nmw

northeastern minnesotans ***for wilderness*** **Summer 2008**

As you will see in the accompanying Report to the Membership, NMW has puts lots of words on paper in recent months – chiefly comments on various proposed SNF projects. Our limited number of writers needed additional time to produce a newsletter. We regret not publishing a newsletter earlier in the year. (Additional volunteers are sorely needed for our several writing efforts.)

We have adopted a simplified newsletter format. Because of additional costs (metallic sulfide mining communications, legal advocacy, and public information and education), NMW decided to reduce newsletter costs by eliminating professional design and setup, and higher quality paper and printing. The savings will be allocated to wilderness advocacy.

Annual Meeting, October 12

The 2008 NMW Annual Meeting will be held Sunday, October 12 at Silver Rapids Lodge. Silver Rapids is located on Cty. Hwy. 58/16, 3$^{1/2}$ mi.E of Hwy 169 (NE of Ely). The meeting will begin at 1:00 pm and conclude by 4:00. We will follow the format of last year, beginning with a few brief reports and devoting most of our time to member discussion and recommendations concerning the several major issues facing NMW.

Bunker Hill Mine Waste Pit, Coeur d'Alene, ID. The site was declared a Superfund Site in 1983 and was taken over by EPA after a major investor declared bankruptcy. A $100M lawsuit was filed by EPA against the current owner to cover cleanup costs. Note the rubberized liner surrounding the pit. Liners are prone to failure. Similar liners are proposed for metallic sulfide mining in Minnesota to contain drainage from mining waste and from unused waste rock.

Oppose SNF Gift to Mining Interests

Senators Klobuchar and Coleman, and Representative Oberstar have introduced legislation that would force USFS to sell approximately 6700 acres of FS land to PolyMet Corporation for a copper-nickel strip mine in NE Minnesota. This is blatant private interest legislation and should be opposed on a number of grounds. The sale would occur without determining the public's interest and without environmental review. FS cannot allow a strip mine on the property so PolyMet must acquire the land to construct this type of mine. Normally a transfer would be accomplished through a land exchange with proper environmental review and determination that the exchange is in the public's interest.

Sen. Klobuchar is the key player. Call her office at **(202) 224-3244** and request she withdraw support for S3411. Likewise, call Rep. Oberstar's office at **(202) 225-6211** and urge him to withdraw H.R.4292.

NMW: A Grassroots Advocacy Group Protecting the BWCAW and Other Wild Places

P.O. Box 625, Ely, MN 55731 ● www.nmw.org

Update on Metallic Sulfide Mining

Efforts to implement metallic sulfide mining (MSM) in Northeastern Minnesota have continued unabated since we reported the basic dangers of MSM to you in the fall '07 Newsletter. NMW and colleague organizations have increased our efforts to inform the public of MSM dangers and to convince politicians and agencies to enact appropriate protective legislation and regulations. Our limited results to date suggest the effort will be uphill and will require sustained effort over a number of years.

PolyMet. The first project up for approval (permitting) is the PolyMet Project west of Babbitt with the processing facility and tailings waste to be located in the vacated LTV facilities near Hoyt Lakes. The EIS (Environmental Impact Statement) is now expected to be

released for public comment in October. All indications are that PolyMet expects to obtain quick approval and to begin operations soon after.

We will analyze and comment on the PolyMet EIS to the best of our abilities. Commenting on proposed mining operations in an EIS demands considerable technical expertise, well beyond the resources of NMW. NMW has contracted for basic technical analysis from the Montana based Center for Science in Public Participation. The analysis has been funded by a grant from Freshwater Future. NMW will continue to cooperate with larger organizations. National organizations have entered similar conflicts such as the Eagle Project near Marquette, MI. The potential threats to the BWCAW and Lake Superior may enlist similar support.

The most significant specific threat from PolyMet is to Lake Superior. Waste drainage would flow through the St. Louis River in the Lake Superior Watershed.

Duluth Metals and Franconia. Test drilling has taken place for projects in the vicinity of Birch Lake, the S. Kawishiwi River, and within a mile + of the BWCAW boundaries in that area. The Franconia project involves test drilling under Birch Lake. Mining would occur in a tunnel under the lake, adding the additional risk associated with this type of project. Duluth Metals has also taken an option for a processing plant and mine waste containment area S. of Birch Lake, W. of Babbitt (the Dunka Pit site). This would place processing and containment operations within about 10 mi. of the BWCAW.

Waste drainage from Duluth Metals and Franconia projects would flow into the Rainy River Watershed, beginning with the S. Kawishiwi R. and flowing through the White Iron Chain of Lakes (near Ely) and into the BWCAW. Mining and processing operations will intrude substantially on wilderness and the wilderness experience. Already, test drilling can be heard by area residents near the BWCAW.

Metallic Sulfide Mining Legislation in Minnesota. Metallic sulfide mining laws and regulations in Minnesota are inadequate to the task of controlling potential damage from MSM. Cooperating organizations have taken two important initial steps to secure legislation. The first was to secure a Legislative Hearing on MSM January 25 at the Capitol. The primary environmental presentation was by David Chambers, PhD, Director of the Center for Public Participation in Science. Member Bob Tammen from Soudan presented on behalf of NMW.

A second significant action was to obtain introduction of legislation concerning MSM. The Financial Assurance of NonFerrous Metallic MineralMining Operator Bill was introduced as HF4067 by Rep. Wagenius and as SF3751 by Sen. Dibble. This was an important step but the proposed legislation in its current form is not up to the task of controlling for potential damage in the judgment of NMW and others. The legislation was introduced rather late and made little progress during the session.

Federal Mining Legislation. NMW has joined with other organizations to promote revision of the 1872 General Law on Mining. The current law offers little protection to the environment and fails to provide for substantial revenue from mining operations on Federal Lands. Our efforts thus far have been confined to "sign on" letters supported by multiple organizations. The legislation was passed by the House (H.R. 2262) but has not been taken up in the Senate.

One irony is that the current law does not apply to Minnesota. According to information from the Bureau of Land Management, Minnesota was among a number of Midwestern states removed from the law in 1874. Minnesota is now covered under the 1947 Acquired Lands Act according to our BLM source. This does not negate our role in promoting good legislation; but it does complicate the effort.

NMW Efforts to Protect Superior National Forest Inventoried Roadless Areas

Inventoried Roadless Areas (IRA) has become a major priority in recent NMW efforts. Preserving these areas (66,000+ acres) within Superior National Forest (SNF) has been a primary goal of NMW comments on SNF plans and projects and has been a significant factor in two of the current lawsuits filed by NMW and other organizations against USFS (The Forest Plan Lawsuit filed in '04 and the Echo Trail Project suit filed in '07). The current protection for IRA is a '01 Administrative Rule, now under Federal Court protection after having

been terminated by the Bush administration in '05. A campaign is now underway to more permanently protect IRA through legislation. NMW is actively involved in this campaign.

The NMW Mission emphasizes the preservation and protection of "wilderness and other wild places." Wilderness in Northeastern Minnesota is understood to be the BWCAW. "Other wild places" is less well understood. The major source of "other wild places" in NE Minnesota is the 66,000 acres of IRA located in Superior National Forest (SNF).

The term, "Inventoried Roadless Area" is a USFS designation. Beginning in the 1920's, FS inventoried and designated "Primitive Areas" including much of the current BWCAW. The 1964 Wilderness Act lead to the Roadless Area Review and Evaluation (RARE) to identify the wilderness potential of National Forest System (NFS) acreages greater than 5,000 acres. The then BWCA (now BWCAW) was created out of this evaluation. The history of IRA since 1964 has been one of progress, proposed but never successful legislation, a mixture of administrative compliance and foot dragging, and court challenges.

The National Forest System currently has 144 million acres in 44 states. Of these, 35 million have permanent protection as Wilderness and 58.5 million have court backed administrative protection as IRA. The remaining NFS 100 million acres have no such protection and are characterized by 380,000 miles of roads, commercial logging, and other activities that may impede sustainable forest preservation.

IRA have significant value as part of the Nation's National Forest System. IRA:

- provide the undeveloped, unroaded areas for many people who truly desire to work hard to reach the remote habitat they want for hiking, hunting, camping, and more,
- Constitute the core acreage for future designation as Wilderness in the rapidly urbanizing USA
- harbor fish and wildlife whose habitat in many other forest areas has been fragmented or destroyed, and provide secure and resting habitat for wildlife species that is often not available elsewhere on National Forests,
- provide some of the best trout fishing, hunting, hiking, and family camping in the nation,
- safeguard the source of clean drinking water for 60 million Americans,
- offer opportunities for scientific study and research.

More specific arguments are offered by NMW and colleague organizations concerning the 66,000 acres of IRA in SNF:

1) Protected roadless areas, especially those along the periphery of the BWCAW, are critical to preservation of the BWCAW itself. All along the edge of the designated wilderness, the BWCAW sees negative impacts such as illegal motorized incursions, the spread of invasive species, and noise from traffic outside spilling into the BWCAW. Protected roadless areas provide a buffer for the BWCAW and keep these detrimental impacts farther away from the wilderness itself.

2) Wilderness visitation of the BWCAW is currently at capacity. The BWCAW is the most heavily visited unit in the entire 702-unit National Wilderness Preservation System. The Forest Service views the BWCAW as "at capacity" for visitation, and no longer participates in efforts to increase the numbers of visitors to the BWCAW. More wilderness is needed to handle the demand.

3) Additions to the BWCAW, and alternative opportunities for a wilderness-like experience, are needed. Roadless areas provide the primary source of lands on the Superior to which wilderness status may eventually be granted. Even if never granted wilderness status, wilderness-like alternatives should be maintained by protecting roadless areas. Going back more than 30 years, the Forest Service has refused to recommend a single acre of the Superior for wilderness; it has taken the conservation community and Congress to make additions to the BWCAW over the objections of the agency. The Friends of the Boundary Waters Wilderness, for example, has recommended about 90,000 acres of additions to the BWCAW, but these recommendations have fallen on deaf ears at the Forest Service.

4) Eastern National Forests, including both National Forests in Minnesota, have special needs for roadless area protection. Because of more extensive intrusion and development, Eastern National Forests have a much tinier proportion of their lands inventoried as roadless areas than do many western states. In Montana, for example, 38% of National Forest land is classified as roadless areas; in Minnesota, the figure is only 2%. And the benefits of permanently protecting these smaller proportions of

National Forests in eastern states clearly outweigh the costs of lost timber production.

5) The U.S. Forest Service has persistently tried to undo the conservation rule protections for the roadless areas. Nationally, the Bush Administration has maneuvered continuously to eliminate the protections of the Roadless Area Conservation Rule. Within SNF, USFS has sought to build roads into and log roadless areas in such places as the Echo Trail Project Area, an action that has resulted in current litigation by the environmental community. Clearly, the roadless areas need permanent protection or they will be lost as the unique resources they are to current and future generations.

NMW continues its efforts to protect SNF IRA. We have commented most recently on the threats to an IRA in the proposed SNF Glacier Project (NE of Ely along the Fernberg RD and SE along Hwy. 1.) We will similarly scrutinize future projects as they are proposed.

More permanent protection for IRA would be provided through passage by Congress of S1478, the Roadless Area Conservation Act sponsored by Senator Cantwell (D-WA) and 18 bipartisan colleagues. In January, NMW, along with 15 other conservation, hunting, fishing, and wilderness advocacy organizations, met with Senator Amy Klobuchar (DFL-MN). The purpose of the St. Paul meeting was to urge Senator Klobuchar to join her colleagues as a co-sponsor of S1478. The meeting was informative but has yet to produce the desired outcome. NMW has also signed on to several national letters by coalitions of organizations in support of S1478. NMW urges our membership to contact Senator Klobuchar and others in support of S1478.

NEW U.S. FOREST SERVICE FACILITY IN ELY

In May the Kawishiwi Ranger District of the U.S. Forest Service dedicated its newly completed facilities located just E of Ely. The site's numerous components include a large public reception and interpretive area, wildlife displays, BWCA permit issuing station, modern office space, cafeteria, meeting rooms, equipment storage space and a host of other complexes. This new headquarters gathers for the first time all of the District's departments under one roof. In addition to the one main building are a multi-stall garage, a large warehouse and a bunkhouse for volunteers and firefighters. The site currently serves 60-100 employees.

Perhaps most noteworthy is the new headquarters' participation in LEED, (Leadership in Energy and Environmental Design Green Building Rating System) which is a voluntary, consensus-based national rating system for developing high-performance, sustainable buildings. LEED addresses all building types and emphasizes state-of-the-art strategies in five areas: sustainable site development, water savings, energy efficiency, materials and resources selection and indoor environmental quality. Examples include minimal site disturbance during construction, limiting the use of potable water for landscape irrigation, extensive use of recyclable materials, and many large well-insulated windows providing light to work areas. Overall, the Forest Service should be congratulated on achieving a great building and genuine resource for the public.

Visit NMW at the Ely Harvest Moon Festival, September 5-7

Once again, NMW will have an information booth at the Harvest Moon Festival. Festivals provide a splendid opportunity to inform the public about wilderness, threats to wilderness and wild places, and NMW efforts to overcome these threats. We participated in the Ely Blueberry Arts Festival in July and next year plan to expand to the Grand Marais Fishermen's Picnic in late July. Additional volunteers are needed.