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January 19, 2022

BLM Eastern States Office  
F. David Radford, Deputy State Director of Geospatial Services  
5275 Leesburg Pike  
Falls Church, Virginia 22041

To whom it may concern:

I am writing today on behalf of Jobs for Minnesotans, a coalition co-founded by the Minnesota Building and Construction Trades Council and the Minnesota Chamber of Commerce and strengthened by labor unions, community leaders and business members from across the state. We represent 70,000 union workers, 6,300 companies and 500,000 employees in Minnesota.

I'm submitting a formal comment related to the U.S. Forest Service's (USFS) proposed mineral and land withdrawal in the Superior National Forest (SNF) in northern Minnesota. Jobs for Minnesotans overwhelmingly opposes and calls for the USFS and U.S. Bureau of Land Management (BLM) to immediately rescind the proposal to withdraw 235,000 acres of minerals and land from future exploration and development. To be clear, the environmental assessment initiated by the USFS is unwarranted, unnecessary and inconsistent with current regulatory requirements, the Superior National Forest management plan and laws passed by Congress to protect the Boundary Waters Canoe Area Wilderness.

Mining projects must be allowed to follow the established, transparent, predictable and fair environmental review process currently in place after a company submits a formal mining project proposal.

The established, stringent regulatory process is the appropriate way to determine if a mining project can proceed. State and federal agencies have developed a robust environmental review and regulatory system through decades of work. This long-standing system of laws, rules and guidance provide clear and complete authority for state and federal agencies to thoroughly review and regulate or deny approval for any mining project in Minnesota to ensure it meets the standards in place.

The USFS and BLM should recognize the current regulatory processes and standards of the Environmental Protection Agency, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, the U.S. Army Corps of Engineers, sovereign tribal nations and other local and federal agencies that ensure mining project proposals are thoroughly vetted for the protection of the Rainy River Watershed.

These agencies have full authority to identify and assess potential environmental effects from a project, investigate alternatives and mitigation measures to avoid those impacts and, using the information developed in that assessment, impose requirements and restrictions on facilities through permits to prevent negative impacts to the environment.

The purpose of these regulatory processes is not to prohibit nonferrous mining in the Rainy River Watershed nor grant blanket permission for mining to begin. Federal and state environmental laws, rules, and regulations require the successful completion of extensive review and permitting processes for mining operations to begin. Any mine plan must go through a comprehensive environmental review process and meet all

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compliance standards and regulations set out by numerous regulating agencies before permits will be issued and operations can begin.

This exhaustive regulatory system acts as a framework within which specific permit requirements are to be developed to address the unique issues anticipated to exist at each individual mine site. The actual reclamation, conducted at a given mine, must be custom designed to account for each site and operation's uniquely specific characteristics.

A generic environmental assessment is not effective in determining whether mining can be done safely. Every mining project is unique in its geological characteristics, the surrounding environment, and the details of its project design, and therefore, each one must be evaluated based on this project-specific information to determine whether it can proceed safely under the standards in place.

Should the environmental assessment proceed in the two-year period, the USFS and BLM should consider the following points:

The environmental assessment should address the adverse direct economic impact of the withdrawal and a forecasted impact of future regional investment and impact on long-term growth to the region.

The environmental assessment should account for the several objective state and federal agency studies that exist supporting the compatibility of mining and environmental protection in the region, including the EIS conducted by the USFS in crafting the 2004 Superior National Forest (SNF) "Land and Resource Management Plan," which established mining as a "Desired Condition" for the SNF; the 2012 USFS "Federal Hardrock Mineral Prospecting Permits – Final EIS" utilized by the USFS in supporting the issuance of 29 federal hardrock prospecting permits in the SNF; and the denial of the programmatic EIS proposed in 2015.

The study should consider mineral development that follows state-of-the-art mining practices and best available technology for underground mining techniques, air and water quality treatment and protection, noise and dust abatement, wetland mitigation and habitat management, ore processing, tailings containment, and human health and safety.

The environmental assessment should consider the loss of \$1.5 billion in annual wages, and more than \$2.5 billion in annual economic production based on [studies conducted by the University of Minnesota Duluth](#). And, study the reduction in number of available future jobs people of the Northeast Minnesota region depend on to put food on the table, provide educational opportunities for their kids and build good careers.

Additionally, the environmental assessment should study direct impacts to surrounding communities from the loss of wages and economic production; and, what would happen to individual cities surrounding the proposed withdrawal area. How many businesses will close, what increase in food shelf donations will be needed and how many families that have lived here for generations will need to pack up and leave for good to find a livelihood elsewhere?

The environmental assessment should consider the withdrawal impact of losing \$3 billion in royalty revenue for the state's Permanent School Trust Fund that would support the education of nearly 900,000 K-12 students statewide. The environmental

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assessment should formally study the impact the withdrawal will have on the ability of Minnesota and private entities to seek development of state and private minerals within the withdrawal area. The impacts to an additional 190,000 acres beyond the 225,000 acres needs specific and extensive study.

The withdrawal proposal ultimately prevents industries from even proposing a project and reduces the probability of businesses investing in our communities and workers here in our backyard. The USFS must evaluate the negative impacts this chilling effect will have on future investments in the region, and the state of Minnesota.

The environmental assessment should also consider the existing federal and state regulations in which Congress, the Minnesota Legislature, state and federal government agencies, environmental groups, mining and exploration companies, and mineral owners have spent decades conducting the research, working on laws and regulations, and establishing the permitting processes to assure that development of copper, nickel, and other nonferrous minerals in Minnesota will be managed responsibly. The environmental assessment should consider the following:

- Mining was banned in the BWCAW by the Wilderness Act of 1964. The 1978 Boundary Waters Canoe Area Wilderness Act created an additional mining ban in the 220,000-acre "Mining Protection Area" to create a buffer around the BWCAW area.
- In 1976, the State of Minnesota adopted Minnesota Statutes Section 84.523 prohibiting all mining within the BWCAW while expressly allowing ongoing mineral exploration and development outside of the protected areas. The Superior National Forest Plan identifies mining as a desired condition.
- Since 1967, Minnesota state leases for nonferrous minerals have required that lessees meet all state and federal regulations (including requirements of U.S. Forest Service and Bureau of Land Management) on federal and state surface land, use good environmental engineering practices, receive approval from the DNR commissioner for surface use, notify surface owners in advance of activities requiring use of the surface of leased premises, and retain responsibility for damages.
- In 1973, the legislature passed the Minnesota Environmental Policy Act (MERA) and the related rules that contain provisions specifically requiring review of mining projects.
- The Minnesota Legislature enacted a law (1980) and DNR subsequently adopted rules to regulate drillers of exploratory borings.
- The DNR adopted mineland reclamation rules for iron mining (1981) and nonferrous mining, including copper-nickel (1993), after public hearings and comments. The nonferrous mining rules extended the mining ban beyond the BWCAW to the "Boundary Waters Canoe Area Wilderness Mineral Management Corridor" including a 1/4-mile-minimum mining-free buffer around the BWCAW.
- Minnesota passed the Wetland Conservation Act (1991) and associated regulations, require wetlands replacement and setting aside certain significant peatlands.
- The Legislature required financial assurance for nonferrous mines, and DNR enacted new financial assurance rules (1993).

The environmental assessment should also consider the comprehensive, science-based environmental review already underway for one company that has invested in advancing a world-class mining project in this region. The USFS and BLM need to consider the Twin Metals Minnesota's proposed underground copper, nickel, cobalt and platinum



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group metals mining project and it's the mine plan submitted for review in late 2019. That regulatory process requires years of detailed scrutiny of Twin Metals' operational plans and potential impacts under multiple federal, tribal and state government entities, in addition to several opportunities for public comment.

The Twin Metals project has evolved significantly over the past decade, with a focus on reducing the overall footprint and any potential environmental impacts. In that time, the company has reduced its overall daily production rate from 50,000 tons per day to 20,000 tons per day, and the project shifted from a conventional tailings management system to dry stack tailings, which is lauded by more than 140 NGOs as the best available tailings management standard. This has allowed for the removal of a slurry pipeline from the design which also greatly reduces the surface footprint of the project.

Additional project features include:

- The project will not discharge process water and is designed to not discharge contact water.
- There are no existing legacy issues with a greenfield site.
- The mine will be underground, meaning there is no open pit. The overall project footprint is only 15-20% of what a traditional open pit mine would be.
- Dry stack tailings management means there is no need for tailings ponds or tailings dams, and therefore, no potential for a dam failure.
- Adopting dry stacking as the tailings management method reduces the surface impact by approximately 35% and the wetlands impact by approximately 65%, compared to conventional slurry tailings storage.
- About half of tailings will be stored at the dry stack facility, with the remaining to be placed as cemented backfill in the underground mine.
- The dry stack facility will be lined and progressively reclaimed with native soil and vegetation.
- No mining will occur under the Birch Lake reservoir.
- Mining will occur between 400 feet and 4,500 feet underground.
- Ore crushing will occur underground, reducing noise.
- The mining fleet will be fully electric, greatly reducing onsite greenhouse gas emissions. An electric fleet also improves worker safety in the underground mine by eliminating diesel exhaust.
- There will be no subsidence at the mine site due to backfilling and underground stabilization through pillar placement within the stopes (underground "rooms").
- No potential for acid rock drainage.
- Incorporation of Dark Sky Initiative standards for limiting visibility.
- After the mine's closure, most of its infrastructure will be removed, and the surface area will be revegetated.
- Twin Metals has a long-term goal to become a carbon neutral operation through the incorporation of the electric fleet, renewable energy, carbon sequestration and mine ventilation heat recovery.

The withdrawal is contradictory to our most pressing public policy initiatives. Permanently banning nonferrous mining within the Rainy River Watershed – a watershed that has hosted multiple taconite mines, as well as multiple nonferrous mines that are currently operating on the Canadian side of the watershed, would strip our country of the ability to utilize this resource to meet its supply chain, domestic security and climate change goals.

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The environmental assessment should consider the impacts to the domestic supply chain of these minerals and projected forecast of these minerals to address the climate crisis. The minerals this withdrawal impacts—copper, nickel, cobalt, platinum group metals—are critical to propel our country's transition to a low-carbon future. And northeast Minnesota is home to the world's largest known undeveloped copper-nickel deposit.

The Duluth Complex geologic formation in northeast Minnesota holds approximately 95% of U.S. nickel resources, 88% of its cobalt, 75% of platinum group metals and about a third of our nation's copper. Shutting off this domestic source of critical minerals is counterproductive to achieving our public policy initiatives.

The USFS and BLM should consider how the U.S. is the number one consumer of these critical minerals, yet continues to rely on importing them from foreign sources. Seventy-eight out of 94 metals, metalloids and non-fuel minerals are currently imported in the U.S. By trying to slow or shut down domestic mining, the U.S. is simply pushing the consequences of our consumption to other countries. We have an opportunity to produce these raw materials domestically, under some of the most stringent environmental and worker standards in the world. Therefore, the environmental assessment should take into consideration the implications of our increased dependence on foreign nations for these minerals. For example, how many children will be used for mining the minerals we are consuming? And, how shutting out northeast Minnesota from mining will only further exacerbate global human rights and environmental justice issues.

The U.S. Geological Survey's Critical Minerals list includes cobalt, and more recently, the agency announced it has proposed adding nickel to its 2021 Critical Minerals List. Yet, the U.S. imports 47% of its nickel, and the only domestic nickel operation, Lundin's Eagle Mine in Michigan, will be coming offline in a matter of three years. Additionally, the U.S. is 78% import reliant for our cobalt consumption, with much of the supply coming from the Dominican Republic of Congo, where environmental and labor standards are nonexistent. We must advance the responsible development of the minerals in northeast Minnesota to ensure we have access to a domestic supply of the minerals we need and that they are extracted under the highest labor and environmental standards.

The [World Bank's 2020 assessment](#) of critical minerals essential to clean-energy, low-carbon technologies, Minerals for Climate Action, predicts we will need 450 times the amount of cobalt in 2050 to meet demands (as a percentage of 2018 production levels) and a 100% increase for nickel to meet current climate targets established under the Paris Agreement. Copper production will need to increase by 1.5 million tons per year.

According to another study, [Global Environmental Change](#), the global need for copper could increase by an estimated 350% by 2050, with current reserves depleting sometime between 2035 and 2045, as wind and solar energy demands generate an increasing percentage of electricity and more people adopt electric vehicles.

If we are to reach the Biden Administration's aggressive timetables to reach 50% vehicle electrification by 2030 and producing almost half of our nation's electricity from solar power by 2050, it is imperative that we advance domestic mining projects in order to produce the raw materials needed for EV production and clean energy technologies. A ban on mining in an area of the country that contains vast quantities of these raw materials is counterproductive to ensuring we meet these goals.

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Mining has existed in the Rainy River Basin (in Minnesota, Ontario, and a portion of Manitoba) for most of the last century, including a significant number of historic nonferrous mines and several operating or permitted nonferrous mines. During this time, mining has coexisted with wilderness and recreation, with 43 historic mine sites (including 18 nonferrous mines) located within 10 miles of the Quetico Provincial Park and Boundary Waters Canoe Area Wilderness. Interestingly, native indigenous people safely mined copper 4,500 years ago and continued into the 1900s on the nearby Lake Superior island, Isle Royale.

Jobs for Minnesotans agrees we cannot sacrifice our water, the environment, cultural and historic resources and especially the Boundary Waters Canoe Area Wilderness for jobs and development. The citizens of Minnesota represented by our organizations deserve the opportunity for responsible industries to proceed through the robust environmental review EIS and permitting processes outlined by current laws and rules. That includes companies currently exploring mining in the Duluth Complex located in the region outside of the Boundary Waters Canoe Area Wilderness set aside for industry including timber and mining.

Due to project-specific scientific records, modern technology and global industry best practices, we believe we can safely and responsibly do both. We should all agree that mining projects deserve to be evaluated individually and specific to their site, design and geology not through a broad mineral withdrawal. The withdrawal arbitrarily preempts the ability for companies to design a safe and modern project because of a presumption of harm. This action abdicates the responsibility the USFS and BLM have as agencies to do a thorough evaluation.

We have requested legislative leaders and government officials to not slam the door on a project prematurely and against precedent established by law. We are asking for the same today from the USFS and BLM.

Sincerely,



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*Jobs for Minnesotans, a coalition representing business, labor and communities, supports statewide opportunities for prosperity and middle-class jobs from sustainable natural resource development in Minnesota. The organization is committed to the principle that our state can preserve both job opportunities and the environment for future generations. Jobs for Minnesotans was co-founded in 2012 by the Minnesota Building and Construction Trades Council representing 70,000 workers and the Minnesota Chamber of Commerce representing 2,300 companies and 500,000 employees.*