

March 28, 2022

Senator Joe Manchin
Chair, Senate Committee on Energy &
Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Senator John Barrasso
Ranking Member, Senate Committee on
Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

RE: Hearing On Domestic Critical Mineral Supply Chains

Dear Chairman Manchin and Ranking Member Barrasso,

Thank you for holding a hearing on this important issue. The undersigned hunting, fishing and conservation organizations believe that securing the raw materials for clean energy technologies is of vital importance, more so given the ongoing crisis in Ukraine, volatile global commodity markets, and supply chain challenges. Moreover, the critical mineral supply chain challenge presents domestic lands use challenges, and it is imperative that domestic sourcing and mining of these materials doesn't degrade important fish and wildlife habitat and outdoor recreation.

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. 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 – including the Boundary Water Watershed and the Grand Canyon – 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 federal government's strategy to secure supply chains for critical minerals. Accordingly, we offer you the following recommendations to help strike this delicate, but critical balance.

Recycling and 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.

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

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 freshwater supplies, fish and wildlife habitat, and degrade America's most visited Wilderness Area. We request that Congress prioritize protecting this irreplaceable landscape, and recognize we can both protect America's most visited wilderness, and meet the material needs to electrify America's energy grid through a mix of additional domestic mining recycling, reducing demand and avoiding high conflict areas that risk the health of important fish and wildlife habitat. Notably, Representative Betty McCollum (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. Additionally, we support the Forest Service's proposal for a 20-year administrative mineral withdrawal for federally-owned minerals within the Rainy River watershed.

Update outdated mining laws and regulations

On February 22 the Department of the Interior released the administration's Fundamental Principles for Domestic Mining Reform. Included in these principles were initiatives that require action by Congress. We urge the Committee to give consideration to these recommendations, including establishing "a royalty for all minerals extracted from public land." A fair royalty placed on the production of federal hardrock minerals should provide dedicated revenue for abandoned mine cleanups. Nearly every commodity produced on public lands has an associated royalty or sale proceed that is used for restoration or remediation – hardrock minerals shouldn't be any different. Additionally, as domestic mining increases, updating outdated mining laws and regulations is necessary to help to balance mineral development with fish and wildlife conservation.

Map and avoid high-conflict areas

Sec. 40201 of the Infrastructure Investment and Jobs Act established the Earth Mapping Resources Initiative to prioritize mapping and assessing critical minerals. 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, state and federal agencies will be able to better focus resources to evaluate potential mines where they will have the least environmental and social impacts.

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 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. 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. Section 40704 of the Infrastructure Investment and Jobs Act (IIJA) instructed the Department of the Interior to establish an abandoned hardrock mine reclamation program. Unfortunately, this program has yet to be funded, but robust FY-23 appropriations could jumpstart this much-needed initiative, especially when paired with a fair royalty on

hardrock minerals and addressing liability challenges that hamper efforts to clean up abandoned mines.

Conclusion

Thank you for the opportunity to provide our perspective and for holding this important hearing. We stand ready to help the Committee find solutions to the critical minerals challenge that helps to secure supply chains, accelerate the adoption of clean energy technologies and conserve and protect fish and wildlife habitat that sustains our outdoor traditions.

Sincerely,

Backcountry Hunters & Anglers

National Deer Association

Sportsmen for the Boundary Waters

Trout Unlimited

Theodore Roosevelt Conservation Partnership