



U.S. Department of the Interior
Bureau of Land Management

News Release

Eastern States Office

FOR IMMEDIATE RELEASE

Date: March 25, 2020

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Federal Court Affirms the Department of Interior's Decision to Renew Twin Metals' Leases

WASHINGTON – Days ago, Judge Trevor McFadden of the U.S. District Court for the District of Columbia affirmed the Department of the Interior's (DOI) decisions to reconsider denying renewal of two Twin Metals Minnesota LLC (TMM) hardrock mineral leases in northeastern Minnesota, and to renew those leases. Judge McFadden ruled that, "Interior timely corrected an error that would have deprived Twin Metals of its right to valuable leases[.]"

The judge's March 17, 2020, ruling upheld a Dec. 22, 2017, DOI legal opinion that determined "the terms of the original leases issued to Twin Metals' predecessor-in-interest in 1966 remain the operative provisions governing lease renewal. The original 1966 leases provide Twin Metals with a non-discretionary right to a third renewal, subject to readjusted terms and conditions as allowed by the 1966 leases. Accordingly, while the United States maintains discretion to impose reasonable new terms and conditions in the lease renewal agreements, the BLM does not have the discretion to deny the renewal application."

"Not only does this ruling affirm the Department's decision-making on these non-discretionary renewals," said William Perry Pendley, Deputy Director for Policy and Programs, Exercising the Authority of the Director, Bureau of Land Management (BLM), "it also unencumbers the Bureau of Land Management's legal obligation for overseeing the potential development and production of certain minerals that are vital to the Nation's security and economic prosperity."

On Dec. 18, 2019, TMM submitted its proposed mine plan of operations for a mine to produce copper, nickel, cobalt, and precious metals. The BLM, in coordination with the U.S. Forest Service, will now prepare a detailed Environmental Impact Statement (EIS) to thoroughly analyze the potential environmental impacts of the proposed mine. Public involvement at the scoping and draft EIS phase will be conducted in accordance with 40 C.F.R. § 1506.6 and is an important part of the NEPA process.

"Under President Trump's leadership and direction from the Secretary, this proposed mine may reduce the vulnerability to disruption of critical mineral supplies. If the plan of operation is approved, you can rest assured knowing that development and production of critical minerals is done in an environmentally responsible, regulatory-consistent, and economically feasible manner," Pendley said.

In addition to the proposed mine plan of operations, TMM also has a pending preference-right lease application for lands on which it has prospecting permits. The BLM anticipates that the analysis of environmental impacts from issuing or denying this lease will overlap with the analysis of impacts from the development of the mine, and the Bureau will consider both the preference-right lease action and the proposed mine in the same EIS.

“Interior will prepare a detailed EIS to analyze the potential environmental impacts from the proposed mine,” stated Pendley. “The Bureau is entrusted with managing these onshore federal mineral resources on the basis of multiple use and sustained yield, which includes facilitating their development while also mitigating of environmental impacts,” he added.

Both of the proposed actions – the new preference-right lease and the mine – are subject to the U.S. Department of Agriculture, Forest Service’s approval.

While the Bureau will not be preparing a joint EIS with the State of Minnesota, which announced on Nov. 22, 2019, that it will prepare an independent, state-only EIS for the proposed project, “the Bureau will continue to work cooperatively with the State of Minnesota,” stated Pendley. “Reducing potential duplication of effort, as well as coordinating reviews of the project, especially on data submittals, analytic approaches, and public participation will be mutually beneficial,” he added.

Consistent with Executive Order 13817, *A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals*, signed by President Trump on March 26, 2017, and Secretarial Order 3359, *Critical Mineral Independence and Security*, mining on public lands balances conservation strategies and policies with the need to produce minerals that add value to the lives of all Americans by providing raw materials used in the manufacture of green technologies, medical aids, automobiles, smart phones and computers, and household appliances.

-- BLM --

The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. In fiscal year 2018, the diverse activities authorized on BLM-managed lands generated \$105 billion in economic output across the country. This economic activity supported 471,000 jobs and contributed substantial revenue to the U.S. Treasury and state governments, mostly through royalties on minerals.