

For Immediate Release

May 6, 2020

Contact: Matt Norton (612) 669-1630

SAVE THE BOUNDARY WATERS

Northeastern Minnesotans for Wilderness and nine businesses file legal challenge over Twin Metals lease renewal

Lawsuit challenges adequacy of federal environmental review of lease renewal

ELY, MN-Today Northeastern Minnesotans for Wilderness (NMW) and nine local businesses filed a legal challenge over last year's Twin Metals lease renewal. The lawsuit, filed in the U.S. District Court in Washington, D.C., challenges the adequacy of the federal environmental review conducted by the Department of Interior, Bureau of Land Management, the Department of Agriculture, and the U.S. Forest Service. The suit asserts that the environmental review of the renewal of two Twin Metals federal mineral leases does not comply with the requirements of the National Environmental Policy Act (NEPA), and that the U.S. Forest Service arbitrarily approved the leases even though it found that they posed unacceptable risks to the Boundary Waters when it analyzed the issue in 2016.

“Nothing about the Twin Metals lease renewal process has been normal,” said NMW’s Campaign to Save the Boundary Waters Executive Director Tom Landwehr, **“and the environmental review of the lease renewal is no exception. The federal agencies conducted the most superficial of reviews and, by their own admission, did not even consider the impacts of mining in renewing the leases. Such shoddy analyses on a proposal as devastating as allowing sulfide-ore copper mining on the edge of the Boundary Waters is unconscionable. This is just one in a series of handouts to a Chilean mining company seeking to profit off the destruction of one of America’s most treasured landscapes. We simply can’t and won’t let this go unchallenged.”**

NEPA requires the preparation of an Environmental Impact Statement (EIS), which is an in-depth assessment of the potential for negative environmental impacts. But the federal agencies conducted only a short Environmental Assessment with limited time for public comment that was even further restricted because of the partial shut-down of the federal government for the duration of the comment period. Furthermore, the federal agencies:

- Did not consider an alternative of denying renewal, a requirement under NEPA
- Did not consider any negative environmental impacts that would follow the reasonably foreseeable development of a copper nickel mine

- Did not include dozens of scientific reports that were directly applicable to sulfide-ore copper mining in the headwaters of the Boundary Waters, including the scientific reports cited by the Forest Service in its decision of December 2016 withholding consent
- Did not properly comply with the US Forest Service's consent authorization

The plaintiffs are requesting that the Court enter judgement declaring the lease renewal unlawful for failure to comply with NEPA and consent requirements.

The Twin Metals leases in question were originally issued in 1966 and were denied renewal in 2016 after the Forest Service withheld its consent to a renewal application by Twin Metals. The Forest Service decision, citing the unacceptable risk that sulfide-ore mining posed to the Boundary Waters, was supported by a comprehensive record and extensive bibliography of scientific reports.

In May 2018, the Bureau of Land Management (BLM) reinstated the expired mineral leases and the renewal application, and in December 2018, conducted an Environmental Assessment of the renewal of these leases. In May 2019, the BLM renewed the two federal minerals leases held by Twin Metals.

A second lawsuit by NMW and nine businesses challenged the reinstatement of the expired mineral leases. That lawsuit is currently on appeal to the D.C. Circuit Court of Appeals.

Twin Metals is owned by Chilean mining conglomerate Antofagasta, and the proposal to mine sulfide-ore copper on the edge of the Boundary Waters is wildly unpopular. By a 3 to 1 margin, Minnesotans are opposed to the proposed mine. In their effort to ram the proposal through, the Trump Administration has cancelled studies on the impact of copper mining on the Boundary Waters, suppressed taxpayer funded research, and changed the rules around what and how water pollution is regulated.