

## Summary of Public Input

### Overview of Public Input process

This document is a summary of public input received by the U.S. Forest Service (Forest Service) regarding the Twin Metals lease consent. The input period was June 20, 2016 to July 20, 2016. Two listening sessions were held during this period, the first in Duluth, Minnesota on July 13, and the second on July 19 in Ely, Minnesota. The Forest Service received approximately 30,000 responses. Of these, about 28,874 are form letters; the remaining 1,680 letters consist of original responses, listening session speakers, or form responses containing unique content. Twenty different petitions or sign-on letters were also received, with approximately 56,000 signatories.

### Overview of Public Input content

The Twin Metals lease consent is the latest stage in public debate on the appropriate way to manage hardrock mining in Northeastern Minnesota. Many opinions expressed during this input period reflect the continued debate, and were raised in previous minerals related projects on the Superior National Forest, including Kawishiwi Minerals Exploration EA, Federal Hardrock Mineral Prospecting Permit EIS, and the NorthMet Mining Project and Land Exchange. Many responses were short statements indicating either opposition to mining (withhold consent) or support for mining (consent) without any reason provided.

Proponents of hardrock mining cite the economic benefits to the state and local community, including jobs created by mine construction and operation, secondary economic effects to other businesses and additional revenue for state and local governments. They state that young people and families are leaving the area due to a depressed local economy. Others refer to a national need for strategic metals for the US economy and national defense, and their use in sustainable technologies such as wind turbines and hybrid cars.

Those opposing mining cite the copper-nickel industry's history of environmental impacts, proximity to the Boundary Waters Canoe Area Wilderness (BWCAW), impacts to water quality and quantity and the aquatic ecosystems downstream of a mine. They state that mining has created a boom-bust economy that only now has stabilized with sustainable recreation based jobs that rely on an unspoiled environment. Concerns about impacts to individuals' recreational experience, ability to preserve the wilderness for future generations, and changes to wilderness character were also raised.

### New information identified from Public Input

New topics raised during the lease consent public input period focused on concerns about water resources, social conditions and values, economic conditions and values, and tribal access and treaty rights. In addition, some input questioned the Forest Service's process/procedures used to arrive at a consent decision, or even whether the Forest Service had consent authority. These concerns were not considered new information that would influence the final decision and are not listed here. A brief summary of the key new ideas are listed below:

- This decision targets foreign nationals and may violate free trade agreements. Twin Metals has invested \$400 million in mining related activities in Minnesota and failing to provide the minimum standard of treatment the U.S. could result in an expropriation of the foreign investment.

- It is our responsibility to source mineral resources locally with sustainable practices rather than contribute to unsustainable practices that contribute to world pollution.
- Leases do not allow mining, but exploration only and should be allowed to continue.
- Consenting to the leases would be in conflict with the Forest Plan and USDA Strategic Goal 2, to ensure forests are conserved, restored and made more resilient to climate change.
- Past iron mining has not been held accountable for excess pollutants.
- Unforeseen conditions such as human error, failure to follow plans, extreme weather conditions can all lead to failure of “fail safe” systems we build.
- Minnesota lakes lack the capacity to buffer acids from mining in sulfur based minerals, which reduce productivity and leach heavy metals from rocks and soils.
- Allowing Antofagasta to continue to spend monies on a project will pose years of contentious debate regarding the science and is very detrimental to the community.
- Mining does not provide a long-term economic gain. The irreplaceable landscape, wetland function are lost and manmade structures and unsupported towns and people are left behind. Mining is becoming more automated and designed with the lowest labor cost in mind. It is subject to boom-bust economic cycles that harm communities. The unique landscape of Northeast Minnesota can provide tourism and recreation jobs for hundreds of years, not just 20 or 30 years like these projects.

## Appendix A –Information Raised from the Twin Metals Lease Consent Public Input Period

The following document provides verbatim text from letters received during the public input period and are categorized by topic area.

### CONCERNS REGARDING WATER RESOURCES

In addition, in a world that is increasingly seeing major climate change threats to free water it seems utterly foolish to put such a large area of fresh water at risk for economic benefit. [115-1]

Jobs would be nice, but the near absolute guarantee that the mining will leave a polluted landscape, is not worth it. Especially now that I have found that the old iron mines are not being held accountable for excess pollutants. [295-1]

I know that we have the technology to reduce pollution potential from operations such as mining... but I know that "reduce" doesn't mean "prevent" and it is impossible to 100% guarantee that pollution will not happen, or that it is small enough to not have an impact. Unforeseen conditions happen all the time. Changes during construction, human error, failure to follow the operating and maintenance plan, or extreme weather conditions can all lead to failure of the "fail safe" systems we seek to build. A mistake or accident at the mines would spell disaster for the crystal clear, pure waters of the Boundary Waters and negatively impact the jobs and livelihood of those who provide services to the tourists and outdoor enthusiasts in the region. Even normal operations would likely cause irreparable harm and forever damage this special place. [5426-2]

These waters don't have the same chemistry as Minnesota lakes south of the "Canadian Shield" rocks that make up the border waters. They don't have the capacity to buffer acids, be they from acid rain or any run-off or underground seepage from mining in sulfur based minerals. Acids reduce lake productivity and leach heavy metals from rocks and soils. [5567-1]

I hear the constant drum beat that we have strict environmental laws in Minnesota, and that we intend to 'do this the right way' - whatever that vague and misleading statement means - and that the permitting process is so very thorough. From the viewpoint of a long time experienced EPA field operations specialist, this statement is patently absurd. With large industrial operations, there is always variation, operator error and accidents, along with the possibility of outright intentional deviation from permissible operating standards. It is simply the way things work in the real world of industry. When I hear people make the ludicrous statement that a massive industrial copper mining district will effectively cause little or no pollution because of our laws, I cannot believe they could be so naive. No matter how many permits are issued, or how stringent a state's environmental laws, things will always happen. These are the inevitable consequences from heavy industry, and hard rock metals mining, as it exists today. [29881-10]

Sulfide mining has an unbroken record of polluting water across the world. These leases represent a dire threat to the BWCA, the quality of it water and the long term economy of the region. These are not general and arbitrary concerns about potential environmental impacts related to mining in the region. [29978-1]

### **SOCIAL CONDITIONS AND VALUES**

The clear lakes, clean air, and healthy forests and rivers of Minnesota are emblematic of Minnesota, and so much a part of what we as Minnesotans love about our state. [302-1]

Allowing Antofagasta to continue to spend monies on a project that is likely to pose years of contentious debate regarding the science is very detrimental to our community. Instead of focusing our attention on making this a thriving community in the near future, the community will be held hostage to a promise that, in my opinion, is more likely to be endlessly deferred. In the interim, lake front properties and properties in the vicinity of the proposed mine are devalued, young professionals such as myself, who were drawn by the wilderness setting will be discouraged from choosing this neck of the woods in which to invest. [29875-3]

### **ECONOMIC CONDITIONS AND VALUES**

Sustaining the long term benefits of a healthy ecosystem along with Minnesota tourism and recreation easily outweigh the short term pay-off to a minority of interested parties, i.e, investors. The jobs argument is also specious as this development will be designed with the lowest labor cost in mind and that means minimal employment with maximum automation. The industry is subject to well know boom and bust cycles so any corporate commitment is tenuous at best. Just look at the history of employment on the Iron Range. [126-1]

However, this type of mining is not the answer to a sustainable economy. First consider the possibility that all mining in the region could be in long term secular decline. This time could be different given the supply issues and China factor I mentioned before. The Minnesota iron ore industry now appears to be dependent on congress passing anti steel dumping legislation. Second, you need to take stock of the valuable and sustainable resource you already have in the area. The unique landscape of Northeast Minnesota can provide recreation jobs for hundreds of years, not just 20 or 30 years like these projects. [4964-3]

Mining is not a long-term economic gain to anyone. The iron mines were gone in 50 years.. The Iron Range communities had to turn to a taconite that is also irreplaceable as is the lost landscape and wetland functions over a hundred miles of iron range pits and waste rock dumps and tailing basins. The resource disappears, leaving a wasteland of man-made structures, polluted water, and unsupported towns and people. Mining is boom and bust, depending on the prevailing price winds -- look at the recent March 2015 loss of jobs in the Minnesota taconite industry. [5186-7]

I believe it is vitally important to ensure our industry and vendors have access to the advanced minerals such as those found in the Duluth Complex, which are necessary to maintain and expand clean energy projects. [29864-1]

### **CONCERNS RAISED REGARDING THE PROCESS OR PUBLIC ENGAGEMENT IN MAKING THE CONSENT DECISION, AND CONCERNS WITH A LEGAL, REGULATORY, POLICY BASIS.**

The arbitrary process and appearance of bias are particularly concerning because they appear to be targeted directly against the foreign nationals who are investors in the project. We are increasingly concerned that an arbitrary denial of Twin Metals' lease renewal applications may violate U.S. free trade

agreements. In particular. The investment provisions in relevant free trade agreements require the United States to accord a minimum standard of treatment to covered investments and prohibit the unlawful expropriation of such investments. Twin Metals expects and welcomes a rigorous environmental review and stakeholder engagement process at the appropriate time, and the company is taking all necessary steps to safeguard the environmental resources in the project vicinity during the exploration phase of the project. To date, Twin Metals has invested upward of \$400 million in mining-related activities in Minnesota. This investment has supported hundreds of jobs in industries ranging from construction and geology to drilling and engineering. A USFS decision to suddenly deny renewal of Twin Metals' leases would, therefore, be a complete about-face, one that would jeopardize Twin Metals' investments in the United States in contravention of relevant U.S. free trade agreements. I ask that the Forest Service recognize Twin Metals' valid property rights, immediately cease the arbitrary public process to revisit those rights, and limit its review of the lease renewal to the appropriate scope: reviewing the terms and conditions of the leases to ensure they adequately protect surface impacts....The significant procedural flaws and bias inherent in this process amount to a failure to provide the minimum standard of treatment that the United States is obliged to accord to foreign investments under U.S. free trade agreements and could result in an expropriation of the multi-million dollar foreign investment in the Twin Metals project. [1-2]

The leases should be renewed and Twin Metals should be allowed to develop a mine project proposal for review following the formal and well-established environmental review process for mining projects set forth under the National Environmental Policy Act....Our products need to be sourced locally and in the USA under EPA watch, instead of being sourced from countries that do not have sustainable practices and contribute greatly to world pollution. It is our responsibility to the future that we support local mining that has an EPA watch and sustainable practice in place, instead of our country sourcing foreign material that has no EPA regulations. [335-1]

These past and present goals for the entire SNF would be undermined by relinquishing SNF lands to mining leases. The Twin Metals lease proposal also conflicts with the USDA Strategic Goal 2: To ensure our national forests ... are conserved, restored and made more resilient to climate change. (USFS plan, p. 46.) [5186-16]

The issue at this juncture is whether to renew the leases, not the appropriateness of a particular mining plan. The only issue currently before the BLM and the Forest Service is renewal of the longstanding leases. That is an issue of mineral-tenure rights, and is not an agency decision about whether to approve an actual mine. [29879-3]

But just as denial of a proposed mining plan does not strip the leaseholder of his mineral rights, the Forest Service's decision on consent should not be influenced by factors appropriately considered at the permitting stage. [29879-8]