

April 26, 2023

Up North Jobs Inc. is an Ely-based 501 (c)(3) nonpartisan membership organization. It has been our mission to support economic development and job growth in Northeastern Minnesota to prevent the deterioration of our communities and schools. Up North Job's members, officers and directors all serve without compensation. Since 2013 we have supported the efforts of Twin Metals Minnesota to develop its copper-nickel mine in the Rainy River Watershed and of NorthMet to develop its copper mine near Hoyt Lakes.

Many Northeastern Minnesota residents do not understand why the population of our communities, including Ely and Babbitt, continues to decline; why only 544 students (K-12) are enrolled in the Ely School District; why we no longer have a radio station nor a taxi service nor a new car dealership; why our hospital no longer offers maternity service; and why we have only one grocery store in Ely.

TIMELINE

The facts set forth below provide many of the answers. Extensive lobbying of government officials was conducted by *Northeastern Minnesotans for Wilderness* and Becky Rom, collaborating with the Minneapolis Star Tribune, resulting in the ban on mining in the Rainy River Watershed and the nonrenewal of Twin Metals' federal leases.

Serious opposition to mining in the Rainy River Watershed began in **2006**. In Duluth, Forest Supervisor James Sanders briefed mining company representatives seeking permits to explore in the Superior National Forest. They were told that the *Minnesota Center for Environmental Advocacy (MCEA)* had told him that if the Forest Service issued prospecting permits without preparing an EIS, MCEA intended to file a lawsuit. Giving way to their bullying, the U. S. Forest Service imposed a moratorium on Superior National Forest lands and began preparing an EIS.

In **2012**, six years later, the Forest Service published a final impact statement finding "no significant impacts". The massive study consisted of 862 pages. A Record of Decision was issued finding that mineral leasing and exploration could resume. In all, 29 prospecting permits were issued to Twin Metals Minnesota, Duluth Metals and others.

Opposition to Twin Metals Minnesota's proposed copper-nickel mine in the Rainy River Watershed began in earnest in 2014. **On January 17, 2014**, attorney Becky Rom of Ely emailed officials with the Interior Department in Wash., D.C., writing: "I request a meeting on Wednesday, February 26 or February 27 for a group of Ely-area residents. The topic will be sulfide ore mining within the watershed".

On **February 17, 2014**, Rom again wrote Interior and BLM telling them that they had a meeting scheduled with the Interior Department on February 27th; that the attendees would be, Becky Rom, board member of *Northeastern Minnesotans for Wilderness* and resident of Ely, MN; also Reid Carron, and Paul Schurke. "Agenda items are: "BLM Environmental Assessment of two applications to renew federal mineral leases located in the watershed of the BWCAW (Twin Metals Minnesota's leases)."

In **September 2014**, Rom emailed the U.S. Department of Interior: “As you know, many of us in Minnesota are encouraging the BLM and Interior Department, as well as the U.S. Forest Service and U. S. Department of Agriculture, to study and carefully consider the full range of negative impacts that would result from sulfide-ore mining (copper, nickel, platinum and palladium) now being proposed for the Superior National forest in Minnesota . . .” **“In addition, we would like to discuss proposed extensions of the federal leases held by Twin Metals.”**

Rom’s lobbying efforts were successful. In response to Rom’s lobbying, a Programmatic Environmental Impact Study was begun under the Obama administration, **duplicating the 862-page Study that had just been completed by the U. S. Forest Service in 2012, two years earlier.**

The State of Minnesota has also long opposed Twin Metals’ proposed mine. On **February 3, 2016** Minnesota’s Range Delegation wrote Governor Dayton: “. . . we are writing to ask that your administration give final approval to the “authorization Access Agreement” that has been negotiated in good faith between the Minnesota [DNR] and Twin Metals Minnesota.” Dayton rejected the Iron Range Delegation’s request to approve the *Authorization Access Agreement*, although it had the support of the Minnesota DNR.

On **March 6, 2016**, stung by the criticism of the nonpartisan Iron Range Delegation, **Dayton** issued a directive to then DNR Commissioner *Tom Landwehr* “not to authorize or enter into any new state access agreements or lease agreements for mining operations on those state lands”.

On **December 15, 2016**, just days before President Trump took office in January 2017, the BLM announced that it would not renew Twin Metals’ two federal mineral leases in the Rainy River Watershed and requested that 234,000 acres of Superior Forest lands be withdrawn from mineral production for 20 years. Before approval can be granted, the Forest Service must prepare an (EIS) and it therefore imposed a two-year moratorium on mining exploration on the aforementioned 234,000 acres, including those areas where Twin Metals’ leases are located.

The *Minneapolis Star Tribune* has been a vehement opponent of Twin Metals proposed copper-nickel mine and has served as a platform to broadcast the messages of Northeastern Minnesotans for Wilderness and Friends of the Boundary Waters statewide and has supported their efforts to kill Twin Metals’ mining project.

On **December 18, 2016**, the Star Tribune’s Editorial Board wrote: *“It’s rare for environmental advocacy groups to notch a victory against [Twin Metals]. Yet this week, the Campaign to Save the Boundary Waters led by Becky Rom of northern Minnesota did just that. On Thursday, two federal agencies announced a “withhold” on the renewal of mineral leases sought by Chilean-owned Twin Metals Minnesota on federal land close to the [BWCA]”. “It is a stunning achievement for Rom, an attorney who grew up near Ely and led the charge to block Twin Metals’ lease renewal”.*

On **December 22, 2017**, the Department of Interior Solicitor issued a 19-page Opinion, reversing the Obama administration’s earlier Opinion that the two leases granted Twin Metals by the United States, granted it a non-discretionary right to a third renewal term, and therefore, the BLM did not have the discretion to deny Twin Metals’ lease renewal application in December 2016.

On **December 27, 2017**, the Minneapolis Star Tribune’s Editorial Board wrote: **“A high profile lobbying campaign led by Ely’s politically connected Becky Rom helped convince outgoing Obama officials to reject a Chilean-owned mining company’s routine request to renew two leases on federally owned land near the BWCA.”** **“The victory for environmentalists set an alarming precedent, injecting political advocacy at another point in the overall process. That cracked open the door to not only undo the decision, but to allow interference elsewhere in what should be a consistent, data-driven review process”.**

In **May 2018**, the Trump administration reinstated Twin Metals’ leases and in **September 2018**, the Programmatic Environmental Impact Study begun under the Obama administration in 2016 was cancelled by the Trump administration. It was cancelled because in 2005, the Forest Service had described such a study as being ineffective to evaluate environmental impacts concluding that: **“Environmental effects of projects and activities cannot be meaningfully evaluated without knowledge of the specific timing and location of the projects and activities; the use of a regional or programmatic approach for complying with NEPA [National Environmental Protection Act] was impractical, inefficient, and sometimes inaccurate and was an inefficient use of resources; [the Forest Service can] most efficiently and appropriately evaluate and analyze the environmental consequences of an array of potential projects and activities when those reach the status of a proposal”.** (70 Fed. Reg., (Jan. 5, 2002)).

On **December 18, 2018**, the Star Tribune’s editorial board wrote: “Our view is that a consistent, data-based regulatory framework offers the best assurances that science, not politics, will dictate the outcome. In contrast, the strategy employed by Rom’s group relied on pressuring the Obama administration to dig up an additional hurdle for the project at a far earlier stage in the project – renewal of the mineral leases sought by Twin Metals, a process that typically has been routine.” **“The decision to block the lease[s] was not based on deep evaluations of detailed plans for Twin Metals operation or pollution mitigation. The reason: The project isn’t far enough along yet for these plans to be that detailed. Instead, federal officials made generalized assumptions from scientific literature about the project and its location.”**

On **November 24, 2019**, the Minneapolis Star Tribune presented its plan to kill Twin Metals’ proposed mine with a three-full page editorial in its Sunday edition - **“Not this mine. Not this location.”** Editorial writer *Jill Burcum* spent a week in Ely interviewing anti-mining activists, including Becky Rom. A program to kill Twin Metals’ mine was planned and the message was spread statewide:

“Courses of action: How to protect the Boundary Waters”

AT THE STATE LEVEL

“The state does not move forward on a Twin Metals mine plan. Gov. Tim Walz could direct his agencies or commissioners to take no further action to review a Twin Metals mine plan”.

“The state’s Executive Council could use its authority to protect the Boundary Waters going forward. Gov. Walz, as chair of the state Executive Council and Land Exchange Board, could ensure that no

executive actions are undertaken to grant new nonferrous mining mineral leases or extend or allow for transfers of existing leases in the BWCA watershed.”

AT THE FEDERAL LEVEL

“Congress could force the Trump administration to finish the study that the Agriculture Secretary canceled. It could compel the completion of the so-called “mineral withdrawal study” undertaken by the U.S. Forest Service”.

“Reverse the Trump’s administrative actions. If a new president is elected in 2020, he or she could take all actions necessary to reverse Trump’s efforts to speed the Twin Metals mine toward eventual approval.”

In **December 2019**, Twin Metals submitted its Mine Plan of Operations. **Prior to December 2019, no site specific study could be conducted.**

In **May 2020** the Star Tribune’s Editorial Board called on Governor Walz to halt all state-level work on Twin Metals mining project, a project in which Twin Metals had by that time, invested more than \$550 million in preparing its *Mine Plan of Operations*.

In **September 2021**, the Forest Service applied to the Department of the Interior/BLM for a withdrawal of 225,378 acres of lands in the rainy River watershed, for a 20-year term from disposition under U.S. mineral leasing laws.

In **October 2021**, the Biden administration announced that the Study begun under the Obama administration would be restarted.

On **August 22, 2022**, Twin Metals filed suit in U. S. District Court to reinstate its mineral leases against the Department of Interior and the BLM.

On **January 26, 2023**, citing the Study that was restarted in October 2021, Interior Secretary Haaland issued an Order imposing a 20-year moratorium on further leasing of federal land in the Rainy River Watershed.

Up North Jobs has circulated four petitions gathering signatures opposing the federal government and Minnesota’s efforts to kill Twin Metals mining project. Petitions have been submitted to Governor Dayton, Secretary of Agriculture Perdue, Governor Walz and Interior Secretary Haaland.

The petitioners include people primarily from Northeastern Minnesota. Almost all of the aforementioned petitioners are stakeholders, i.e., Northeastern Minnesota residents who reside here, who are employed by the mining companies and companies in related industries, who shop in our stores, that pay real estate taxes that support our schools, that plow our roads and support our local governments - and they are also voters.

Up North Jobs’ is a membership organization; all of its members oppose the federal government

and the state of Minnesota's efforts to kill Twin Metals' mining project. The total of the aforementioned petitioners and Up North Jobs members, is more than 4,000.

CONCLUSIONS

The facts are clear and irrefutable. The lobbying of governmental officials in Washington by Rom began in 2014. Rom and several Northeastern Minnesotans for Wilderness officers and their attorneys, lobbied Interior and BLM officials, to convince them to reject Twin Metals' application to renew its leases on federally owned land, and to issue an order to conduct a Programmatic Environmental Impact Study. The lobbying by Rom undermined the credibility of the Study.

In all, the Star Tribune's Editorial Board has published at least 19 editorials and opinion pieces opposing Twin Metals' mining project and was the architect of the plan, "**Courses of action: How to protect the Boundary Waters**". Sadly, the Star Tribune's Plan to kill Twin Metals' mine was successful.

On the federal level, the Star Tribune's Plan for dealing with the federal government, called upon *"Congress to force the Trump administration to finish the study undertaken by the U.S. Forest Service"*. It is clear that the Interior Department/BLM was persuaded by Rom's lobbying into restarting and completing the mineral study that served as the basis for imposing the ban on mining in the Rainy River Watershed. As the Star Tribune wrote – *"a high profile lobbying campaign led by Ely's politically connected Becky Rom helped convince Obama officials to reject a Chilean-owned mining company's routine request to renew two leases"*.

On the State level the Star Tribune's Plan called for Minnesota "to not move forward on a Twin Metals' mine plan". And Minnesota didn't do so. By letter, on February 15, 2022, DNR Commissioner Strommen advised Twin Metals Minnesota that "the DNR has directed its staff to stop work on the environmental review for the proposed Twin Metals Project".

The Star Tribune, has collaborated with and supported Rom's efforts to kill Twin Metals' mining project. The nonrenewal of Twin Metals' leases and the ban on mining in the Rainy River Watershed did not result from studies regarding the science – it resulted from injecting political advocacy into the overall process, as stated by the Star Tribune. Rom's political advocacy perverted and fatally flawed the process and nullified the Order banning mining in the watershed by the Interior Department.

The Star Tribune is granted First Amendment rights to express its opinion regarding the benefits that Twin Metals' mine would bring to Northeastern Minnesota. Yet, in exercising its First Amendment rights, the Star Tribune forfeited the principles of good journalism with its relentless attacks on Twin Metals Minnesota.

Killing Twin Metals' mine irreparably damaged our communities, our schools and Northeastern Minnesota's economy. The Star Tribune has stolen our heritage and it is now scorned by countless Northeastern Minnesotan residents who have seen their future crushed by the newspaper.

The moratorium should be vacated and Twin Metals' federal leases should be renewed pursuant to an Order issued by the federal courts.