

## Letter to the Editor

Stories have recently appeared in the print media regarding the hiring of former Minnesota Department of Natural Resources Commissioner Tom Landwehr by Ely based Northeastern Minnesotans for Wilderness to serve as its Executive Director. Landwehr was hired to lead their organization to fight copper-nickel mining within the BWCAW watershed, focusing on Twin Metals Minnesota's proposed copper-nickel underground mine, which would be located near Ely, Minnesota.

*Up North Jobs Inc.* is an Ely based nonprofit membership organization chartered in 2013 to promote economic development and job growth in Northeastern Minnesota. Permit us to offer additional facts to bring context to the print media stories.

In an interview with the Associated Press, Landwehr was paraphrased saying a commissioner must follow the laws and regulations when facing a project. In other words, an agency head should be guided by the laws, science and due process afforded to a company, and not by their personal beliefs, politics or unfounded potential outcomes. Landwehr's words drip with hypocrisy. He chose to remain silent when Governor Dayton issued a directive to then DNR Commissioner Landwehr in March 2016 "not to authorize or enter into any new state access or lease agreements for mining operations on state land in the Superior National Forest in close proximity to the BWCA." This, although Dayton's action to deny access to state land in the Superior National Forest where mineral development is expressly permitted is contrary to Minnesota law, the Minnesota constitution and Public Law No. 49-495 that expressly permits mining in the Superior National Forest.

In reference to the Trump administration reinstating Twin Metals' leases and canceling an environmental review that had been launched to study a proposed 20 year mining ban by the Obama administration on 234,000 acres of federal land in the BWCAW watershed, Landwehr was quoted as saying, "Federal agency leadership in D.C. are ignoring laws and policies in order to push this project through". "Those laws and policies are intended to protect people and the environment, and I simply can't stand by and watch that." "The agencies don't have the latitude of saying, 'Well, we just don't like this project, we're not going to put it in process.'"

Oh yes, Mr. Landwehr, the process! Perhaps lobbyist Landwehr has not closely followed the process and the precedent setting litigation occurring in the federal courts in Alaska regarding the proposed Pebble mine project, litigation that supports Twin Metals' right to continue minerals exploration in the BWCAW watershed.

### **Pebble Limited Partnership**

The facts are not in dispute. In 2013, the EPA issued an assessment of the impact of proposed mining plans by the Pebble Limited Partnership on the fisheries, wildlife and Alaska

native tribes in the region. In 2014 the final assessment was released, questioning the future of salmon habitat should the mine be opened.

In 2014, before the mine owners submitted their EIS study, the Obama Environmental Protection Agency preemptively quashed the Pebble mine project by proposing restrictions that would have effectively prohibited the project. The owners filed an action in federal court contending the EPA did not have the authority to preemptively veto or otherwise restrict development projects prior to the onset of federal and state permitting.

In 2017 the EPA settled its lawsuit with Pebble. The court found that pursuant to the agreement Pebble reached with the EPA, they could proceed with its studies and the EPA did not have the authority to preemptively veto or otherwise restrict development projects prior to the onset of federal and state permitting. Pebble had a right to proceed with its exploration and feasibility studies and submit an application to obtain a permit to conduct mining operations.

Now fast forward to March 2019. Pebble has applied for permits to develop its mining project. The Army Corps of Engineers has released a 1400 page Environmental Impact Statement and has scheduled a 90 day public comment period to take comments from the public regarding the proposed project.

The facts regarding Pebble's exploratory activities in Alaska and Twin Metals minerals exploratory activities in the BWCAW watershed of the Superior National Forest are quite similar. Each have or are utilizing permits to conduct mineral exploratory activities, each are preparing feasibility studies that are required in order to obtain federal and state mine operating permits, each are in good standing with the state and federal regulators and each have invested hundreds of millions of dollars in their respective projects.

Landwehr was the chief regulator for the statutory process of permitting for the state of Minnesota. Now he wants to eliminate the statutory process. By throwing out the statutory process, the long sought-after goal of a mining ban is achieved by Landwehr and Northeastern Minnesotans for Wilderness. For lobbyist Tom Landwehr to now pretend that he supports a Twin Metals permitting process based upon the facts, science and the law, is self-serving, hypocritical and intellectually dishonest.

Back in the day, President Eisenhower said: "When you put your privileges before your principles, you will soon have neither". When former DNR Commissioner Landwehr accepted the job to serve as a lobbyist for Northeastern Minnesotans for Wilderness, Landwehr's credibility as a nonpartisan regulator spilled into the Boundary Waters along with his principles.