

Professors' View: U-turn on Twin Metals a massive giveaway of irreplaceable public resources

By [Sandra B. Zellmer](#) and [Alexandra B. Klass](#) on Jul 16, 2018 at 6:40 p.m.

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A close-up photo of police lights by night

Any Minnesotan who has ever dipped a canoe paddle, pitched a tent, or laced up a hiking boot while visiting the Boundary Waters Canoe Area Wilderness can tell you why it is the nation's most-visited wilderness area and considered a crown jewel of Minnesota. Unfortunately, Twin Metals, a subsidiary of the Chilean mining giant Antofagasta PLC, has its eye on the area in hopes of operating a sulfide-ore copper-nickel mine, bringing one of the world's most toxic industries to the edge of the Boundary Waters. Despite the

devastating impact expected on the local economy and environment, President Donald Trump's Interior Department is bending over backwards to support the push to pollute.



Sandra Zellmer

If allowed, Twin Metals is expected to locate its processing plant on the banks of Birch Lake, a popular fishing and recreation lake that flows into the Boundary Waters. The resulting pollution would, in the judgment of the U.S. Forest Service, pose a significant risk of contamination that would "seriously degrade the wilderness' character and quality" and cause serious and irreparable harm.

In addition to the environmental and recreational harms, the mine promises to be an economic loser. The state's outdoor recreation economy annually generates \$16.7 billion in consumer spending, \$4.5 billion in wages, and \$1.4 billion in state and local tax revenue while supporting 140,000 direct jobs. A 2017 study by Key Log Economics showed that copper-nickel mining in the Boundary Waters watershed would cost Northeastern Minnesota \$288 million in lost revenue from visitor spending and lost property values amounting to about \$509 million. The 4,490 local jobs at risk would be 10 times the number of new mining jobs expected to be created, according to a study from the School of Business and Economics at University of Minnesota Duluth. The total tab? Between \$402 million and \$1.6 billion in lost annual income.

A decision by the Interior Department to allow Twin Metals not only would be bad for the environment, public, and business, it would be bad law, too.

Twin Metals is proceeding under leases it first purchased in the 1960s and has renewed several times since. But the company has yet to begin mining half a century later; and under the leases' terms, it can renew for no more than three successive 10-year terms if it has not yet begun production. The mining law caps the renewals in order to prevent the speculative holding of mineral rights and to encourage a fair return for taxpayers.

Time's up: Having never begun production, Twin Metals is not entitled to subsequent renewals. In 2016, the Interior Department issued a formal legal opinion concluding just that. But, in an illegal U-turn, President Trump's Interior Department set aside that opinion



Alexandra Klass

and issued its own — despite the lease requirements, the failure to consider modern environmental protections, and the Forest Service's objections.

In addition, federal law requires the environmental and socioeconomic impacts of mining to be studied and vetted with the public, a process that has never been completed and would likely reveal significant opposition. Seventy percent of Minnesota voters oppose copper mining near the Boundary Waters, including 56 percent in the Eighth Congressional District, where the mine would be built.

Gov. Mark Dayton, four Chippewa tribes, thousands of medical professionals and scientists, and 170 organizations have written to the U.S. secretaries of Agriculture and Interior expressing similar opposition.

Significantly, the Forest Service, which has the statutory obligation to protect the area's world-class resources, did not consent to the reinstatement of mineral leases.

Late last month, the debate moved to the courts. Nine local businesses that rely on the Boundary Waters to support jobs and a recreation-based economy in northern Minnesota brought the first suit. Plaintiffs include canoeing outfitters, guides, resort owners, and the Voyageur Outward Bound School. In a second lawsuit, The Wilderness Society, Center for Biological Diversity, and the Izaak Walton League argue that the pollution resulting from sulfide-ore copper-nickel mining inevitably and irreversibly would harm the water quality and ecology of these protected public lands and waterways. The Friends of the Boundary Waters Wilderness filed a third suit challenging the arbitrary and capricious reversal of earlier policy.

The government's U-turn on Twin Metals is part of a troubling trend in the Trump administration to divest the American people of public lands and to undervalue the lands and resources that remain. We all deserve better.

Alexandra B. Klass is a Distinguished McKnight University Professor at the University of Minnesota Law School. She researches, writes, and teaches in the areas of environmental law and energy law. Sandra B. Zellmer is a professor at the Alexander Blewett III School

of Law at the University of Montana. They are both member scholars at the Center for Progressive Reform.