

For Immediate Release

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SAVE THE BOUNDARY WATERS

Amended complaint alleges undue political interference by Congress in Twin Metals lease renewals that threaten the Boundary Waters Wilderness

Emails from staffers show improper influence on the lease renewal process that led to sweetheart terms for Chilean mining conglomerate Antofagasta

ELY, MN--Today in U.S. District Court in Washington, DC, an amended complaint was filed by Northeastern Minnesotans for Wilderness (the lead organization in the Campaign to Save the Boundary Waters) and 13 other Boundary Waters business and conservation plaintiffs alleging improper political interference by Members of Congress, including U.S. Reps. Tom Emmer and Pete Stauber, in the 2019 renewal of mineral leases for Chilean mining conglomerate Antofagasta's Twin Metals project, proposed on the doorstep of Minnesota's Boundary Waters. The amended complaint is part of a lawsuit challenging the federal government's handling of the Twin Metals lease renewal process.

The amended complaint alleges that as a direct result of improper political interference by Members of Congress, including Reps. Stauber and Emmer, the U.S. Forest Service (Forest Service) violated the law by abruptly reversing its prior position without consideration of the merits, including negative impacts, facts, and science. Specifically, under pressure, the Forest Service waived its statutory right to consent to all future lease renewals, even though it concluded in 2016 that renewal of the two Twin Metals leases posed a risk of irreparable harm to the Boundary Waters. The result is a sweetheart deal for Twin Metals, a project run by the family that also rents a Washington, DC mansion to Ivanka Trump and Jared Kushner.

"Federal agencies are required by law to make reasoned decisions based on the merits - the facts, science, and the law, and this perversion of agency decision-making corrupts that process," **Said Tom Landwehr, Executive Director of Northeastern Minnesotans for Wilderness and the Campaign to Save the Boundary Waters.**"

Time after time we have seen the Trump administration bend to the will of the rich, elite, and politically connected when it comes to the fate of America's most popular

Wilderness. The administration has cancelled important studies and hidden critical scientific information, it has short-circuited environmental review, and it has jumped every time this foreign mining company says, "hop". By challenging the wrongful actions in federal court, Northeastern Minnesotans for Wilderness is defending the integrity of the cherished Boundary Waters and ensuring clean water and air, healthy wildlife, and the precious wilderness character."

The Forest Service has a legal obligation to analyze and justify its decisions approving (or consenting to) mineral leases and renewals of leases. By failing to do so and changing its position because of political interference by Members of Congress and without even a weakly-supported determination, the Forest Service violated the law.

Additional Background

In 2015-2016 the Forest Service did a thorough analysis of sulfide-ore copper mining in the Boundary Waters watershed and concluded that this type of mining in this place posed a risk of irreparable harm to the Boundary Waters. In addition, the Forest Service explained that it had a legal obligation under the 1978 Boundary Waters Wilderness Act to protect water quality in the Boundary Waters and the adjoining 220,000-acre mining protection area. Because the Forest Service withheld its consent to the renewal of the leases, the Bureau of Land Management (BLM) denied the request and the leases terminated.

In May 2018, the BLM reversed its 2016 decision to deny applications to renew and to terminate the leases. It reinstated the expired leases and the applications to renew the two leases.

In late December 2018, the BLM issued a draft environmental assessment (draft EA) analyzing the third lease renewal. The BLM asserted a new position that the Forest Service had lost its statutory right to consent to this third lease renewal by virtue of language in leases issued in 1966, which the BLM claimed guaranteed three renewals. Having been renewed twice before, the BLM took the position that Twin Metals was entitled to a non-discretionary third renewal. Proposed lease stipulations provided by the Forest Service for the third renewal of the leases retained the right and obligation to consent to all future lease renewals.

The draft EA included a lease stipulation that acknowledged the Forest Service's ongoing consent authority and provided that future renewals of the leases could only be issued with consent of the Forest Service. The stipulation read:

"[n]otwithstanding any other provision, any renewal of this lease is subject to, and may only be issued after, the prior consent of the Forest Service. As a condition of such consent, if any, the Forest Service may prescribe terms and stipulations, for the protection of [National Forest System] resources and uses, and such terms and stipulations shall become requirements of any renewed lease."

On January 31, 2019, a legislative assistant for Congressman Tom Emmer emailed the Congressional liaison representing the Forest Service. In his email, he wrote:

“Hey Rob, I told you on Monday I’d be lobbying you soon. I just didn’t expect it to be this soon. Not lobbying you per se, but hoping to hop on a call regarding the Twin Metals Minnesota lease renewal at some point over the next few days. Happy to work with your schedule or to coordinate if you’re on the hill anytime soon. Also cc’ing my counterpart in [Congressman Pete] Stauber’s office, who may want to join.”

The email reflects both a call and a subsequent in-person meeting between the Forest Service and the Congressional staff.

On March 1, 2019, a legislative assistant for Congressman Pete Stauber emailed the same Congressional liaison representing the Forest Service. In his email, he wrote:

“I just wanted to touch base on the Twin Metals situation. The company is getting increasingly concerned about the stipulations put forward by the Forest Service on the up or down vote they require for mineral lease renewals every ten years. Both Reps. Emmer and Stauber are increasingly concerned that these stipulations could deter Twin Metals from making further investment in the area and slow down economic development in turn. Do you mind setting up a quick call next week where we can recenter and get on the same page?”

The email chain concludes by setting up the requested meeting.

The final version of the leases issued to Twin Metals in May 2019 removed the original consent authority stipulation of the Forest Service as it appeared in the draft EA. It also relinquished the statutory obligation that requires the Forest Service to consent, or not, to each and every lease renewal in the future, thus succumbing to the demands of Antofagasta delivered to the Forest Service by Members of Congress, including Reps. Emmer and Stauber.