

# **MINNESOTANS OPPOSE H.R. 761**

## **Say "NO" to H.R. 761: National Strategic and Critical Minerals Production Act of 2013**

**May 2013**

Dear Congressional Representatives and Senators,

On behalf of the tens of thousands of our members and supporters from across Minnesota and beyond, the undersigned organizations write in opposition to **H.R. 761: National Strategic and Critical Minerals Production Act of 2013**. We urge you to oppose H.R. 761 in its entirety. The Act, which seeks to formally define “critical” minerals and hasten the permitting of the extraction and production of minerals on public lands, would result in significant and irreparable harm to our Nation’s waters, wildlife, public health, tribal treaty obligations, and communities. According to the EPA, the metal mining industry is the Nation’s top toxic polluter.

H.R. 761, promoted by the mining industry, broadly defines critical and strategic minerals as those that support domestic manufacturing, agriculture, housing, telecommunications, healthcare, transportation infrastructure, or the Nation’s economic security and balance of trade. This definition of "critical minerals" is so broad that common hardrock minerals like copper could be considered for fast tracking of the permit process. This would include highly controversial sulfide mining proposals in watersheds that drain into internationally important waters, including the proposed PolyMet open pit copper mine in the Lake Superior watershed and the proposed Twin Metals copper mine that borders the Boundary Waters Canoe Area Wilderness.

H.R. 761 also eliminates or weakens longstanding congressional mandates, including the National Environmental Policy Act (NEPA), the Endangered Species Act, and the Federal Land Policy and Management Act of 1976. It would instead require the BLM and Forest Service to “maximize mineral development” and ensure that “more of the mineral resource can be brought to the market place.” An agency’s authority to minimize impacts or reduce impacts over time would be severely curtailed. Current definitions of fill material under Section 404 of the Clean Water Act already allow mining companies to dump mining waste into streams, rivers, lakes, and wetlands. H.R. 761 ignores the billions of gallons of water necessary for mining operations and the impact to aquifers and drainage of watersheds.

H.R. 761 is corporate welfare in the form of destruction of our public lands for multi-national mining company profits. It fails to consider monetary compensation for the taking of our metals. It neglects to address the mining impacts of loss of public lands and degradation of water supplies for future generations, the harm to wildlife and their habitat, and the destruction of

ecologically significant wetlands and waters--all equally important to our nation's security and well-being.

Public participation in decisions about the effects of mines on local communities would also be limited by H.R. 761. Public input is a valuable aspect of the environmental review process because it leads to better decision making. Environmental documents prepared during the review provide information to the agencies, other governmental unit decision-makers, and the public about the full set of potential environmental risks associated with a proposed project, and avenues for avoiding environmental damage. The intent of H.R.761 is to bypass complete and full environmental review that protects the public interest and common welfare.

It is important to note that although the bill is focused on newly designated critical minerals, the bill will impact non-critical minerals as well. Many minerals, including rare earth elements, are found together and are not mined alone; such minerals are often not in high enough concentrations to mine economically unless in combination. By fast-tracking and limiting environmental review for rare earth and other minerals deemed critical, Congress is in effect doing so for any mining operation that has a so called "critical mineral" as a by-product. H.R. 761 ignores the fact that multi-national mining conglomerates finance and profit from mines in the United States and sell metals on the global market. There is no guarantee that any mineral mined as critical would actually be sold or used domestically.

We respectfully request that you oppose H.R. 761, the National Strategic and Critical Minerals Production Act of 2013, in its entirety. We need full and complete National Environmental Policy Act (NEPA) environmental review to protect our waters, wildlife and our communities. The bill allows lead agencies to determine that a project is "not a major Federal action," a backdoor way of waiving NEPA, with its environmental analysis, disclosure, and public involvement requirements. The bill includes limits on legal review and relief and removes plaintiff cost and fee awards as required by the Equal Access to Justice Act.

H.R. 761 would silence community and environmental concerns when new mines are proposed. Please vote "no".

Sincerely,

*Alliance for Sustainability* - Sean Gosiewski

*Audubon Minnesota* - Don Arnosti

*Center For Biological Diversity* - Marc Fink

*Earthworks* - Jennifer Krill

*ElyMinnesota.com* - Richard Watson

*Environment Minnesota* - Samantha Chadwick

*Friends of the Boundary Waters Wilderness* - Betsy Daub

*Friends of the Cloquet Valley State Forest* - Kristin Larsen

*Izaak Walton League of America, Minnesota Division* - Larry Dolphin

*Izaak Walton League of America, Walter J. Breckenridge Chapter* - Steven Schaust

*League of Women Voters Duluth* - Gay Trachsel

*League of Women Voters Minnesota* - Laura Frederick Wang

*Minnesota Center For Environmental Advocacy* - Kathryn Hoffman

*Northeastern Minnesotans for Wilderness* - Becky Rom

*Protect Our Manoomin* - Robert DesJarlait

*River Point Resort & Outfitting Co. Ely, MN* - Jane and Steve Koschak

*Save Lake Superior Association* - Le Roger Lind

*Save Our Sky Blue Waters* - Elanne Palcich

*Sierra Club North Star Chapter* - Lori Andresen

*Sled Dogs To St. Paul* - Frank Moe

*Western Lands Project* - Janine Blaeloch

*Wetlands Action Group* - Bob Tammen

*Wilderness Watch* - Kevin Proescholdt