

Lawsuit Targets Toxic Copper Mine Threatening Minnesota's Boundary Waters Wilderness

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Conservation groups [sued](#) the Trump administration today over its May 2019 renewal of two mineral leases that pave the way for a massive copper mine at the edge of the Boundary Waters Canoe Area Wilderness in northeastern Minnesota.

The Wilderness Society, Izaak Walton League of America and Center for Biological Diversity filed the lawsuit in U.S. District Court in Washington, D.C. The groups are represented by Earthjustice.

"Amidst the unprecedented public health crisis, the Trump administration continues its reckless march towards permitting a mine that would put public and environmental health at risk," said Alison Flint, senior legal director at The Wilderness Society. "The underlying leases were unlawfully renewed, with the Trump administration working to suppress public input, science-based analysis, and transparency every step of the way. We have no choice but to challenge these actions in court."

Today's suit says the Department of the Interior violated the National Environmental Protection Act when it renewed two federal mineral leases for Twin Metals Minnesota, a Chilean-owned mining company.

"Putting a copper-sulfide mine upstream from the Boundary Waters is a horrifying proposal that's already been rejected by the Forest Service," said Marc Fink, a senior attorney at the Center for Biological Diversity. "These world-class waters are too precious to put at risk. We'll defend these spectacular glacial lakes and this critically important wildlife habitat with everything we've got."

The lease renewals set the stage for potential sulfide-ore copper mining on the doorstep of the nation's most-visited wilderness area. This type of mining in this watershed would inevitably lead to permanent contamination of the area's abundant clean water and wilderness.

"The Trump administration has approved leases for a mine which the Forest Service previously refused to allow because of how damaging it will be to the environment," said Elizabeth Forsyth, a staff attorney for Earthjustice. "Instead of grappling with the mine's impacts, the administration has ignored them and rushed its approval with almost no environmental analysis. The Trump administration's brazen disregard for the law, and blind eye towards the

devastating impacts of what it is approving, cannot be allowed to stand.”

“The Boundary Waters is perhaps the last place on Earth that we should ever expose to a mining operation that will pollute pristine waters and harm the outdoor recreation economy that depends on a clean environment,” said Scott Kovarovics, executive director of the Izaak Walton League of America. “The scale of the threat and the blatant disregard for science and meaningful public participation demands a response.”

Today’s lawsuit also says the Forest Service failed to meet its obligation to ensure that the lease renewals do not threaten the Boundary Waters. The agency has failed to explain how its consent to the leases would avoid the severe harms it disclosed in 2016.

Also joining the suit are local conservation groups — the Friends of the Boundary Waters Wilderness and Northeastern Minnesotans for Wilderness — and nine wilderness-dependent businesses that include outfitters and guides, canoe manufacturers, a youth camp and a family resort.

Background

The Boundary Waters Canoe Area Wilderness contains 1,200 miles of canoe routes and more than 1,000 lakes left by receding glaciers. The pollution resulting from the proposed Twin Metals mine would inevitably harm the water quality and ecology of these protected public lands and waterways.

The surrounding Superior National Forest holds 20% of the freshwater in the entire national forest system and provides habitat for imperiled species such as lynx, moose and wolves. The local economy — which is sustained by tourism and jobs connected to this fishing, canoeing and camping mecca — would also suffer if mining was allowed.

The U.S. Forest Service has recently opposed renewing the Twin Metals mining leases. In 2016 the Forest Service found that developing a copper-nickel sulfide ore mine in this location would pose an “unacceptable” risk and that the mine would “cause serious and irreplaceable harm” to the Boundary Waters.

The Trump administration has moved ahead with renewal of the leases for the mine regardless of these risks. Today’s lawsuit argues that the administration has abused the National Environmental Policy Act throughout the lease renewal process. The act requires scientific analysis and assessment of potential environmental harms, as well as public participation and consideration of alternatives to federal actions that could damage the environment.

In May 2019 the Trump administration renewed the mining leases on the basis of a cursory environmental assessment by the U.S. Bureau of Land Management that failed to consider the well-documented and devastating harm from sulfide-ore copper mining and failed to examine alternative options for lease renewal to increase protection. The assessment cited none of the dozens of scientific studies documenting those harms.

The BLM’s environmental assessment was released, and a short public comment period began over the 2018-2019 winter holidays and the partial government shutdown during that time. Because of the shutdown, federal agencies were unavailable to answer questions, maintain the online commenting portal, or ensure stakeholders had the information they

needed to make their voices heard. A May 2 [Minneapolis Star-Tribune editorial](#) described the secrecy around the proposed mine as a serious red flag.

In September 2018 Agriculture Secretary Sonny Perdue canceled a proposed 20-year ban on mining activity in the watershed of the Boundary Waters. That decision paved the way for Twin Metals to build an industrial mining complex on the edge of the Boundary Waters. The Forest Service has refused to release documents from a nearly completed environmental review, despite numerous requests from conservation groups and members of Congress.

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