

**Congress of the United States**  
**Washington, DC 20515**

January 18, 2019

The Honorable David Bernhardt  
Acting Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Brian Steed  
Deputy Director, Policy and Programs  
Bureau of Land Management  
1849 C St. NW  
Washington, DC 20240

Karen Mouritsen  
Eastern States Director, BLM  
20 M Street SE, Suite 950  
Washington, DC 20003

Derek Strohl  
Natural Resources Specialist/Project Lead  
Northeastern States District Office  
626 E. Wisconsin Ave., Suite 200  
Milwaukee, WI 53202

Dear Acting Secretary Bernhardt, Mr. Steed, Ms. Mouritsen, and Mr. Strohl,

As Members of Congress responsible for protecting our nation's public lands, we write to express our serious concerns in relation to the Bureau of Land Management (BLM) draft Environmental Assessment (EA) released on December 20, 2018 regarding the renewal of hardrock leases MNES 001352 and MNES 001353. We ask that you take immediate action to extend the comment period for the draft EA and prepare an Environmental Impact Statement (EIS) to more thoroughly evaluate the potential impact of these lease renewals.

First, we request that you extend the public comment period to allow adequate time for state and local governments, tribal nations, advocacy organizations, and interested Americans to weigh in on this federal action. The BLM set a 30-day public review and comment period. We request a 60-day comment period, which is a more appropriate time frame to ensure that all interested parties have the opportunity to submit their comments to the BLM.

Additionally, we are very concerned about the timing of the BLM comment period, which began on December 20, 2018 and is set to conclude on January 22, 2019. This timing itself is burdensome for the public as it extends over the Christmas and New Year holidays. To make matters

exponentially worse, the federal government went into a partial government shutdown the day after the draft EA was released for public review, which resulted in a furlough of most U.S. Forest Service (USFS), BLM, and Department of Interior staff. It is unfair to the American people to keep the clock running on a public comment period when a government shutdown has furloughed many of the federal workers they might reach out to for assistance. This shutdown also created a period of confusion, chaos, and hardship for many, and it is unrealistic to insist that the public comment process continue as normal. It is a common-sense decision to further extend the comment period by the number of days that portions of the government, including the Department of Interior, remain closed. As the government has only been open for two days of the original comment period, we therefore expect a minimum of 58 days of public review after the government reopens.

We also request the BLM prepare a detailed and rigorous EIS to properly evaluate the renewal of hardrock leases MNES 001352 and MNES 001353. These leases, granted to Twin Metals Minnesota (TMM) LLC with the intent of facilitating copper-nickel mining, are located directly adjacent to the Boundary Waters Canoe Area Wilderness (BWCA), and their location within the Rainy River Watershed includes additional risks for Voyageur's National Park and Canada's Quetico Provincial Park. These public lands are an important part of the regional economy, and much of the economic infrastructure – businesses, resorts, lodges, outfitters, campgrounds, homes, Boundary Waters entry points, and more – is located in the same watershed as the proposed mining leases. The Boundary Waters is the most popular wilderness in the National Wilderness Preservation System. It is intensely water-based, with interconnected groundwater, wetlands, rivers, and lakes. Water is so clean that visitors drink out of the lakes. But the very abundance and interconnected nature of the ground and surface water makes the Boundary Waters uniquely vulnerable to sulfide-ore copper mining pollution. Once this pollution enters the watershed, the damage cannot be mitigated, remedied, or fixed. Because of the extremely high ecological, economic, and social value of these public lands, the public interest necessitates a thorough scrutiny for potential significant impacts of this action.

Under the *National Environmental Policy Act* (NEPA), the BLM is obligated to prepare a detailed EIS for any major federal action that may significantly affect the quality of the human environment. The renewal of the TMM leases will clearly have numerous significant impacts on the environment, the economy, and human health. In December 2016, then-Chief of the U.S. Forest Service Thomas L. Tidwell issued a denial of consent to renew these same leases, in which he concluded that the “inherent potential risk” of mining near the BWCA “might cause serious and irreplaceable harm to this unique, iconic, and irreplaceable wilderness area.” Nothing in the draft EA released by the BLM on December 20, 2016, contradicts the numerous areas of concern that were summarized in that denial. In the past two years, burgeoning evidence has shown that mining these leases would produce toxic acid mine drainage, resulting in significant ecological harm to the Rainy River Watershed and significant economic harm to the area's recreation-based economy. Therefore, it is simply not a supportable decision for the BLM to issue a Finding of No Significant Impact at the conclusion of this EA.

The BLM should allow the USFS to prepare an EIS that fully analyzes the impacts of these proposed copper sulfide-ore mines. An EIS is not only the appropriate next step under NEPA, but Congress has previously explicitly requested this administration assess the risks of sulfide-ore mining in the Rainy River Watershed by completing “a thorough environmental impact

statement... considering the economic, environmental, public health, and other related issues raised during the scoping process.”<sup>1</sup> This administration chose to abruptly cancel the environmental study of a proposed withdrawal of all federal mineral leasing in this watershed. It is now incumbent upon the BLM and USFS to meet the standards under the law and conduct an EIS for the proposed renewal of these individual leases. Furthermore, we expect the EIS to include ample time and opportunities for public engagement and input, including holding multiple public hearings and engaging in meaningful consultation with Minnesota’s tribal nations.

We look forward to a prompt extension of the public comment period, and to a timely response to our request for a thorough EIS to evaluate these lease renewals.

Sincerely,



Betty McCollum  
Chair-Designate  
House Appropriations Subcommittee on  
Interior, Environment, and Related Agencies



Raúl M. Grijalva  
Chairman  
House Committee on Natural Resources



Ilhan Omar  
Member of Congress



Alan S. Lowenthal  
Member of Congress



Mike Quigley  
Member of Congress



Chellie Pingree  
Member of Congress



Dean Phillips  
Member of Congress

<sup>1</sup> Language from H.Rept. 115-238, accompanying the Consolidated Appropriations Act, 2018 (P.L. 115-141)