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North Shore Prospecting

Shae Lindholm

If one wanted to pick a violently controversial issue in the North Shore region of Minnesota, mining and mineral prospecting would be at the top of the list. As someone who lives in the region, this EIS is a demonstration of policies directly relevant to my home, and is why I picked it. “Federal Hardrock Mineral Prospecting Permits” is an EIS originating from 2012 that, like the title of the EIS implies, deals with a request for permits to dig exploratory boreholes in various locations in the Superior National Forest, which would come from the USDA Forest Service and the Bureau of Land Management (BLM).

The EIS covers permits for 29 exploratory boreholes and the environmental impacts from the boreholes, the service roads that would need to be cut, the waste materials from the digging process, etc. There were 5 alternatives proposed for this EIS:

1. No Action, for all intents and purposes a denial of the proposed project.

2. Proposed Action, a granting of permission to the project as it stands with no modification.

3. Noise Reduction, reducing noise levels to 70 DBA at 20 feet from the drilling rig regardless of season or location.

4. Recreational Noise Reduction, generally restricts noise pollution based on specific receptors (areas used for recreation, residences, etc). This alternative is what was selected and authorized by the BLM.

5. Seasonal Noise Reduction, limits drilling operations to the time between November 1 and April 30. Also carries the restrictions of alternative 3 for noise pollution generally, and from alternative 4 near the stipulated receptors.

Alternative 4 was ultimately the alternative selected by the BLM. It specifically limits noise pollution based on proximity to “receptors”, i.e. resorts, residences, campsites, etc. as well as a blanket limit within the BWCAW (Boundary Waters Canoe Area Wilderness), using noise abatement strategies included in alternative 3 (baffles around the drill rig and/or mufflers). Aside from the noise pollution limits, the project will follow MPCA noise requirements as outlined in Minnesota Rules 7030.0040., and otherwise as described in alternative 2, which covers all other restrictions based on regional and national law. Most notable are the other environmental restrictions, including rules surrounding sealing of the boreholes once finished, securing of waste water and tailings, clearing out service roads and pads for drilling, closure of sites and service roads, and disruption of wildlife habitat. I find it interesting that none of these issues were stipulated in the alternatives, just noise pollution (in relation to human experience, not wildlife).

The Superior National Forest covers portions of the Iron Range, and as such is a very mineral-rich area valuable to mining companies. However, it is also a natural preserve, and has an
enormous quantity of natural resources that are protected, and at risk from mining, logging, and other harvesting operations that are allowed to proceed in the forest.

Though the Superior National Forest is considered a protected forest, there are still towns and cities within the area, and almost all have a history with mining. Some, like the cities of Two Harbors and Silver Bay, are still centered around industry (namely iron mining and shipping), while others, like Ely and Tower, have had the mines shut down for years (and decades in some cases), and are more centered around tourism and retirement homes. Pictured here is the historic Pioneer mine in Ely, MN, which has been defunct since 1967 and is located adjacent to the Grand Ely Lodge, a tourist destination in the area.
The relevant agency when it comes to public involvement for this EIS was the Bureau of Land Management, which has a 5 step process as laid out on their website.

Step 1: Notice of Intent. A notice stating the intentions of a given project must be released ahead of the drafting of an EIS, which gives time for individuals and parties to express interest in the project. The Notice of Intent for this EIS was released in the Federal Register, a national newsletter, on December 19, 2008.

Step 2: Public Scoping. A formal scoping project must also be conducted before the drafting of an EIS, to gather information on potential issues relevant to/brought up by the public so they can be addressed in the EIS (potentially leading to alternative plans). In this case a public scoping package was released to all interested parties (individuals, agencies, Tribes, affiliations, organizations and federal, state and local government agencies) on April 1, 2009, and received 150 comments.

Step 3: Draft EIS. After public scoping, a draft EIS and Resource Management Plan can be written. After drafting and release, a minimum 90-day public comment period must be observed so interested parties can weigh in. This EIS received a large number of comments, totalling at 1,736 comments. Additionally, open houses were held in Duluth, Virginia, and Roseville, MN, on the 12th, 13th, and 14th of April, 2011 for public questions and comments.

Step 4: Final EIS and Resource Management Plan. After the comment period for the draft EIS has concluded, a final EIS can be released that appropriately addresses comments. Once the final EIS is submitted, two things happen; a 30-day protest period is initiated where any previously-involved members of the public (i.e. parties who submitted comments during scoping or the public comment period) who may be adversely affected by the proposed plan can voice their concerns, and the EIS and Resource Management Plan are submitted to the relevant state governors to ensure that local, state and federal laws are properly respected. Once all protests are adequately resolved (to the extent practical with federal law, regulation, and policy), the Borough of Land Management State Director may approve the final EIS and RMP.

Step 5: Record of Decision. Once the final EIS and RMP is submitted, the Borough of Land Management renders a decision and releases a record stating the decision, and the reasoning behind it. The signing of this document finalizes the approval of the EIS and RMP, with a final appeal window of 45 days from publication open to those who previously participated in public
comment periods. This EIS had its record of decision signed on May 18, 2012, and the alternative selected for approval was alternative 4.

As stated above, this EIS proposal received over 1,700 comments. Suffice to say, there is a lot of public controversy over anything related to mining in Northern Minnesota. The public comment period was open for 90 days, beginning on April 1st, 2011, and there were three open house opportunities within that period.

The comments received covered a number of topics, including environmental issues and impacts on human experience. “In general, commenters are concerned about the potential social impacts (in particular noise) on local landowners, summer home visitors, Boundary Waters Canoe Area Wilderness (BWCAW) visitors and winter use enthusiasts. Other comments focus on potential impacts to the land, water resources, social and economic impacts, vegetation, soils, wildlife and access. Commenters are also concerned about pollution, the processes used in exploration activities, and the potential for future mineral development. Some commenters are concerned about the administrative side of permitting, such as appropriateness of current environmental laws and regulations and Forest Plan policies. Others are concerned about the adequacy of the analysis and the scope of the project” (Final EIS Statement, page 22). A number of them targeted very specific issues, including human behavior regarding closed service roads in the future and mineral leaching from waste rock brought to the surface. I find it interesting that, regardless of the spread of issues brought up, the only topic deemed worthy of generating alternative EIS plans was of all things noise pollution. I would have expected more emphasis on other environmental factors, namely water pollution (proximity to aquifers, Lake Superior, and smaller lakes is inherent in the region of activity), but I digress.

Unsurprisingly with over 1,700 responses, not all of them are directly addressed. However, some of the more notable or unique concerns are listed and addressed in the appendix of the EIS, and public involvement is addressed multiple times elsewhere in the final EIS. Of note is the clear separation of public comments into two categories: issues that drive alternatives, and issues that do not drive alternatives. Specifically, issues that did not drive alternatives are “: 1) outside the scope of the proposed action; 2) already decided by law, regulation, Forest Plan, or other higher level decision; 3) irrelevant.

to the decision to be made; or 4) conjectural and not supported by scientific or factual evidence; 4) are limited in extent, duration, and intensity, or 5) are mitigated through proposed stipulations” (Final EIS, page 21). The one issue that was identified that did not fall into those stipulations was the issue of noise pollution, and that is the single driving factor behind alternatives 3, 4, and 5.

Something that I find especially odd is that, of the limited number of public concerns directly listed and addressed in the appendix of the EIS (16), none deal with noise pollution. Rather, they all deal with other environmental and social concerns, such as water pollution, human behavior with ATVs, habitat disruption, etc. It reads less like a proper sampling of questions and concerns, and more like a blunt rebuttal of any and all concerns. My favorite is the ATV concern: in short, the individual is commenting on the unfortunate behavior of ATV users to see closed access roads as new trails, hunt off of said ATVs, and generally cause issues that cannot really be mitigated once the path has been cut. The response given does not address most of the question, instead offering a blanket “No temp roads will be left open per Forest Plan direction. Effectiveness of road closures is addressed in section 3.8.4.” (Final EIS, page 261), which is neither helpful nor actually answering the issue. Pictured here are two such “rogue ATV trails”; they not only destroy the natural beauty of the area, but cause wildlife disruption and degrade the soil, causing washouts and generally causing problems. As the commenter notes, there has never been, and indeed isn't a good way to prevent such behavior once the path is there, leaving prevention of the creation of such paths in the first place as the remaining option. I can certainly say that if I was the person who submitted that comment, whether it be in the shoes of a homeowner, DNR officer, or outdoorsman, I would not be happy with the answer I got. Some other responses are more eloquently addressed, but all share the theme of referring to other parts of the EIS or Minnesota Law, even when explained in the response. Overall I would say that while most of the responses do technically answer the questions and concerns, they do not do so adequately as the questions themselves naturally came from people who had already read the draft EIS. Therefore, just pointing back to sections people had already read is less than unhelpful, especially when the question is tangential and not directly related to the policies explained elsewhere in the EIS (such as the ATV question).

Mining in Northern Minnesota is a very controversial issue, especially with people who live and/or spend a lot of time in the Superior Forest and BWCAW. People go to these areas for the natural beauty, which is incompatible with mining. While it’s been too long for me to find any direct info on peoples opinions on the mineral prospecting permits from 2012 outside what is in the EIS, the permits did result in continued interest from mining companies that made headlines more than once recently; in 2016 two mining leases for copper/nickel mining were canceled due to environmental concerns, and in 2018 the Trump administration rushed through the renewal of the previously canceled leases, with hopes of expanding to areas previously surveyed under the 2012 prospecting project. Alison Flint, director of litigation and agency policy at The Wilderness Society, wrote “The rush to approve mining in the region and unwind science-based decision-making by the previous administration violates the law, disregards the science, and ignores widespread public opposition to mining in this beloved and vulnerable area”. Fortunately, as so often happens in politics, the decision was reversed with the revoking of the leases once again by
the Biden administration in early 2022, and seems to finally be put to rest (at least in this specific case).


Overall I am split on the integration of public involvement for this project. On one hand, there was a massive amount of public interest, both in the town halls and in the submitted comments. However, I don't think that environmental concerns voiced by the public were considered, nor were they addressed properly. The only thing that drove alternatives was noise pollution, specifically in the light of disrupting human activity. Not only is this missing the fact that noise pollution is arguably far worse on wildlife, but I find it blatantly disrespectful of the environment that issues from the public like water pollution were not addressed at all when this operation was projected to take place in extreme proximity to one of the last remaining pristine areas in the country. I would give the public an A+ for interest, but the EIS itself gets a D for tunnel vision and disregard for environmental concerns.
Works Cited


