation established necessary protections for the BWCAW, prohibiting logging and mining and placing limits on the use of motorized vehicles to preserve the unspoiled nature of this special area.

That law strengthened the federal role as caretaker of this area of unparalleled natural beauty, and in doing so built upon more than a century of actions by federal and state governments. In 1909, President Theodore Roosevelt created the Superior National Forest to protect the surrounding area. In 1964, President Lyndon Johnson signed the Wilderness Act into law, and set aside one million acres of the Boundary Waters as a wilderness area. In 1976, the state of Minnesota banned mining on state lands within the Boundary Waters.

These polices have ensured that Minnesota's Boundary Waters are one of the few remaining wild places in the United States.

The BWCAW does not exist in isolation, however. It is a critical part of a vast, interconnected watershed that flows through the Superior National Forest and into Voyageurs National Park and Canada's Quetico

Provincial Park. While the Boundary Waters Canoe Area Wilderness Act of 1978 prohibited mining within the Boundary Waters itself, it did not address existing mineral leases located within the parts of the watershed in the Superior National Forest.

In 2011, Chilean mining conglomerate Antofagasta announced plans for its Twin Metals sulfide-ore copper mine on federal land within this watershed. Antofagasta planned to pursue this mining under mineral leases issued in 1966, before the enactment of modern environmental legislation such as the National Environmental Policy Act and the Clean Water Act. However, those leases expired in 2014, requiring Antofagasta to apply for a renewal.

Under the terms of the leases, the Bureau of Land Management (BLM) reviewed and denied those renewals in December 2016, based on a denial of consent from the United States Forest Service (USFS). The USFS determined that copper-sulfide ore mining on these leases would pose an unacceptable risk that “might cause serious and irreplaceable harm to this unique, iconic, and irreplaceable wilderness area”.

Sulfide-ore mining is the most toxic industry in America, polluting waterways with acid drainage that contains arsenic, mercury and lead.

Researchers that surveyed sulfide-ore copper mines in North America found that every mine had leached pollution into surrounding water, with 92 percent failing to contain mine seepage and seriously affecting water quality. Underscoring the danger of sulfide-ore copper mining, the failure of the Mount Polley copper mine in British Columbia in August 2014 released a toxic slurry of 10 billion liters of wastewater and 5 billion liters of solid tailings. This immense pollution destroyed the surrounding landscape and permanently damaged an irreplaceable salmon spawning area.

Simply put, sulfide-ore copper mining is not suited in the vast, interconnected watershed that contains the BWCA, which is exactly why the BLM and USFS determined that the sustainable management of the forests, lakes and streams in this area was best served by not renewing Antofagasta’s leases.

This decision was also supported with action taken by the state government. In March 2016, Minnesota Governor Mark Dayton directed the Minnesota Department of Natural Resources “not to authorize or enter into any new state access agreements or lease agreements for mining operations” on state lands in close proximity to the BWCAW.

Following the denial of the leases, the USFS submitted an application to the Secretary of the Interior to withdraw portions of the watershed that flows into the BWCAW from future mineral permits and leases, to remove the threat of sulfide-ore mining throughout this sensitive landscape. Today, the USFS and the BLM are conducting a thorough environmental analysis to determine whether the lands should be withdrawn from mineral leasing for a period of 20 years. In addition to relying on sound science, this review includes input from the public and key stakeholders. In just the past two weeks, more than 1,500 people have attended public meetings held by the USFS in Virginia, Minnesota and St. Paul, Minnesota.

This environmental review and public input process is the best path forward, as Secretary of Agriculture Sonny Perdue affirmed to me during a hearing of the House Interior-Environment Appropriations Subcommittee on May 27, 2017. In response to a question about the study, Secretary Perdue responded: “We are determined to proceed in that effort and let it run its course. No decision will be made prior to the conclusion of that.”

Unfortunately, the discussion draft presented by Representative Emmer entirely short-circuits this careful and deliberate review process, recklessly overturns the science-based denial of consent decision from the USFS, and attacks existing environmental and public lands laws—all for the benefit of a foreign conglomerate’s mining project.

I have several serious concerns about the far-reaching impacts of the discussion draft presented by Representative Emmer:

- **It automatically grants Antofagasta two federal mineral leases on Superior National Forest lands, ignoring the strong federal and state opposition to sulfide-ore mining in this area.** One federal mineral lease is immediately adjacent to the BWCAW and the second is within three miles of the BWCAW boundary. Peer-reviewed science documents that acid mine drainage from sulfide-ore copper mines on these leases would flow through the Boundary Waters, Voyageurs National Park, and Canada’s Quetico Provincial Park. Attached to this letter is a map that illustrates the extent of the pollution risk to this interconnected watershed.
- **It voids the Forest Service Record of Decision in which the USFS denied to consent to the renewal of Antofagasta’s federal mineral leases based on the risk of harm to the Boundary Waters if the leases were granted.** The Forest Service’s decision on the lease renewals was made by professional career USFS staff after a 3-year review, with extensive opportunity for public comment. The decision cites sound scientific evidence of harm to the BWCAW and considerable public opposition to the projects. The discussion draft ignores these facts entirely and recklessly overturns the well-considered decision of the Forest Service.
- **It undermines established laws governing mineral leasing in the Superior National Forest, bypasses the National Environmental Policy Act, and interferes with an ongoing Environmental Impact Statement (EIS).** This proposal would amend the 1976 Federal Land Policy and Management Act and override the law that gives USFS the right to consent to mining in the Superior National Forest—making substantive changes to these carefully established laws. By retroactively reinstating the Twin Metals leases, the bill would also waive the requirement that federal mineral leases in the watershed go through a NEPA analysis. Furthermore, by reinstating these leases and requiring Congressional approval for the withdrawal of future leasing, this bill would shove aside the scientific analysis and public input process of the current EIS. All of this interference in the established legal process governing federal mineral leasing will primarily serve to benefit a foreign mining conglomerate.
- **It fundamentally alters the 1906 Antiquities Act by mandating Congressional approval for national monuments in the Superior and Chippewa National Forests.** This is a virtually unprecedented attack on the Antiquities Act. This bill chips away at fundamental conservation principles in the United States by establishing a carve-out from one of our nation’s essential public lands laws.

These concerns have been echoed by leaders at some of the United States’ foremost organizations advocating for the protection of our environment and the conservation of our public lands. I have attached statements from them to this letter.

If this legislation were allowed to move forward with these troubling provisions intact, it would not only undercut existing environmental and public lands laws. It would also undermine the environmental and economic health of northern Minnesota.

Drawn by the pristine landscape, the BWCAW today attracts more than 250,000 visitors each year who take advantage of unparalleled opportunities to canoe, fish, and explore this area.

These visitors have been a boon to a thriving outdoor recreation economy in the area. According to the Iron Range Resources & Rehabilitation Board, tourism in Northeastern Minnesota supports 18,000 jobs and brings \$850 million in sales annually to the region. These jobs are dependent on a healthy watershed, and Representative Emmer's plan to reinstate leases for copper-sulfide ore mining would put these jobs and the growing economy they support at risk.

As the previous administration explained when issuing their denial of the Twin Metals leases: "It is well established that acid mine drainage is a significant environmental risk at sulfide ore mine sites like the one proposed for these leased lands and in a water-based ecosystem like the Boundary Waters because contaminated water could have dramatic impacts to aquatic life, sport fisheries, and recreation-based uses and communities."

As Members of Congress, we have an obligation to be good stewards of our nation's natural resources. It would be a grave mistake to allow dangerous mining to take place on the edge of the Boundary Waters, one of the last wild places in our country.

I urge you to oppose the discussion draft presented by Representative Emmer.

Sincerely,



Betty McCollum
Member of Congress

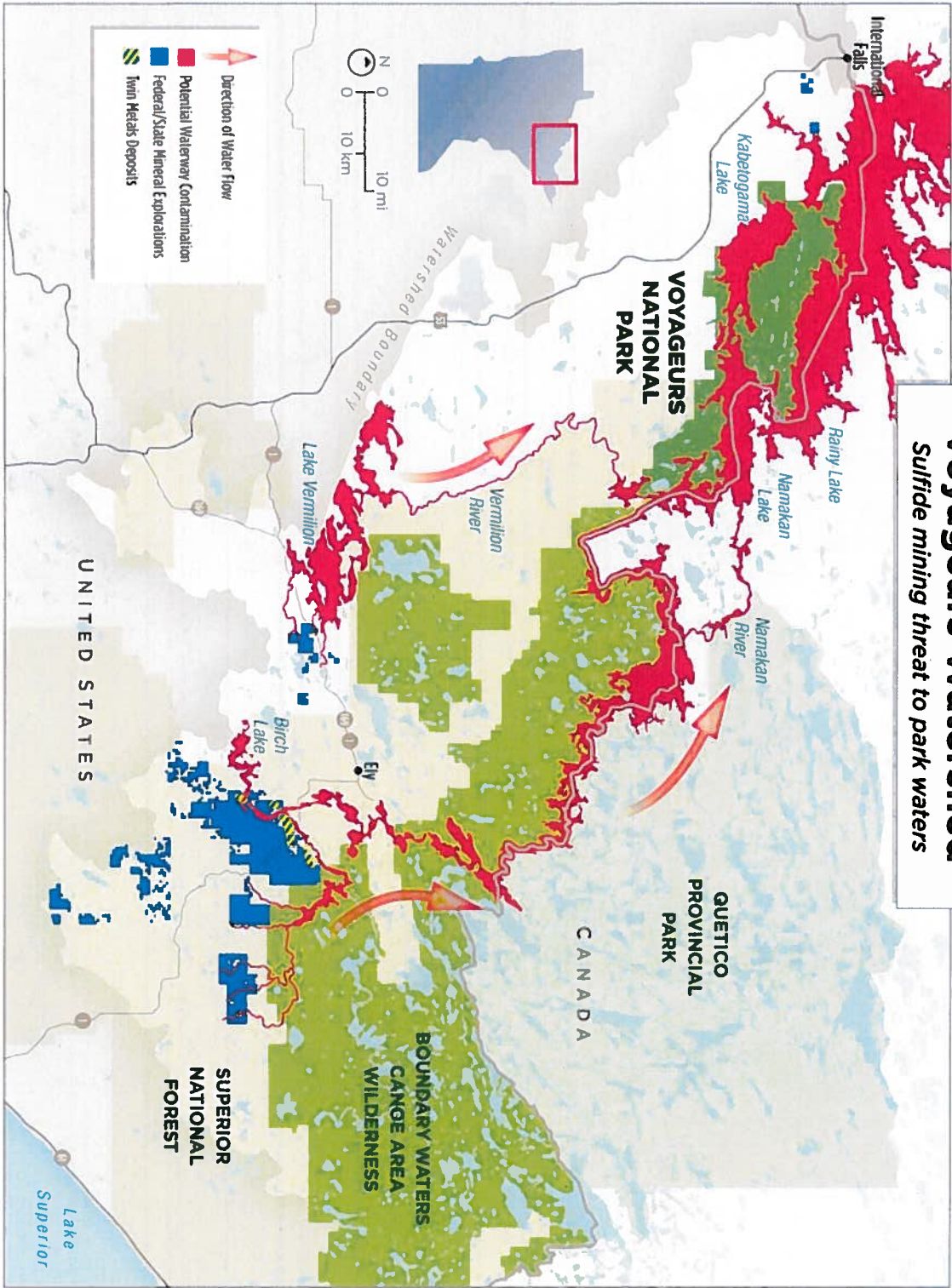
cc: Chairman Rob Bishop
Ranking Member Raul Grijalva
Representative Tom Emmer

Enclosures:

Map of impacted watershed illustrating the extent of the pollution risks from sulfide-ore mining
Statements opposing the discussion draft from leading environmental and public lands organizations

Voyageurs Watershed

Sulfide mining threat to park waters



Statements opposing the discussion draft from leading environmental and public lands organizations

Lena Moffitt, Director of Our Wild American Program, Sierra Club:

"The waters of Lake Superior and the Boundary Waters are a precious national resource, depended on and enjoyed by millions of Americans. Sadly, members of Congress are clearly prioritizing the interests of multinational mining companies over the needs of both local communities and the American public. We strongly oppose these attacks on our public lands and waters, and call on Congressional leaders to do the same."

Jamie Williams, President, The Wilderness Society:

"The Emmer mining bill is yet another dangerous attack on our public lands. Anti-conservation interests are determined to let Congress sell or lease to private profiteers our nation's natural treasures that are owned by all Americans. In addition to opening the door to sulfide-ore mining in the priceless Boundary Waters watershed, the bill undermines bedrock conservation laws including the Antiquities Act, used by Republican and Democratic presidents alike to protect places of historic or natural significance. The Boundary Waters is one of the original places protected by the 1964 Wilderness Act, is America's most visited wilderness area, and its waters must be protected from industrial mining."

Alex Taurel, Deputy Legislative Director, League of Conservation Voters:

"This radical legislation would harm Minnesota's outdoor recreation economy by allowing a foreign mining company to build a risky mine that threatens the health of America's most visited wilderness area in the spectacular Boundary Waters. We urge members of congress to oppose this harmful bill that greenlights a decision on the project based on politics and shamefully cuts out the voices of Minnesotans and people across the country that have engaged in a lengthy public process."