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SAVE THE BOUNDARY WATERS

Court Should Consider Records Showing Politically Influenced Decision Making on Boundary Waters Mining Leases

Records unearthed by FOIA should be weighed by the court, groups say

Ely, MN--Conservation groups challenging the Trump Administration's 2019 decision to renew two hardrock mining leases held by Twin Metals Minnesota today filed a motion asking the court to include documents that were wrongly excluded from the case record by the Trump Justice Department. The records show the Forest Service was extensively lobbied by members of Congress who convinced the agency to waive its consent rights for future renewals of the leases. Among the groups requesting the records be included are The Wilderness Society, Earthjustice, Center for Biological Diversity, Izaak Walton League, and Northeastern Minnesotans for Wilderness, lead organization in the Campaign to Save the Boundary Waters.

Over the past four years the Trump administration has relentlessly fast-tracked dangerous mining next to the Boundary Waters Wilderness, putting at risk this economic, ecological, and cultural engine of northeastern Minnesota.

"The Trump administration's actions to fast-track risky mining near the Boundary Waters was political from start to finish," **said Tom Landwehr, Executive Director of Northeastern Minnesotans for Wilderness.** "The Trump administration ignored credible science and bypassed legally required processes, instead bowing to crass political and industry influence. The full record clearly demonstrates the political pressure being applied and the subsequent decisions of the agencies had little scientific or legal rationale to back them up. Northeastern Minnesotans for Wilderness is grateful to its excellent partners for their strong work in defending the Boundary Waters."

While an agency can receive Congressional input, ultimately decisions must be made on the merits, not influence. In December 2016, after a thorough public process, the U.S. Forest Service found it was “incumbent” upon it to deny consent to the renewal of the leases, determining that mining on the leases could cause “irreparable” damage to the “irreplaceable” wilderness. In May 2019 under a different administration, it reversed course without explanation. Not only did the Forest Service allow renewal of the leases, but it agreed to a lease stipulation that prohibits it from exercising its statutory duty to exercise discretion in deciding whether to grant its consent to future lease renewals.

The plaintiffs argue the Forest Service’s unexplained about-face violated the Administrative Procedure Act because it was an arbitrary and capricious agency action driven by Congressional interference by Members of the Congressional Western Caucus who convinced the agency to step aside and allow the leases to be renewed and to tie its own hands going forward.

Timeline of events around Trump Administration fast-tracking the destruction of the Boundary Waters:

December 2016: Twin Metals leases deemed too dangerous by the US Forest Service and not renewed. Mineral withdrawal and study of impacts of sulfide-ore copper mining on Boundary Waters announced. At the same time Andronico Luksic, patriarch of the South American dynasty controlling Twin Metals, Antofagasta, buys a Washington DC mansion and rents it to Jared Kushner and Ivanka Trump.

January 2017: Antofagasta and Twin Metals begin intense lobbying campaign of Interior Department

December 2017: The Trump administration rejects the unanimous view of the Johnson, Obama, and Reagan administrations, instead announces “legal error” in previous Twin Metals lease decision.

May 2018: Arbitrary reinstatement of expired Twin Metals leases.

September 2018: Mineral withdrawal and study abruptly canceled just prior to release. The Trump administration has refused countless demands from the public, Congress, and the press to release the study and background reports.

May 2019: After the most superficial of environmental reviews that did not even consider the impact of mining, Twin Metals is granted sweetheart lease renewals giving it use of public lands next to the Boundary Waters in perpetuity.

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