

BOUNDARY WATERS WILDERNESS PROTECTION AND  
POLLUTION PREVENTION ACT

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DECEMBER 18, 2020.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 5598]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5598) to provide for the protection of the Boundary Waters Canoe Area Wilderness and interconnected Federal lands and waters, including Voyageurs National Park, within the Rainy River Watershed in the State of Minnesota, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Boundary Waters Wilderness Protection and Pollution Prevention Act”.

**SEC. 2. WITHDRAWAL OF CERTAIN FEDERAL LANDS AND WATERS IN THE STATE OF MINNESOTA.**

(a) **DEFINITION OF MAP.**—In this Act, the term “Map” means the map prepared by the Forest Service entitled “Superior National Forest Mineral Withdrawal Application Map” and dated December 5, 2016.

(b) **WITHDRAWAL.**—Except as provided in subsection (d) and subject to valid existing rights, the approximately 234,328 acres of Federal land and waters in the Rainy River Watershed of the Superior National Forest in the State of Minnesota, as located on the Map and described in the Federal Register Notice of Application for Withdrawal, dated January 19, 2017 (82 Fed. Reg. 6639), are hereby withdrawn from—

- (1) all forms of entry, appropriation, and disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(c) ACQUIRED LAND.—Any land or interest in land within the area depicted on the Map that is acquired by the United States after the date of enactment of this Act shall, on acquisition, be immediately withdrawn in accordance with this section.

(d) REMOVAL OF SAND, GRAVEL, GRANITE, IRON ORE, AND TACONITE.—The Chief of the Forest Service is authorized to permit the removal of sand, gravel, granite, iron ore, and taconite from national forest system lands within the area depicted on the Map if the Chief determines that the removal is not detrimental to the water quality, air quality, and health of the forest habitat within the Rainy River Watershed.

(e) AVAILABILITY OF MAP.—The Map shall be kept on file and made available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

#### PURPOSE OF THE BILL

The purpose of H.R. 5598 is to provide for the protection of the Boundary Waters Canoe Area Wilderness and interconnected federal lands and waters, including Voyageurs National Park, within the Rainy River Watershed in the State of Minnesota.

#### BACKGROUND AND NEED FOR LEGISLATION

Originally designated under the *Wilderness Act of 1964*, the Boundary Waters Canoe Area Wilderness (BWCAW) is a 1,090,000-acre Federal wilderness area inside Superior National Forest in northern Minnesota. It is the nation's most visited wilderness area, welcoming approximately 150,000 visitors annually.<sup>1</sup> Along with nearby Voyageurs National Park, the Boundary Waters is a lynchpin of the regional economy, supporting 22,000 jobs and \$1.4 billion in annual visitor spending.<sup>2</sup>

BWCAW is nationally significant because of its pristine water resources, remote location, and expansive solitude. The BWCAW contains nearly 1,200 lakes ranging in size from 10 acres to 10,000 acres, more than 1,200 miles of canoe routes, and 2,100 campsites.<sup>3</sup> There are also 1,500 cultural resource sites including historic Ojibwe villages and Native American pictograph panels.<sup>4</sup> The BWCAW is a prime location for hunting and fishing, and contains valuable biodiverse ecosystems that provide a protected home for wildlife such as loons, black bear, moose, foxes, and deer.

The BWCAW watershed is also internationally significant. In 1909 the United States signed a treaty with Canada, known as the *Boundary Waters Treaty*, requiring that neither country pollute waters that flow across the international boundary. Within the Rainy River Watershed, the Kawishiwi River flows north directly into the Boundary Waters Canoe Area Wilderness and then into Canada and the shared waters of Voyageurs National Park. The commitment to protect this international watershed is why the Canadian government has formally expressed concern over the risk to water quality from proposed increases in mining activity, through

<sup>1</sup>U.S. Department of the Interior Press Release, *Obama Administration Takes Steps to Protect Watershed of the Boundary Waters Canoe Area Wilderness*, December 15, 2016. <https://www.doi.gov/pressreleases/obama-administration-takes-steps-protect-watershed-boundary-waters-canoe-area>.

<sup>2</sup>Dissenting Views, H.R. 3905 Bill Report. <https://www.congress.gov/115/crpt/hrpt422/CRPT-115hrpt422.pdf>.

<sup>3</sup>*Ibid.*

<sup>4</sup>“Section 2, Findings” of H.R. 5598 Boundary Waters Wilderness Protection and Pollution Prevention Act.

the International Joint Commission (IJC) in 2015<sup>5</sup> and Global Affairs Canada in 2019.<sup>6</sup>

While the BWCAW is specifically protected for its conservation, recreation, and historical values, Superior National Forest also has a long history of industrial activity. In 1966, the Bureau of Land Management (BLM) issued two mineral leases covering 5,000 acres of the Superior National Forest just outside the BWCAW.<sup>7</sup> These leases were valid for twenty years, at which point the federal government reserved the right to review the leases to determine if they should be extended. In a 1966 press release, the Department of the Interior (DOI) explicitly stated that the leases “grant mining rights to the company for 20 years; renewable for 30 years at 10-year intervals if the property is brought into production within the initial 20-year term.”<sup>8</sup> Neither lease has ever supported active mining, yet they received waivers from the production requirement and were renewed in 1989 and 2004.

In 2012, Twin Metals Minnesota—a wholly owned subsidiary of Chilean mining company Antofagasta—requested an extension of the two leases in order to build a sulfide-ore copper mine. While mining operations are common in northern Minnesota and Superior National Forest, the type of mining practiced in the area has been taconite (iron ore) mining, which does not lead to acid mine drainage. Copper sulfide mining, on the other hand, has never been attempted in this water-rich ecosystem. Sulfide ore mining is notorious for polluting rivers, lakes and groundwater with severe and long-lasting acid mine drainage,<sup>9</sup> and any pollution produced at the Twin Metals mine would flow directly into the Boundary Waters.

In 2016, after a public input process, the Forest Service—which needs to provide consent before BLM can authorize mining operations on the leases—concluded that building a sulfide-ore copper mine in the watershed near the BWCAW could result in “extreme” and “serious and irreplaceable harm” to the wilderness area.<sup>10</sup> The Forest Service withheld its consent for renewal and the leases expired. In denying the lease renewal, the Obama administration cited “broad concerns from thousands of public comments and input about potential impacts of mining on the wilderness area’s watershed, fish and wildlife, and the nearly \$45 million recreation economy,” and “the potential risk of environmental contamination of the surrounding watershed,” including within the BWCAW. The Obama administration also determined that the Boundary Waters

<sup>5</sup>Letter from IJC Secretaries Camille Mageau and Dr. Charles A. Lawson to Christopher Wilkie, Director of U.S. Transboundary Affairs Division, Foreign Affairs and International Trade Canada and Susan Saarnio, Director Office of Canadian Affairs, U.S. Department of State. January 22, 2015.

<sup>6</sup>Letter from Eric Walsh, Director General, North American Strategy Bureau, Global Affairs Canada to Derek Strohl, Natural Resources Specialist and Project Lead, Bureau of Land Management. January 30, 2019.

<sup>7</sup>Under 16 U.S.C. 508b, national forests in Minnesota are not subject to the Mining Law of 1872.

<sup>8</sup>U.S. Department of the Interior Press Release, “Government Grants Leases for Nickel and Copper Mining,” June 14, 1966.

<sup>9</sup>B. Gestring, “U.S. Copper Porphyry Mines: The Track Record of water quality impacts resulting from pipeline spills, tailings failures and water collection and treatment failures,” Earthworks, July 2012.

<sup>10</sup>Letter from Thomas Tidwell, Chief of the U.S. Forest Service to Neil Kornze, Director of the Bureau of Land Management. December 14, 2016. [https://www.savetheboundarywaters.org/sites/default/files/attachments/twin\\_metals\\_proposed\\_lease\\_renewal\\_with\\_bibliography.pdf](https://www.savetheboundarywaters.org/sites/default/files/attachments/twin_metals_proposed_lease_renewal_with_bibliography.pdf).

would be particularly sensitive to any acid mine drainage from the proposed sulfide-ore copper mine.<sup>11</sup>

Following the refusal to renew the mineral leases, the Forest Service initiated a public process to withdraw 235,000 acres of Superior National Forest within the Rainy River Watershed from potential mineral activity for a period of twenty years in order to provide further protections for the BWCAW.

In December 2017, the Solicitor at DOI reversed an Obama administration legal opinion and concluded that BLM had no right to let the leases expire.<sup>12</sup> Ignoring the 1966 DOI press release, the new Solicitor's M-opinion questionably concluded, "the historical record of the 1966 lease implementation shows that production was not made a condition of renewal," and that, "Properly analyzed, examining both the text of the leases and the intent of the parties as expressed during negotiations, the renewal provisions found in the 1966 leases remain operative, and provide the non-discretionary right to a third renewal." While DOI officials have testified, appropriately, that press releases are not legally binding, the new Solicitor's M-opinion rests at least in part on the "historical record" and "the intent of the parties" while ignoring a clear statement of intent from DOI when the leases were first signed. This calls into question the intent and reasoning behind the December 2017 M-opinion.

The Trump administration subsequently reinstated the mining leases and overruled Forest Service objections in order to ensure that this mine could be developed. Furthermore, the administration abruptly cancelled the proposed mineral withdrawal in the watershed of the BWCAW and abandoned the accompanying Environmental Assessment 20 months into a 24-month review period. Both DOI and U.S. Department of Agriculture have provided woefully inadequate responses to congressional document requests regarding the Twin Metals project. The administration has consistently failed to fulfill requests regarding key questions raised by the Committee on the decisions to reinstate the Twin Metals leases and cancel the withdrawal application and its associated Environmental Assessment.

The proposed Twin Metals mine is a direct threat to the pristine water, clean air, and healthy forest ecosystem of the Boundary Waters. Allowing sulfide ore mining to go forward on public land within the watershed of the BWCAW would present unnecessary risks to this treasured special place. H.R. 5598, the *Boundary Waters Wilderness Protection and Pollution Prevention Act* protects the wilderness for future generations by permanently withdrawing 234,328 acres of federal land and waters inside Superior National Forest from future mineral and geothermal leasing activities. These lands are inside the Rainy River Watershed of the Superior National Forest. Importantly, the legislation protects all current, valid existing leases inside the withdrawal area and allows for sand, gravel, granite, iron ore, and taconite mining if the Chief de-

<sup>11</sup> U.S. Department of the Interior Press Release, *Obama Administration Takes Steps to Protect Watershed of the Boundary Waters Canoe Area Wilderness*, December 15, 2016. <https://www.doi.gov/pressreleases/obama-administration-takes-steps-protect-watershed-boundary-waters-canoe-area>.

<sup>12</sup> U.S. Department of the Interior Solicitor Memorandum M-37049, "Reversal of M-37036, 'Twin Metals Minnesota Application to Renew Preference Right Leases (MNES-01 352 and MNES-0 1353)'," December 22, 2017.

termines that those activities would not be detrimental to the water quality, air quality, and health of the forest habitat of the Rainy River Watershed.

At the time of the committee's consideration of H.R. 5598, BLM's decision to reinstate the Twin Metals leases was still being challenged by two lawsuits in federal court. If these leases are found to be invalid, the proposed copper-sulfide mine will not be built. Even if the court rules that the leases are valid, H.R. 5598 would prevent the destructive mine from moving forward by blocking future mining approvals in the area surrounding the existing leases, including two pending Twin Metals preference right lease applications, the conversion of federal prospecting permits into preference right leases, and future prospecting permits. Without these additional permits, Twin Metals is not expected to be able to move forward on the proposed copper-sulfide mine.

#### COMMITTEE ACTION

H.R. 5598 was introduced on January 14, 2020, by Representative Betty McCollum (D-MN). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources and the Subcommittee on National Parks, Forests, and Public Lands. On February 5, 2020, the Subcommittee on Energy and Mineral Resources held a hearing on the bill. On September 30, 2020, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Chair Raúl M. Grijalva (D-AZ) offered an amendment in the nature of a substitute. Representative Pete Stauber (R-MN) offered an amendment designated Stauber #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 16 yeas and 21 nays, as follows:

Date: September 30, 2020

**COMMITTEE ON NATURAL RESOURCES**  
116<sup>th</sup> Congress - Roll Call

Bill / Motion: H.R. 5598

Amendment: Rep. Stauber #1 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 21 nays.<sup>1</sup>

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Barragán, CA			
2	Mr. Brown, MD		X	
3	Mr. Cartwright, PA		X	
4	Mr. Case, HI		X	
5	Mr. Clay, MO		X	
6	Mr. Costa, CA		X	
7	Mr. Cox, CA		X	
8	Mr. Cunningham, SC		X	
9	Ms. DeGette, CO			
10	Mrs. Dingell, MI		X	
11	Mr. Gallego, AZ		X	
12	Mr. García, IL		X	
13	Mr. Grijalva, AZ (Chair)		X	
14	Ms. Haaland, NM		X	
15	Mr. Horsford, NV		X	
16	Mr. Huffman, CA		X	
17	Mr. Levin, CA		X	
18	Mr. Lowenthal, CA		X	
19	Mr. McEachin, VA			
20	Ms. Napolitano, CA			
21	Mr. Neguse, CO		X	
22	Mr. Sablan, CNMI		X	
23	Mr. San Nicolas, GU		X	
24	Mr. Soto, FL		X	
25	Mr. Tonko, NY		X	
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (20)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bishop, UT (Ranking)	X		
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ	X		
9	Mr. Graves, LA	X		
10	Mr. Hern, OK			
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA	X		
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Stauber, MN	X		
17	Mr. Webster, FL			
18	Mr. Westerman, AR	X		
19	Mr. Wittman, VA	X		
20	Mr. Young, AK			
	<b>TOTALS</b>	16	21	
	Total: 45 / Quorum: 16 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

<sup>1</sup> During the markup, the total on this vote was called out incorrectly. The numbers above accord with the clerk's roll call.

Representative Stauber offered an amendment designated Stauber #2 to the amendment in the nature of a substitute. The amendment was not agreed to by a voice vote.

Representative Stauber offered an amendment designated Stauber #3 to the amendment in the nature of a substitute. Representative Paul Gosar (R-AZ) offered an amendment designated Gosar #1 to the amendment in the nature of a substitute. Representative Garret Graves (R-LA) offered an amendment designated Graves #1 to the amendment in the nature of a substitute and an amendment designated Graves #2 to the amendment in the nature of a substitute. The amendments to the amendment in the nature of a substitute designated Stauber #3, Gosar #1, Graves #1, and Graves #2 were considered en bloc and were not agreed to by a roll call vote of 16 yeas and 20 nays, as follows:

Date: September 30, 2020

**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 5598

Amendment: Rep. Stauber #3, Rep. Gosar #1, Rep. Graves #1, and Rep. Graves #2 amendments offered en bloc

Disposition: Not agreed to by a roll call vote of 16 yeas and 20 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Barragán, CA			
2	Mr. Brown, MD		X	
3	Mr. Cartwright, PA		X	
4	Mr. Case, HI		X	
5	Mr. Clay, MO		X	
6	Mr. Costa, CA		X	
7	Mr. Cox, CA		X	
8	Mr. Cunningham, SC		X	
9	Ms. DeGette, CO			
10	Mrs. Dingell, MI			
11	Mr. Gallego, AZ		X	
12	Mr. García, IL		X	
13	Mr. Grijalva, AZ (Chair)		X	
14	Ms. Haaland, NM		X	
15	Mr. Horsford, NV		X	
16	Mr. Huffman, CA		X	
17	Mr. Levin, CA		X	
18	Mr. Lowenthal, CA		X	
19	Mr. McEachin, VA			
20	Ms. Napolitano, CA			
21	Mr. Neguse, CO		X	
22	Mr. Sablan, CNMI		X	
23	Mr. San Nicolas, GU		X	
24	Mr. Soto, FL		X	
25	Mr. Tonko, NY		X	
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (20)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bishop, UT (Ranking)	X		
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ	X		
9	Mr. Graves, LA	X		
10	Mr. Hern, OK			
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA	X		
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Stauber, MN	X		
17	Mr. Webster, FL			
18	Mr. Westerman, AR	X		
19	Mr. Wittman, VA	X		
20	Mr. Young, AK			
	<b>TOTALS</b>	16	20	
	Total: 45 / Quorum: 16 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>



No additional amendments were offered. The amendment in the nature of a substitute offered by Chair Grijalva was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 19 yeas and 16 nays, as follows:<sup>13</sup>

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<sup>13</sup>Rep. Paul Tonko (D-NY) was unable to vote due to a scheduling conflict. Rep. Tonko requested, after the closing of the vote, that the record reflect that had he been present he would have voted in favor of ordering the bill favorably reported.

Date: September 30, 2020

**COMMITTEE ON NATURAL RESOURCES**  
116<sup>th</sup> Congress - Roll Call

Bill / Motion: H.R. 5598

Amendment:

Disposition: Final Passage: H.R. 5598, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 19 yeas and 16 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Barragán, CA			
2	Mr. Brown, MD	X		
3	Mr. Cartwright, PA	X		
4	Mr. Case, HI	X		
5	Mr. Clay, MO	X		
6	Mr. Costa, CA	X		
7	Mr. Cox, CA	X		
8	Mr. Cunningham, SC	X		
9	Ms. DeGette, CO			
10	Mrs. Dingell, MI			
11	Mr. Gallego, AZ	X		
12	Mr. Garcia, IL	X		
13	Mr. Grijalva, AZ (Chair)	X		
14	Ms. Haaland, NM	X		
15	Mr. Horsford, NV	X		
16	Mr. Huffman, CA	X		
17	Mr. Levin, CA	X		
18	Mr. Lowenthal, CA	X		
19	Mr. McEachin, VA			
20	Ms. Napolitano, CA			
21	Mr. Neguse, CO	X		
22	Mr. Sablan, CNMI	X		
23	Mr. San Nicolas, GU	X		
24	Mr. Soto, FL	X		
25	Mr. Tonko, NY			
26	Ms. Velázquez, NY			
	REP. MEMBERS (20)	Y	N	P
1	Mr. Bishop, UT (Ranking)		X	
2	Ms. Cheney, WY		X	
3	Mr. Cook, CA		X	
4	Mr. Curtis, UT		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX		X	
7	Ms. González-Colón, PR		X	
8	Mr. Gosar, AZ		X	
9	Mr. Graves, LA		X	
10	Mr. Hern, OK			
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA		X	
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Stauber, MN		X	
17	Mr. Webster, FL			
18	Mr. Westerman, AR		X	
19	Mr. Wittman, VA		X	
20	Mr. Young, AK			
	<b>TOTALS</b>	19	16	
	Total: 46 / Quorum: 16 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

## HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 5598: hearing by the Subcommittee on Energy and Mineral Resources held on February 5, 2020.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

This section provides the short title of the bill, the “Boundary Waters Wilderness Protection and Pollution Prevention Act.”

*Section 2. Withdrawal of certain federal lands and waters in the state of Minnesota*

This section states that approximately 234,328 acres of federal land and waters, as depicted on the “Superior National Forest Mineral Withdrawal Application Map” dated December 5, 2016, are permanently withdrawn from future mineral and geothermal leasing. If the federal government acquires lands depicted on the map, those lands are also withdrawn from future mineral and geothermal leasing. The legislation protects all valid existing rights, and the Chief of the Forest Service is authorized to permit the removal of sand, gravel, granite, iron ore, and taconite within the areas depicted on the map if the Chief determines that removal is not detrimental to water quality, air quality, or the health of the forest habitat within the Rainy River Watershed.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to provide for the protection of the Boundary Waters Canoe Area Wilderness and interconnected federal lands and waters, including Voyageurs National Park, within the Rainy River Watershed in the State of Minnesota.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

## DISSENTING VIEWS

H.R. 5598 would permanently withdraw over 234,000 acres of National Forest System land in Northern Minnesota from mineral development. This bill is a clear attempt to halt the Twin Metals Minnesota mining project in the Duluth Complex, one of the largest undeveloped mineral reserves in the world.<sup>1</sup> Committee Republicans are strongly opposed.

In the last few days of the Obama Administration, the Department of the Interior initiated a mineral withdrawal of 234,328 acres in the Superior National Forest, immediately halting all mining-related activities pending the results of an environmental review.<sup>2</sup> The Obama Administration also declined to renew the two mineral leases held by Twin Metals Minnesota, despite their long tenure and hundreds of millions of dollars spent exploring their prospective mine site in the area.<sup>3</sup> After 15 months of environmental review, the Trump Administration cancelled the mineral withdrawal on September 6, 2018,<sup>4</sup> and reinstated the mineral leases on May 2, 2018.<sup>5</sup> In December 2019, Twin Metals Minnesota formally submitted a Mine Plan of Operation to begin the federal permitting process to develop the Duluth Complex, with the Minnesota Department of Natural Resources conducting its own environmental impact as well.<sup>6</sup> H.R. 5598 effectively reinstates the Obama-era withdrawal, decisively halting the Twin Metals project and any future hardrock project in the Superior National Forest.

Hardrock minerals have become necessary to modern life, forming essential components of high-tech equipment including smartphones, defense systems, medical devices, and wind and solar energy technologies.<sup>7</sup> Despite substantial reserves in the U.S., most of the nation's hardrock resources come from abroad, China in particular. Demand for hardrock minerals is expected to rapidly expand with the growth of electric vehicles (EVs) and other renewable technologies in the coming decades. For example, EVs require large amounts of lithium, gallium, cobalt, and nickel, which the

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<sup>1</sup> Mining Minnesota. "Minnesota's Vast Mineral Resources." <http://www.miningminnesota.com/duluth-complex/>.

<sup>2</sup> U.S. Department of Agriculture. "USDA Removes Roadblock to Mineral Exploration in Rainy River Watershed." Press Release. September 6, 2018. <https://www.usda.gov/media/press-releases/2018/09/06/usda-removes-roadblock-mineral-exploration-rainy-river-watershed>.

<sup>3</sup> "The Latest: Twin Metals: Reinstating leases 'important step.'" May 2, 2018. Associated Press. <https://apnews.com/7c030dc4e85e4926a2028cb96e32b817>.

<sup>4</sup> <https://www.usda.gov/media/press-releases/2018/09/06/usda-removes-roadblock-mineral-exploration-rainy-river-watershed>.

<sup>5</sup> U.S. Department of the Interior. "Rescission of December 15, 2016, Lease Renewal Application Rejection. Reinstatement of Mineral Leases MNES 01352 & MNES 01353 as Issued in 2004. Reinstatement of Twin Metal's 2012 Lease Renewal Application." May 2, 2018. <https://www.twin-metals.com/wp-content/uploads/2018/05/2018.05.02-Twin-Metals-Lease-Reinstatement-Decision-002.pdf>.

<sup>6</sup> Karnowski, Steve. "Twin Metals Minnesota files formal mine plan with regulators." Associated Press. December 18, 2019. <https://apnews.com/3cb7d821267e8ada06e1817b5c380eef>.

<sup>7</sup> David Iaconangelo. "Rare earth 'critical' for U.S. offshore projects—study." E&E News. April 5, 2019. <https://www.eenews.net/energywire/2019/04/05/stories/1060143799>.

United States must import in vast quantities.<sup>8</sup> And since the U.S. has some of the best environmental and human labor standards in the world, it seems preferable to maximize domestic production of these materials, as well as being safer for the supply chain. If developed, the Duluth Complex in Northern Minnesota could become a crucial supply of minerals needed for renewables, including copper, nickel, and cobalt. This one deposit is estimated to contain 7.7 billion short tons of ore,<sup>9</sup> and Twin Metals Minnesota is planning to mine 180 million short tons over 25 years.<sup>10</sup>

The national importance of the Duluth Complex is matched by its significance to the local community. A project-labor agreement was signed with the local Iron Range Building Trades Association, guaranteeing local jobs during the mine's construction.<sup>11</sup> Construction alone will create about 700 direct and 1,400 indirect jobs.<sup>12</sup> Additionally, mining employment provides comparatively high wages, with an average mine worker in Minnesota earning close to \$90,000 compared to approximately \$21,000 in the tourism industry.<sup>13</sup> The economic benefits will be felt throughout the State, as mineral development provides funding to every school district in Minnesota through the Permanent School Fund.<sup>14</sup> This Fund has contributed \$260 million to 337 public school districts over the past 10 years.<sup>15</sup> Given the many positive local impacts, numerous Minnesota stakeholders including labor unions, builders, miners, schools, and local officials, have stated their strong support for the project and opposition to H.R. 5598.

During Committee markup, several Republican amendments were offered to address the many concerns with this bill, such as exempting minerals used in renewable energy technologies from the withdrawal, and delaying enactment until it is determined that the withdrawal would not increase cobalt imports from countries using child labor. None of these amendments were adopted due to opposition from the Democrats, and the legislation advanced along party lines.

ROB BISHOP.



<sup>8</sup> U.S. Geological Survey. Mineral Commodity Summaries 2019. February 28, 2019. [https://prd-wret.s3-us-west-2.amazonaws.com/assets/palladium/production/atoms/files/mcs2019\\_all.pdf](https://prd-wret.s3-us-west-2.amazonaws.com/assets/palladium/production/atoms/files/mcs2019_all.pdf).

<sup>9</sup> Twin Metals Minnesota. Staff briefing. February 3, 2020.

<sup>10</sup> Twin Metals Minnesota. Staff briefing. February 3, 2020.

<sup>11</sup> Vandervort, Keith. "Twin Metals inks project labor agreement with trades." The Timberjay. August 21, 2019. <http://timberjay.com/stories/twin-metals-inks-project-labor-agreement-with-trades.15357>.

<sup>12</sup> Twin Metals Minnesota. Staff briefing presentation. September 2019.

<sup>13</sup> Twin Metals Minnesota. Staff briefing presentation. September 2019.

<sup>14</sup> Bloomquist, Lee. "Mining Funds All Minnesota Schools." Mesabi Daily News. June 27, 2018. [https://www.virginiamn.com/mine/mining-funds-all-minnesota-schools/article\\_e0220246-7979-11e8-b515-635cdec50b2c.html](https://www.virginiamn.com/mine/mining-funds-all-minnesota-schools/article_e0220246-7979-11e8-b515-635cdec50b2c.html).

<sup>15</sup> Bloomquist, Lee. "Mining Funds All Minnesota Schools." Mesabi Daily News. June 27, 2018. [https://www.virginiamn.com/mine/mining-funds-all-minnesota-schools/article\\_e0220246-7979-11e8-b515-635cdec50b2c.html](https://www.virginiamn.com/mine/mining-funds-all-minnesota-schools/article_e0220246-7979-11e8-b515-635cdec50b2c.html).