

June 4, 2021

The Honorable Lloyd J. Austin III
Secretary of Defense
Department of Defense
1000 Defense Pentagon
Washington, DC 20301

The Honorable Deb Haaland
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

RE: Critical Minerals and American Public Lands

Dear Secretaries Haaland and Austin,

The undersigned hunting, fishing and conservation organizations are writing to share our perspective regarding critical minerals and securing the raw materials for clean energy technologies. President Biden's Executive Order America's Supply Chains (EO 14017) called upon the Department of Defense, in coordination with other agencies such as the Department of the Interior, to provide recommendations to address risks to supply chains for critical minerals and other strategic materials. This letter is intended to not only address issues identified in EO 14017, but to also inform subsequent policy development and implementation of strategies.

Our organizations represent hundreds of thousands of hunters and anglers nationwide who share in a collective belief that healthy public lands are essential to sustaining our hunting and angling traditions. Additionally, we believe that America must have a comprehensive strategy to secure these raw materials for renewable energy technologies in ways that don't compromise important fish and wildlife habitat and outdoor recreation. To be clear, we are not categorically opposed to mining, including on public lands, and much progress has been made in the field to minimize impacts from mining operations, including greater consideration of fish and wildlife habitat. However, mining is not appropriate in all locations and great care must be exercised in the planning, siting, operations and reclamation of all mining projects.

The need to balance responsible mining with public land values, including quality hunting and fishing opportunities, clean water, and outdoor recreation is an immense challenge. The issue of critical minerals has only elevated this task and conserving fish and wildlife habitat must be central to the Biden Administration's strategy to secure supply chains for critical minerals. Accordingly, we offer you the following recommendations to help strike this delicate, but critical balance.

Reduce demand.

Before seeking new sources of raw materials, we recommend advancing policies that prioritize and fully utilize alternatives, such as recycling, substitutes to critical minerals, reprocessing old mine waste piles and ash material, and engineering advancements to more efficiently utilize mineral resources. Doing so will not only help secure supply chains, but also reduce the need for new mines and their attendant environmental impacts. For these reasons we urge support for legislative proposals like the bipartisan Battery and Critical Mineral Recycling Act of 2021, sponsored by Senators King (I-ME) and Burr (R-NC). This legislation provides a framework to address these issues and spur innovation needed to scale up technologies that will supplant demand for new sources of critical minerals.

Map and avoid high-conflict areas.

The 2020 year-end omnibus spending package incorporated the Energy Act of 2020, including elements of the American Mineral Security Act, legislation sponsored by Senators Murkowski (R-AK) and Manchin (D-WV). Included in this law is a requirement for the United States Geological Survey (USGS) to conduct,

within four years, a comprehensive assessment of known and undiscovered critical mineral resources. When combined with robust spatial analysis of important fish and wildlife habitat and other sensitive natural resources, this assessment should be used to identify both high and low conflict areas. In doing so, the Administration will be able to better focus agency resources to evaluate potential mines where they will have the least environmental and social impacts. We urge USGS and coordinating agencies to prioritize this effort and to undertake robust consultation with state fish and wildlife agencies, as well as interested public stakeholders.

Develop new methodology and list of critical minerals.

In addition to resource assessment, the Energy Act of 2020 directed USGS to develop a “methodology for determining which minerals, elements, substances, and materials qualify as critical minerals” and to publish a list of critical minerals and critical minerals recovered as byproducts and their host minerals. We ask that the administration implement these provisions as soon as practicable. Additionally, we oppose the inclusion of fuel minerals, including uranium, in any list of critical minerals. Furthermore, to be considered “critical,” minerals should be subject to import vulnerability, not just import reliance. Supplies from some allies may be part of secure supply chains, even if those minerals are imported.

Fund authorizations of the Energy Act of 2020.

We support full funding for critical mineral authorizations that Congress approved last year in the Energy Act of 2020. In particular, research programs to recover rare earth elements from coal, coal byproducts and acid mine drainage; critical minerals resource assessments; refining the critical minerals list methodology; and the Recycling Innovation and the Efficiency and Alternatives Program are key provisions to support responsible critical minerals policies. Additionally, the Energy Act of 2020 established the Critical Mineral Recycling and Reuse Research, Development and Demonstration Program, which included key elements of the BATTERY Act of 2020. This program deserves the support of the Administration and full funding.

Conserve special places with high fish, wildlife and outdoor recreation values.

While our recommendation to map high and low conflict areas will help to avoid future conflicts and facilitate responsible mining, presently there are proposals that are simply the wrong mine in the wrong place. In particular, there is a proposed sulfide-ore copper mining upstream of the Boundary Waters Canoe Area Wilderness, Voyageurs National Park, and Canada’s Quetico Provincial Park. Should this mine move forward, it could have catastrophic impacts to fresh water supplies, fish and wildlife habitat, and degrade America’s most visited Wilderness Area. We request that the Biden Administration prioritize protecting this irreplaceable landscape. Notably, Representative Betty McCollum’s (D-MN) Boundary Waters Wilderness Protection and Pollution Prevention Act (H.R. 2794) would withdraw 234,328 acres of public land and waters in the Rainy River Watershed of the Superior National Forest from proposed sulfide-ore copper mining upstream of the Boundary Waters. We urge the Administration to support this legislative effort, and to reinstate the public process to enact a 20-year administrative mineral withdrawal for federally-owned minerals within the Rainey River watershed.

Recover critical minerals while cleaning up abandoned mines.

A long history of mining has left an unfortunate legacy of hundreds of thousands of abandoned mines and it is estimated that 33,000 of these abandoned mines are polluting the environment in the western United States. Runoff from these mines impact watersheds throughout the in the country, but inadequate funding and liability issues have limited the ability for the private sector to play a significant role in the cleanup of these mines. We recommend that the Biden Administration increase federal efforts to work with states and NGOs to increase the pace of abandoned mine clean up, both in eastern

coal country and in western hardrock mining areas. In addition to spurring job creation and improvements to local economies and communities, researchers and the mining industry are finding that certain critical minerals and rare earth elements can be produced as part of mine remediation projects. In other words, we can clean up abandoned mines and produce these minerals at the same time. Policies that support Good Samaritan cleanups of abandoned mines would greatly aid these efforts, and we request that the Biden Administration support funding for abandoned mine land remediation programs, administrative policies that incentivize Good Samaritan mine remediation, and the passage of legislation to provide Good Samaritans with targeted relief from liability stemming from the Comprehensive Environmental Response Compensation and Liability Act and the Clean Water Act.

Critical minerals extraction should help fund cleanups.

An increase in domestic mining for critical minerals will come with impacts, but this can also generate a revenue stream to help offset these impacts by cleaning up thousands of abandoned mines that are polluting the environment. We recommend that you explore options to dedicate a portion of revenues generated from mineral development on public lands, including critical minerals, to offset expenses for mitigation and abandoned mine reclamation.

Conclusion

Thank you for the opportunity to provide our perspective regarding opportunities for the Biden Administration to address supply chain challenges for critical minerals in ways that preserve our hunting and fishing traditions and that fully account for impacts to fish and wildlife habitat and public lands. We appreciate the consideration of our perspective and suggestions. Critical minerals are a 21st century challenge and we need 21st century policies to ensure a responsible path forward – we stand ready to help achieve this objective.

Sincerely,

- Backcountry Hunters & Anglers
- National Deer Association
- Sportsmen for the Boundary Waters
- Theodore Roosevelt Conservation Partnership
- Trout Unlimited