

TWIN METALS LEASE RENEWAL FREQUENTLY ASKED QUESTIONS AND ANSWERS

Q. Who makes the decision on consent?

A. The Secretary of Agriculture has the authority to grant or withhold consent. The Secretary can delegate that authority down to lower decision makers in the agency (Chief, Regional Forester, Forest Supervisor). In this case, we expect a decision to deny consent would be issued by the Chief of the Forest Service. If the decision is to consent to the renewals, we would expect it to be issued by the Regional Forester or the Forest Supervisor of the Superior National Forest.

Q. Will this decision be analyzed under the NEPA?

A. The decision to consent or not to consent, in itself, is not subject to analysis under the NEPA. Analysis under the NEPA is triggered by federal actions that may affect the environment. If the decision is to withhold consent, there are no environmental effects and further analysis under NEPA is unwarranted. A decision to consent to the leases could lead to future actions with environmental effects (development of a mine) that would require analysis under NEPA.

Q. Why isn't NEPA being used? What is the process for determining consent?

A. The Forest Service's efforts to decide whether or not to consent to the lease renewals is based in current law and policy. BLM regulations at 43 C.F.R part 3500 require Forest Service consent to the BLM prior to issuing permits or leases. Additionally, the Forest Service has regulatory authority to grant or deny consent to lease renewals within national forest boundaries in Minnesota (16 U.S.C. § 508b, 60 Stat. 1099). Taken together, this grants the Forest Service discretion to determine if permits or leases are in the best interest of the public and whether surface resources can be adequately protected. NEPA is not a part of either law governing consent and is not applicable.

Q. If NEPA is not done, how can you have environmental concerns?

A. The risks to the environment posed by mining in sulfide mineral deposits, like those found within the proposed lease renewals, are well documented. There is a great deal of scientific literature on mining in sulfide mineral deposits, including studies on their environmental impact, which support reasonable concern for potential impacts within the watershed.

Q. What about social or economic effects – don't you have to analyze them?

A. The Forest Service understands that a decision to withhold or grant consent may affect future development of a mine, and either choice could have a wide range of ecological, social and economic effects. Although social and economic effects do not individually trigger a NEPA analysis without associated environmental effects, they will be an important consideration in the consent decision.

Q. Is this public input the same as initial scoping under NEPA?

A. No, the public input period is a voluntary action, unrelated to NEPA, being taken by the Forest Service to ensure officials fully appreciate public sentiment toward the proposed lease renewals. The public input period does not initiate further environmental review under NEPA.

Q. How long will the listening sessions last? How many people will get to speak?

A. The listening sessions are scheduled to last 2.5 hours. We estimate approximately 20 speakers per hour will each have the opportunity to give 3 minutes of prepared comments.

Q. Why is the first listening session being held in Duluth?

A. More than 2,000 people are expected to attend the listening session, which demands a large venue to hold everyone. The Duluth Entertainment and Convention Center is the only location in northern Minnesota that will hold the expected crowd, has an adequate sound system, provides set up and take down support, and can effectively support internet live streaming. Additionally, we were looking for a centrally-located facility related to stakeholders who have expressed interest. Based on past public input on similar issues, listening session attendees are expected to come from the Twin Cities, the Iron Range and other nearby communities.

Q. Why is the Forest Service adding a second public listening session part-way through the public input period?

A. The Forest Service is planning a second listening session on or near the Iron Range to address the strong expression of concern by elected officials and citizens living on the Iron Range that Duluth is not a reasonable location for them to travel to participate.

Q. Why didn't the Forest Service plan a listening session on or near the Iron Range in the first place?

A. The DECC in Duluth was selected as the site that met all three criteria for a listening session: 1. Could accommodate at least 2,000 people, 2. Centrally-located relative to interests from the Twin Cities and the Iron Range, and 3. Acoustics along with technical and logistical support desired. The intent is to effectively provide a large-scale event to gather the full range of public input.

Q. When can we expect a decision on consent?

A. The final consent determination will be made after the close of the public input period. The exact timeline will depend on the amount of input received, the issues raised, and time it takes for the decision-maker to give due consideration to the input provided. Based on past similar issues the Forest Service expects more than 30,000 letters, emails and verbal responses (gathered at listening sessions).

Q. How will the Forest Service use public input? How will it be shared?

A. Public input will be gathered and summarized, based on issues raised, to identify new information and to give Forest Service decision makers a broad understanding of the range of public concerns prior to making their final consent decision. The final summary of comments will be made available to the public.

Q. Why did you state a position, rather than just asking people what their concerns are?

A. The Forest Service believes this is the most honest and transparent approach. The Forest Service is currently considering withholding consent and wants to be open with the public. Public input will provide an opportunity to determine if there is new, or more, information to consider prior to making this important decision.

Q. Is considering withholding consent arbitrary?

A. No determination on consent has been made. In determining whether or not to grant consent for the lease renewals the Forest Service will consider both the potential social and economic benefits the leases may provide, and the potential for harm to the watershed, including the BWCAW.

There will always be risks associated with copper and nickel mining operations in sulfide mineral deposits. If contamination were to occur, either through gradual seepage of contaminants through ground or surface waters or through catastrophic failure of the mine, it may be impossible to clean up without severely degrading wilderness character and natural ecosystem function

Q. What if I disagree with the consent determination? Can I appeal?

A. There is no administrative process for challenging or appealing the Forest Service decision regarding consent for lease renewal.

Q. How will this affect the Polymet Land Exchange? When will the final Polymet decision be published?

A. The Twin Metals leases are unrelated and have no impact on the Polymet Land Exchange decision. Currently, the Regional Forester's written response to the objections is expected to be sent to the Superior NF this summer. Any instructions to the forest in that letter will need to be addressed prior to the forest Responsible Official (i.e., the Forest Supervisor) issuing a final Record of Decision.