

Franconia Minerals (US) LLC;
 and Twin Metals Minnesota LLC,

 Plaintiffs,

 v.

 United States of America; U.S. Department
 of the Interior; Sally Jewell, Secretary, U.S.
 Department of the Interior; Hilary C.
 Tompkins, Solicitor, U.S. Department of the
 Interior; and Bureau of Land Management,

 Defendants.

Court File No. 16-CV-3042 (SRN/LIB)

I, REBECCA L. ROM, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

1. I reside at 3100 Hartley Point Road, Ely, Minnesota 55731. I grew up in Ely, Minnesota, in close proximity to the Boundary Waters Canoe Area Wilderness ("Boundary Waters" or "Wilderness"). Throughout my life, I have traveled the Boundary Waters extensively with family and friends, by canoe and on foot. I have paddled on the South Kawishiwi and Kawishiwi Rivers, and on Birch Lake, many times. I grew up working in my father's business, Bill Rom's Canoe Country Outfitters. In my early

teens, I worked as a Boundary Waters canoe trip guide, among other things. After college and law school, I clerked for a United States District Judge and then practiced law for more than 30 years at Faegre & Benson LLP (now Faegre Baker Daniels LLP) in Minneapolis, Minnesota. From 2009-2012, I was President of the Twin Cities Community Land Bank. In 2012, I moved back to Ely with my husband, in large part so we could be closer to the Boundary Waters.

2. I am a member of Northeastern Minnesotans for Wilderness (“NMW”) and the Vice-Chair of NMW’s Board of Directors. NMW is a non-profit, tax exempt, charitable corporation, organized under the laws of Minnesota. It was formed in 1996 and is based in Ely, Minnesota. NMW’s mission is to protect and preserve wilderness and wild places in Minnesota’s Arrowhead region, to advocate especially for the protection of the Boundary Waters and Voyageurs National Park and the enhancement of their wilderness aspect, and to foster education about the value of wilderness and wild places.

3. The Boundary Waters is a vast, interconnected network of more than 1,000 lakes and 1,200 miles of rivers and streams, in a landscape-scale mosaic of northern forest and wetlands, rolling hills and cliffs. When the waterways are not ice-covered, the Boundary Waters is canoe country. Lakes are connected not only by streams and rivers, but also by portages that allow paddlers to carry their canoes and packs from one lake to the next. The network of lakes and the energy efficiency of canoe travel make the Boundary Waters one of the most beautiful and accessible Wilderness Areas in the country. At 1,086,953-acres, the Boundary Waters is the largest Wilderness Area east of

the Rocky Mountains and north of the Everglades. According to the United States Forest Service, the surface waters in the Superior National Forest, of which the Boundary Waters is a substantial part, contain 20% of all the fresh water in the entire National Forest System. The Boundary Waters is strikingly beautiful. With every portage, every turn around a point, or every passage through a narrows, a new vista of water, shorelines, pine-covered hills, black spruce and tamarack bogs, cliffs or waterfalls comes into view. Campsites throughout the Boundary Waters offer views of far shores, dramatic skies and paddlers passing through. Visitors can see wolves, pine marten, fisher, moose, otter, mink, beaver, deer and other mammals. Bald eagles, Canada jays, ospreys, broad-winged hawks, barred owls, great gray owls, loons and more than 200 other bird species nest in or pass through the Boundary Waters. Visitors experience a natural soundscape of wind in the trees; waves lapping on the shore; rapids and waterfalls; the slap of a beaver's tail; howling wolves; the calls of loons, thrushes, warblers, ravens and chickadees; and much more. The Boundary Waters is the most-visited Wilderness Area in the U.S. National Wilderness Preservation System. In 2007, managers in the U.S. Forest Service estimated more than 250,000 visits per year, with more than 130,000 visits occurring during the peak period of May 1 to September 30.

4. Voyageurs National Park ("Voyageurs National Park" or "Park") is located in close proximity to and immediately downstream of both the Boundary Waters (1.1 million acres) and Quetico Provincial Park ("Quetico," 1.2 million acres). Voyageurs National Park (218,000 acres) is dominated by some 900 islands spread across 84,000 acres of interconnected lakes and waterways. The aquatic residents of the Park include

snapping turtles, otters and 53 species of fish, including lake sturgeon, walleye and smallmouth bass. Voyageurs National Park may offer the best chance of any National Park in the lower 48 states to hear wolves howl or to see bald eagles on the wing or the nest. All these native animal species and some of the native plants, most notably wild rice, depend on clean water to thrive. Humans, too, are dependent upon and attracted to clean water, and nearly 240,000 people visit the Park each year to fish, swim and boat.

5. NMW has participated in public review and comment processes, and in legal proceedings, involving U.S. Forest Service ("USFS") decisions affecting the Boundary Waters and National Park Service decisions affecting Voyageurs National Park. NMW's participation has included attendance at public meetings hosted by the USFS; review of USFS project descriptions to understand proposed actions; submission of comment letters on some proposed projects; meeting with USFS staff to discuss questions and concerns; administrative appeals of some USFS decisions; and, in some instances, mounting a legal challenge to a USFS decision or action. NMW participated in public review and comment processes relating to Voyageurs National Park, and in particular the development of the management plan for the Park. From 1996 to 1999, NMW was an active member of a national coalition of nonprofit conservation organizations that opposed Congressional proposals that would have (i) increased motorized use in the Boundary Waters; and (ii) placed management of Voyageurs National Park and the Boundary Waters under the control of locally-appointed committees. NMW's paramount concern in recent years has been to oppose proposals to develop sulfide-ore copper mines within the watershed of the Boundary Waters and Voyageurs National Park (Rainy River

Drainage Basin) and very close to the Boundary Waters Wilderness boundary. To that end, NMW and its members have met with many elected leaders in the State of Minnesota and members of the Minnesota Congressional delegation, explaining the threat posed by proposed sulfide-ore copper mining in the watershed of the Boundary Waters. NMW and its members participated, including through the Campaign to Save the Boundary Waters, in the 30-day public input period and both public listening sessions held by the USFS, offering input on its decision as to whether to consent or withhold consent to a renewal of the plaintiffs' expired mineral leases. During the 30-day public input period, NMW and its Campaign partners collected and delivered more than 74,000 petition signatures asking the USFS to withhold consent. NMW also delivered scientific papers and journal articles to support the position that the USFS should withhold its consent.

6. NMW is the founder of, and is the lead organization of, the Campaign to Save the Boundary Waters ("Campaign"). The Campaign draws support from residents and property owners in Northeastern Minnesota and throughout the state, and from many other states; faith organizations; local, regional and national environmental organizations; Northeastern Minnesota resorts and outfitting businesses; regional, national and international businesses; hunting and fishing conservation organizations; military veterans organizations; youth organizations; individuals from across the nation and the world who vacation in or near the Boundary Waters and/or the Park; local, state and national elected leaders; and more. The Campaign seeks to permanently protect the Boundary Waters and Voyageurs National Park by keeping sulfide-ore copper mining out

of the watershed. NMW's current membership includes more than 5,300 individuals and businesses, all of whom have contributed financially to NMW. NMW members enjoy, appreciate and benefit from the natural resources in the Superior National Forest, the Boundary Waters and Voyageurs National Park, especially the waters, lands, plant communities and wildlife in the Boundary Waters and the Park, and have had a long-standing interest in lynx, moose, wolf and forest conservation in the Boundary Waters and the Park and across the Superior National Forest. The interests of NMW and its members in the protection, use, and enjoyment of the Boundary Waters and the Park would be harmed if the March 8, 2016 Memorandum Opinion ("Memo. Opinion"), issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of two expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be invalidated. If the Memo. Opinion were invalidated, the federal agencies would have no discretion, and would be required to renew two expired mining leases without consideration of scientific analysis of the impact of habitat destruction and mining pollution in the watershed of the Boundary Waters and the Park, without regard for the highly valuable lands and waters at risk, and without regard to the special protections afforded the Boundary Waters and Voyageurs National Park set forth in paragraph 11 below.

7. In addition to its members, NMW counts more than 93,000 different individual supporters, who collectively hail from all 50 States. Supporters have signed NMW petitions calling for the protection of the Boundary Waters and the Park, provided

their contact information, promoted an event or message from NMW and/or the Campaign, or otherwise aided NMW's efforts to protect the Boundary Waters and the Park permanently by keeping sulfide-ore copper mining out of the Boundary Waters/Park watershed.

8. NMW's 33 partner organizations in the Campaign – including many national wilderness protection, hunting and habitat conservation, and environmental organizations – reach a combined total membership of more than 17,000,000 people across the U.S.

9. As amply demonstrated for decades throughout the western United States, the biggest single threat from sulfide-ore copper mining is the pollution of water.

10. Scientific reports show that low buffering capacity of water and soil and the interconnection of lakes and streams make the Boundary Waters/Voyageur National Park watershed particularly vulnerable to the impacts of sulfide-ore copper mining. Sulfide-ore copper mining would inject sulfuric acid, sulfides, sulfates and heavy metals into the watershed. From the location of the expired mineral leases held by Twin Metals Minnesota, water flows into and through the heart of the Boundary Waters, through the Quetico along the U.S. border, and finally into Voyageurs National Park. Consequently, clean water – the natural asset most essential to the health of the Boundary Waters, Quetico, and the Park – is also the resource most at risk of permanent pollution from sulfide-ore copper mining in the watershed of the Boundary Waters and the Park.

11. The Boundary Waters receives special protections provided by the Wilderness Act and the 1978 Boundary Waters Wilderness Act. The Park receives special

protection provided by the National Park Service Organic Act and the 1971 Act establishing the Park. Both the Boundary Waters and the Park are protected through the Clean Water Act, which classifies the Boundary Waters and Voyageurs National Park as "Outstanding Resource Value Waters." This means that any deterioration of the quality of the waters of the Boundary Waters and the Park is prohibited; the quality of waters flowing into the Boundary Waters and the Park must not be degraded.

12. Clean water is and has been one of the signature features of the Boundary Waters and the Park. Many Boundary Waters travelers, including me, drink pure water directly from the lakes.

13. Sulfide-ore mining proposed in the Boundary Waters and Park watershed, immediately adjacent to the Boundary Waters and upstream from the Boundary Waters, Quetico, and the Park, would threaten to pollute clean water and damage the important forest habitat used by many types of wildlife. Sulfide-ore mining has a consistent record of devastating environmental harm, including contaminating waters, degrading forests, and unpredicted, catastrophic spills of toxic materials. There are inherent risks to sulfide-ore mining, and data from the U.S. Environmental Protection Agency show sulfide-ore mining to be the biggest generator of toxic waste in the nation. It makes no sense to me to place such a polluting industrial mining activity within the watershed of, and upstream from, the Boundary Waters, Quetico, and the Park.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: October 27, 2016.


REBECCA L. ROM

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Franconia Minerals (US) LLC;
 and Twin Metals Minnesota LLC,

 Plaintiffs,

 v.

 United States of America; U.S. Department
 of the Interior; Sally Jewell, Secretary, U.S.
 Department of the Interior; Hilary C.
 Tompkins, Solicitor, U.S. Department of the
 Interior; and Bureau of Land Management,

 Defendants.

I, Kevin R. Dupuis, Sr., respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

2. The Band is a federally recognized Indian tribe, and one of the member bands of the Minnesota Chippewa Tribe (“MCT”).

3. The Band, along with two other MCT Bands, Grand Portage and Bois Forte, retain hunting, fishing, and other usufructuary rights that extend throughout the

entire northeast portion of the state of Minnesota (the “Ceded Territory”) under the 1854 Treaty of LaPointe.

4. In the Ceded Territory, all the Bands have a legal interest in protecting natural resources.

5. All federal agencies share in the federal government’s trust responsibility to the Bands to maintain those treaty resources.

6. The Band is concerned with the prospect of a series of sulfide-ore copper mines being developed in the headwaters of the Boundary Waters Canoe Area Wilderness (“BWCAW”). The BWCAW watershed is located on the Minnesota/Ontario border and is entirely within the 1854 Ceded Territory. The BWCAW watershed is comprised of a vast area of pristine, interconnected waterways that have been used by the Chippewa for centuries. Low buffering capacity of water and soil and the interconnection of lakes and streams make the BWCAW watershed particularly vulnerable to the impacts of sulfide-ore copper mining.

7. Sulfide-ore mining proposed in the BWCAW watershed, immediately adjacent to the BWCAW and upstream from it, would threaten to pollute pristine water and damage the important forest habitat used by many types of wildlife. Sulfide-ore mining has a consistent record of devastating environmental harm, including contaminating waters, degrading forests, and unpredicted, catastrophic spills of toxic materials. There are inherent risks to sulfide-ore mining, and data from the U.S. Environmental Protection Agency show sulfide-ore mining to be the biggest generator of toxic waste in the nation. It makes no sense to place such an industrial activity within the BWCAW watershed and within the Ceded Territory upon which the Band relies.

8. The quality of natural resources within the BWCAW watershed, and hence the usufructuary interests of the Band and Band members in those resources, would be harmed if sulfide-ore mineral leases were to be renewed in the watershed of the BWCAW. Cumulative risks of large sulfide-ore copper scale mining in the sensitive environment of the BWCAW watershed have never been addressed. Until a “big picture” environmental review is complete and an examination of cumulative risks is in hand to

answer the question of whether sulfide-ore copper mining is appropriate within the watershed of the BWCAW, renewal of expired mining leases within the watershed of the BWCAW should be denied.

9. As Northeastern Minnesotans for Wilderness ("NMW") seeks to protect the BWCAW and its watershed by keeping sulfide-ore copper mines out of the watershed, and as the lands and waters of the BWCAW and its watershed are entirely within the 1854 Ceded Territory, NMW's efforts to protect the BWCAW by protecting its watershed aid and are compatible with the exercise by the Band and Band members of retained usufructuary treaty rights.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: September 23, 2016.



KEVIN R. DUPUIS, SR.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Franconia Minerals (US) LLC; and Twin Metals Minnesota LLC,	)		
	)		
	)		
Plaintiffs,	)		Court File No. 16-CV-3042 (SRN/LIB)
	)		
v.	)		
	)		
United States of America; U.S. Department	)		
of the Interior; Sally Jewell, Secretary, U.S.	)		
Department of the Interior; Hilary C.	)		
Tompkins, Solicitor, U.S. Department of the	)		
Interior; and Bureau of Land Management,	)		
	)		
Defendants.	)		
	)		

DECLARATION OF STEVEN J. PIRAGIS

I, Steven J. Piragis, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules that the following statements are true and correct:

1. I am and have been an active member of Northeastern Minnesotans for Wilderness since 1996, and I serve as a member of the organization's board.

2. Northeastern Minnesotans for Wilderness ("NMW") was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to

advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and more than 92,000 additional supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection, use, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

3. I have been a resident of the Ely area since 1976. I currently reside with my wife Nancy at 3147 Wolf Lake Rd. Ely, Minnesota 55731. I came to Ely to work as a contractor of the US Environmental Protection Agency (EPA) on the Shagawa Lake Project. My 40-year residency in the Ely area stems from a strong attraction to the town, its people and especially to the surrounding wilderness.

4. My first canoe trip into the BWCAW was in 1975 with my wife Nancy. As youthful biologists from the long-industrialized New England, we were amazed to see other canoeists drinking the water right out of the lakes. We quickly adopted this, and to this day we remain overwhelmed with awe that such a place in the heartland of our continent remains this clean.

5. I co-own Piragis Northwoods Co., Inc., located on Central Avenue, the main street of downtown Ely. Nancy and I started our business in 1979 to serve the needs of wilderness paddlers coming to this canoe area destination and the outdoor needs of the local populous. In the last 40 years, we have grown steadily to the point where we today

employ 18 full-time, year-round staff. In the peak summer months, this number rises up to 55 employees. Our payroll now exceeds one million dollars. We are proud of our contribution to the local economy through our employment and emphasis on local spending.

6. My work with the EPA in Ely led to my obtaining a Master's Degree in Zoology with a specialty in limnology from The University of New Hampshire. With my knowledge of limnology, I am aware of the delicateness of unspoiled waters such as those in and around the BWCAW. The potential damage to these waters by sulfide-ore mining is immense and negatively affects me, my family, and our store's customers. The US EPA has declared sulfide-ore mining to be America's most polluting industry. Specifically, the path of pollution that will eventually result from this type of mining runs right through the middle of our prime canoe routes.

7. I, like most of our clients, enjoy fishing the wilderness lakes of the BWCAW. More than 50 percent of our clients travel by canoe in the region. Any industrialization on the perimeter of the Wilderness will inevitably degrade the wilderness and change the purity of this experience. Basswood Lake lies just downstream from the proposed Twin Metals sulfide-ore mine. If acid and heavy metals pollute the Kawishiwi River, as I believe they inevitably will, Basswood Lake will be among the first to be affected. It would not take long for recreational economy we have worked so hard to develop for the last 100 years in Ely to be adversely affected. The pollution would then continue down the border route made famous by the Voyageurs.

8. The threat that sulfide-ore mining represents hits me and our business at the core of our existence. Hundreds of paddlers pass through our doors each summer, telling us how important this pure wilderness is to their lives and their psyches. The Ely Chamber of Commerce advertises Ely as "the last pure experience." It may not be the last but it is certainly the most important in the lives of the thousands who visit here every year. There is great wisdom in the saying that perception is reality. If we are perceived as less than the "last pure experience," our business will suffer quickly, as will our town and the whole region.

9. My interests in protecting the BWCAW and maintaining its wilderness character, aspect, and soundscape; protecting and improving the quality of water in the lakes and miles of stream and river within the BWCAW, and elsewhere on the Superior National Forest; promoting non-motorized recreation; protecting the aesthetics experienced by visitors to the BWCAW as they enter and depart the wilderness; and running a business that provides outfitting and guiding services to visitors to the wilderness, are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I think it incomprehensible that, with our environmental experience and knowledge today, we could even consider renewing these leases of our federal estate to the interests of any sulfide-ore mining companies, and I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 26th day of October, 2016

s/ Steven J. Piragis
Steven J. Piragis

Franconia Minerals (US) LLC;
and Twin Metals Minnesota LLC,

Plaintiffs,

v.

United States of America; U.S. Department
of the Interior; Sally Jewell, Secretary, U.S.
Department of the Interior; Hilary C.
Tompkins, Solicitor, U.S. Department of the
Interior; and Bureau of Land Management,

Defendants.

I, Darrell Spencer, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

1. I reside with my family at 4826 Drake Road in Duluth, MN. I am a supporter of Northeastern Minnesotans for Wilderness.
2. Northeastern Minnesotans for Wilderness ("NMW") was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to

advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and more than 92,000 additional supporters across Minnesota and the nation. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members – including me – in the protection, use, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

3. I have traveled to and through the BWCAW since 1989. Once I had a chance to explore Superior National Forest and the Boundary Waters Canoe Area as a college student, I knew that Duluth was the place that I would like to spend my life, in large part because of the ready access from Duluth to the BWCAW. My family and I have made up to 10 annual visits to the BWCAW.
4. I attended business school at the University of Minnesota Duluth, and I now own small businesses in Duluth. I have owned and operated multiple retail sporting goods stores and currently I have a sports-oriented online business, which I have owned and operated since 2004.
5. In addition, I run a series of week-long youth sports camps each summer, with a program that focuses on getting kids active and outside, which is important to their healthy development physically and mentally. More than 350 kids total attended my camps this past summer. My camp has an outdoor focus and I really try to promote to

the opportunities for adventure in the Superior National Forest and BWCAW to the campers. We have a water week at camp and we actually get the kids paddling and teach them about water quality in the Arrowhead.

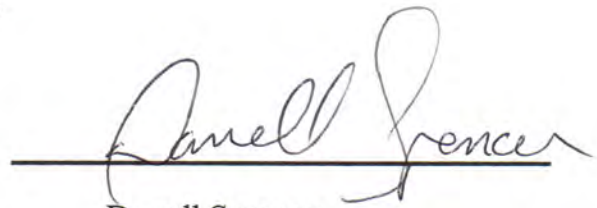
6. The BWCAW has influenced my life in many ways and I feel strongly about protecting it for future generations. Many of my major life events have associations with the BWCAW. My friends planned my bachelor party there, and we spent 7 days exploring the area and celebrating my future marriage. My wife and I continued our trips with our kids and some years we took as many as 10 trips to the Boundary Waters, a few with our boys riding in their car seats in the bow of the canoe. The kids enjoyed fishing, swimming, and exploring. They appreciate the clean water in the BWCA lakes and thought it was special that they could drink directly from the lakes. One of my most memorable trips with my son was a 100-mile round trip that started in the Sawbill area and circled up towards the Ely area. I also did the Border Canoe route with a friend in 7 days and enjoyed navigating across the entire BWCAW.
7. Through my college years I paddled, fished, hunted, and explored the areas in and around the BWCAW. I also guided grouse hunting trips with my college friends in the interior and deer hunted for a few years in the Newfound lake area. Later in life I once again started deer hunting in the BWCAW just north of the proposed Twin Metal Mine. We use canoes and portage in to a remote lake and set up a base camp. I enjoy the wilderness setting, lack of hunters, quality of hunt, and the challenge. My family has eaten many fish, grouse, and deer harvested from the BWCAW. Every year I look forward to my week long deer hunt in the wilderness. It refreshes my soul. Many of my trips were in the Fall, Newfound, and Snowbank lake areas north of the proposed Twin Metal Mines.
8. I do not want a sulfide-ore copper mine to be located in the watershed of the BWCAW. The BWCAW watershed is not a good place for a sulfide-ore copper mine. This type of mining has never been done safely, i.e., every sulfide-ore copper mine in the world that has operated and closed has polluted nearby surface and ground water.

It is crazy to think that anyone would even think of placing that kind of mining in the watershed of one of our national treasures.

9. If allowed, Sulfide-ore copper mining development in the watershed of the BWCAW would inevitably pollute surrounding lakes' groundwater and downstream waters in the BWCAW. The development of a mine would taint the quality and reputation of the BWCAW as a hunting and fishing paradise and harm my enjoyment of the BWCAW as a place to travel through, hunt, and fish. I would worry about my kids, my wife, or myself drinking the water and eating fish caught in the BWCAW. I support the decision of the Solicitor of the Department of Interior that the agencies have discretion to renew the mining company's expired leases; that USFS may withhold its consent to renewal; and that the Bureau of Land Management may decline to renew the mining company's expired mineral leases.
10. I support Northeastern Minnesotans for Wilderness in its work and mission because NMW advances my interests in protecting the BWCAW and its watershed for future generations. The canoe country is a special place that offers some of the best paddling and fishing, and it is the only true wilderness hunting area in Minnesota. Knowing that there was a sulfide-ore copper mine within the watershed of the BWCAW would change the experience and lead me and other users to think that the pristine wilderness may now be polluted. It is not a question of if it will pollute the watershed, but more a question of when. It is not worth the risk!

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 27th day of October, 20016



Darrell Spencer

Franconia Minerals (US) LLC;
and Twin Metals Minnesota LLC,

V.

United States of America; U.S. Department of the Interior; Sally Jewell, Secretary, U.S. Department of the Interior; Hilary C. Tompkins, Solicitor, U.S. Department of the Interior; and Bureau of Land Management,

Court File No. 16-CV-3042 (SRN/LIB)

I, Linda Tomsich, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

2. My husband and I are members of Northeastern Minnesotans for Wilderness, and have been donors and volunteers on behalf of the Campaign to Save the Boundary Waters.

3. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has thousands of members and supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

4. As a child, I traveled throughout the canoe country now known as the BWCAW with parents, Girl Scouts, and then with Louis as a married couple with our family. Enjoying the wilderness and canoeing has played a significant part in my life.

5. The cabin property which my husband and I now own was purchased by my parents in the mid-1950's. The cabin was moved from Half Dog Island on Basswood Lake in the BWCA in the mid-1960's, and re-assembled on the South Kawishiwi River by my parents. Louis and I also purchased other adjacent properties along the river. These total 96 acres, along with the cabin property, which make up approximately a mile of South Kawishiwi River shoreline including portage 711. Portage 711 is part of two possible routes for Entry Point # 32 and allows access to upper portions of the South Kawishiwi River and beyond. Our portage is unique because vacationers cannot drive to it, rather, they paddle upstream from South Kawishiwi Campground, along our property which has been managed as natural wilderness since we've owned it. With loons, beaver huts, and rugged shoreline it is a foretaste of the beauty that awaits them less than two miles upriver in the BWCA.

6. The proposed mine is within earshot of our property, and the environmental disruption would be devastating. As an example, while exploratory core samples were extracted, we were continuously bombarded by the deafening hum of drilling rigs followed by the concussive thud of explosions from blasting. The noise pollution alone was enough to silence the songs from birds and animals making our property feel eerily devoid of life. If the proposed mining is allowed to take place we will have to endure the constant drone of heavy machinery at the very least. I do not even want to think of what

would happen when pollution leaches into the the creeks and streams that feed into into the South Kawishiwi barely a mile upstream from our property. It will be devastating to me and anyone else that paddles the South Kawishiwi River to enter the BWCA.

7. I graduated from Ely Memorial High School and Vermillion Community College, as did Louis. I then attended and graduated from the University of Minnesota Duluth with a BS in Elementary Education, and later earned a Master's degree from the University of Minnesota in Early Childhood Education. After a 33 year teaching career, I retired in 2007.

8. When Louis retired in 2014, we began to spend more time at our cabin on the South Kawishiwi River, and our love for it and for the surrounding area, including especially the BWCAW, has only grown. We have spent countless weekends working on our forest land, improving our cabin property, fishing, canoeing, snowshoeing, hiking, and cross country skiing along the riverfront.

9. We do not want a sulfide-ore copper mine to be located in the watershed of the BWCAW, let alone so close to the wilderness boundary and to water bodies like the South Kawishiwi River and Birch Lake. The clean and extremely inter-connected lakes and rivers of the BWCAW watershed is not the place for a sulfide-ore copper mine, considering that Environmental Protection Agency data shows this type of mining to be the biggest producer of toxic waste in the country. This type of mining has never been done safely. No sulfide-ore copper mine in the world has ever operated and closed without polluting nearby surface and groundwater.

10. In addition to our desire to protect and enjoy the intrinsically valuable natural attributes that the area lakes provide, my husband and I also have a distinct financial interest at risk. It is unfathomable to think of placing that kind of mining in the watershed of one of our national treasures. Our property is right across the river from the proposed Twin Metals Mine. We are concerned that our well water would become contaminated, that the noise and air pollution from the proposed mine would directly affect our property, and the values of our property would plummet. We need to think long-term about this project and how this will negatively affect us, and everyone else who has used or ever will use this area and the BWCAW.

11. The Ely area and the BWCAW have influenced Louis' life and mine in many ways and we feel strongly about protecting it for future generations. We have two grandchildren, a girl aged seven, and a boy aged four years old, and we want them to enjoy what my husband and I have enjoyed over the years. When at the cabin, they are active and outside, which is important to their healthy development physically and mentally. The kids enjoy fishing, swimming and exploring. They appreciate the clean water we now have.

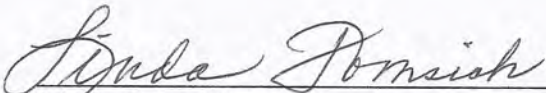
12. Sulfide-ore copper mining development, if it were to move ahead in the watershed of the BWCAW, would inevitably pollute surrounding and downstream waters in the BWCAW, and groundwater. It would taint the quality and reputation of the BWCAW as a wilderness canoeing paradise, and harm our enjoyment of the BWCAW as a place to travel through by canoe, to camp, and to fish. I would worry about my family and I drinking the water and eating fish caught in the river and waters downstream. My

husband and I have our own reasons to want the decisions of the federal agencies upheld, so that the agencies may continue to have the authority to decline to renew the mining company's expired mineral leases.

13. I support Northeastern Minnesotans for Wilderness in its work and mission, and I look to it to advance my interests in the protection of the BWCAW and its watershed. I believe that if expired mineral leases were to be renewed, it would cause irreparable harm to the BWCAW. It is a risk we cannot take.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 26th day of October, 2016


Linda Tomsich

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Franconia Minerals (US) LLC; and Twin Metals Minnesota LLC,	)		
	)		
	)		
Plaintiffs,	)		Court File No. 16-CV-3042 (SRN/LIB)
	)		
v.	)		
	)		
United States of America; U.S. Department	)		
of the Interior; Sally Jewell, Secretary, U.S.	)		
Department of the Interior; Hilary C.	)		
Tompkins, Solicitor, U.S. Department of the	)		
Interior; and Bureau of Land Management,	)		
	)		
Defendants.	)		
	)		

DECLARATION OF AMY FREEMAN

I, Amy Freeman, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

1. I am currently a member of Northeastern Minnesotans for Wilderness (NMW). I have provided significant financial support, as well as many volunteer hours to this organization and have attended and helped organize numerous NMW events.

2. I am a resident of both Ely, Minnesota, and Lutsen, Minnesota. My husband and I split our time between these wilderness edge communities. We own property near

Jock Mock Lake, which is only a couple miles from the Wilderness boundary. We currently reside at 7 N Yukon Drive, Ely, Minnesota 55731.

3. My husband and I have participated in two major advocacy projects with NMW during the last three years. In 2014, we spent 101 days paddling and sailing from Ely, Minnesota, to Washington, D.C., to help NMW raise awareness about Twin Metals and other sulfide-ore copper mines being proposed within the Boundary Waters watershed. More recently, between September 23, 2015 and September 23, 2016, my husband and I spent 366 days in the Boundary Waters Canoe Area Wilderness (“BWCAW” or “Boundary Waters”). Called “A Year in the Wilderness,” we took on this project to help NMW advocate for the Boundary Waters.

4. Northeastern Minnesotans for Wilderness was formed in 1996 to continue the local tradition of working to protect wilderness, particularly the BWCAW, against ever increasing public and commercial pressures, so that the natural features of the area will remain intact for future generations. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and more than 92,000 additional supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests

of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

5. I first visited the Boundary Waters Canoe Area Wilderness more than 20 years ago, going on canoe camping trips with my family. I started working in the region for Hungry Jack Outfitters on the edge of the Wilderness in 2002. I guided kayak trips on Lake Superior, in the BWCAW, and in the Superior National Forest from 2003 to 2007 for Superior Coastal Sports; from 2007 to 2009 for Lutsen Resort; and from 2013 to 2014 for North Shore Expeditions. I have guided canoe trips in the BWCAW for Boundary Waters Guide Service from 2013 to 2015. I began guiding dogsledding trips for Wintergreen Dogsled Lodge on White Iron Lake in 2006. I continue to guide dogsledding trips for Wintergreen Dogsled Lodge, which is located directly downstream and only a few miles away from the proposed Twin Metals Mine. In fact, Twin Metals recently purchased land in the Kawishiwi Triangle, which contains many of the trails where I take participants dogsledding. My husband and I also frequently participate in a wide variety of recreational activities in the Superior National Forest and BWCAW. These activities include canoeing, kayaking, camping, hiking, swimming, cross-country skiing, snowshoeing, dogsledding, fishing, and wildlife photography. My

accumulated time spent in the BWCAW over the past 20 years amounts to two or three years. Much of that time has been spent guiding canoe trips, kayak day-trips and dogsled trips. I have paddled on the Kawishiwi River, Birch Lake, the White Iron chain of lakes, Fall Lake, Moose Lake, Newfound Lake, Basswood Lake, and on the border lakes (Lac La Croix, Iron, and Crooked) on numerous occasions, and I will paddle on many of the again in coming years. These are among the waters that would be in the path of pollution if the expired sulfide-ore mineral leases at issue in this case were to be renewed and a mine developed.

6. My livelihood and way of life are directly linked to the Superior National Forest and the BWCAW. The essential qualities of this wilderness—pristine waters that are free of industrial contaminants, abundant wildlife, night skies that are free of light pollution, and the quiet of the deep wilderness—are necessary for my livelihood. The interests of my family and me would be jeopardized if sulfide-ore copper mining were permitted in the watershed of the Boundary Waters.

7. My husband and I own and operate Freemans Explore LLC, through which we guide canoe trips in the Boundary Waters Canoe Area Wilderness. Our business supports numerous outfitters and other local businesses that would also be hurt by the development of the Twin Metals Mine. Our business relies on the silence, healthy ecosystem and pristine water that the Twin Metals Mine jeopardizes.

8. This fall, my husband and I harvested wild rice in the Boundary Waters. We eat this wild rice several times a week and also give it away as gifts to friends and family. The rice we harvested this year was not directly downstream from the proposed

Twin Metals Mine site, but earlier in the summer we paddled through large stands of wild rice on Basswood Lake, which is directly downstream from Twin Metals. It is a place we plan to try harvesting wild rice in the future, and I know there are other local people that rice on Basswood Lake as well as Garden Lake, which are both directly downstream from Twin Metals. Wild rice is very sensitive to changes in water chemistry and we are deeply concerned that the wild rice beds downstream from Twin Metals would be degraded or disappear because of pollutants, chiefly sulfates.

9. My interests, and those of my family and business, are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I think it incomprehensible that, with our environmental experience and knowledge today, we could even consider renewing these leases of our federal estate to the interests of any sulfide ore mining companies, and I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28 day of October, 2016



Amy Freeman

	)	
Franconia Minerals (US) LLC;	)	
and Twin Metals Minnesota LLC,	)	
	)	
Plaintiffs,	)	Court File No. 16-CV-3042 (SRN/LIB)
	)	
v.	)	
	)	
United States of America; U.S. Department	)	
of the Interior; Sally Jewell, Secretary, U.S.	)	
Department of the Interior; Hilary C.	)	
Tompkins, Solicitor, U.S. Department of the	)	
Interior; and Bureau of Land Management,	)	
	)	
Defendants.	)	
	)	

I, David Freeman, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

2. I am a resident of both Ely, Minnesota, and Lutsen, Minnesota. My wife and I split our time between these wilderness edge communities. We own property near Jock Mock Lake, which is only a couple miles from the Wilderness boundary. When not

in the Boundary Waters, we currently reside at 7 North Yukon Dr., Ely, Minnesota 55731.

3. My wife and I have participated in two major advocacy projects with NMW during the last three years. In 2014, we spent 101 days paddling and sailing from Ely, Minnesota, to Washington, DC, to help NMW raise awareness about the threats that Twin Metals and other sulfide-ore copper mines being proposed within the Boundary Waters watershed. More recently, between September 23, 2015 and September 23, 2016, my wife and I spent 366 days in the Boundary Waters Canoe Area Wilderness (“BWCAW” or “Boundary Waters”). Called “A Year in the Wilderness,” we took on this project to help NMW advocate for the Boundary Waters.

4. Northeastern Minnesotans for Wilderness was formed in 1996 to continue the local tradition of working to protect wilderness, particularly the BWCAW, against ever increasing public and commercial pressures, so that the natural features of the area will remain intact for future generations. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and more than 92,000 additional supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests

of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

5. I first visited the Boundary Waters Canoe Area Wilderness more than 25 years ago and I started working for Sawbill Canoe Outfitters on the edge of the Wilderness in 1993. After graduating from college in 1999 I began guiding dogsledding trips for Wintergreen Dogsled Lodge on White Iron Lake. I continue to guide dogsledding trips for Wintergreen Dogsled Lodge, which is located directly downstream, and only a few miles away from the proposed Twin Metals Mine. In fact, Twin Metals recently purchased land in the Kawishiwi Triangle, which contains many of the trails where I take participants dogsledding. My wife and I also frequently participate in a wide variety of the recreational activities that the Superior National Forest and BWCAW offer. These activities include canoeing and camping, hiking and swimming, cross-country skiing, snowshoeing, dogsledding, fishing, and wildlife photography. I have spent several years of my life in BWCAW over the past 25 years. Much of that time has been spent guiding canoe trips and dogsled trips. I have paddled on the Kawishiwi River, Birch Lake, the White Iron chain of lakes, Fall Lake, Moose Lake, Newfound Lake, Basswood Lake, and on the border lakes (Lac La Croix, Iron, and Crooked) on numerous

occasions, and I will paddle on many of them again in coming years. These are among the waters that would be in the path of pollution if the expired sulfide-ore mineral leases at issue in this case were to be renewed and a mine developed.

6. My livelihood and way of life are directly linked to the wilderness of the Superior National Forest and the BWCAW. The essential qualities of this wilderness – pristine waters that are free of industrial contaminants, abundant wildlife, night skies that are free of light pollution, and the quiet of the deep wilderness – are necessary for my livelihood. The interests of my family and myself would be jeopardized if the sulfide ore mining were permitted in the watershed of the Boundary Waters.

7. My wife and I own and operate Freemans Explore LLC, through which we guide canoe trips in the Boundary Waters Canoe Area Wilderness. Our business supports numerous outfitters and other local businesses which would also be hurt by the development of the Twin Metals Mine. As an example, during the summer of 2015, I guided at least five canoe trips through Gabbro Lake and/or the South Kawishiwi River, which is just over the Wilderness boundary from the Twin Metals Mine site. Our business relies on the silence and pristine water that the Twin Metals Mine jeopardizes.

8. This fall, my wife and I harvested wild rice in the Boundary Waters. We eat the rice we harvested in early September in the Wilderness several times a week and also give it away as gifts to friends and family. The rice we harvested this year was not directly downstream from the proposed Twin Metal Mine site, but earlier in the summer we paddled through large stands of wild rice on Basswood Lake, which is directly downstream from Twin Metals. It is a place we plan to try ricing in the future, and I

know there are other local people that rice on Basswood Lake as well as Garden Lake which are directly downstream from Twin Metals. Wild rice is very sensitive to changes in water chemistry and we are deeply concerned that the wild rice beds down stream from Twin Metals would be degraded or disappear because of pollutants, chiefly sulfates.

9. I am also the one of the founders, and the current Executive Director, of The Wilderness Classroom, which is a non-profit organization that primarily works with elementary and middle school children. Its mission is to instill a life long appreciation of the natural world while improving basic skills like reading, critical thinking and communication by highlighting the joy of discovery. The Wilderness Classroom reaches tens of thousands of students and teachers each year and a significant amount of its programming has involved the Boundary Waters over the last 15 years. I am confident that the skills and Wilderness appreciation that I gained in the Boundary Waters Canoe Area Wilderness as a teen and young adult were what led me to conceive of and help start The Wilderness Classroom in 2000, which formally received non-profit status in 2002.

10. My interests and those of my family and business are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I think it incomprehensible that, with our

environmental experience and knowledge today, we could even consider renewing these leases of our federal estate to the interests of any sulfide ore mining companies, and I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28 day of October, 2016

A handwritten signature in black ink, appearing to read "David Freeman", written over a horizontal line.

David Freeman

	)	
Franconia Minerals (US) LLC;	)	
and Twin Metals Minnesota LLC,	)	
	)	
Plaintiffs,	)	Court File No. 16-CV-3042 (SRN/LIB)
	)	
v.	)	
	)	
United States of America; U.S. Department	)	
of the Interior; Sally Jewell, Secretary, U.S.	)	
Department of the Interior; Hilary C.	)	
Tompkins, Solicitor, U.S. Department of the	)	
Interior; and Bureau of Land Management,	)	
	)	
Defendants.	)	
	)	

I, David Seaton, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

2. I am a member and was a founding member of Northeastern Minnesotans for Wilderness, and while I have not been an active member for all its years, I currently sit on its Board of Directors.

3. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to give voice to those who believe in wilderness preservation and live, recreate, raise families and work in the region. It was also formed to counter the idea that the BWCAW is merely a playground for city folk and elites who come here to play. Many people live here to be nearer the place they love and to live and work in the area. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has thousands of members and supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

4. I have lived on the Gunflint Trail adjacent to the BWCAW since 1989, was born and raised in Minnesota and have been a paddler in the BWCAW since 1976, when I

was a boy. My family has enjoyed the landscape throughout the Superior National Forest all my life. My parents are transplants to Minnesota from the east and west coasts. They stayed here largely because of the opportunities for natural outdoor recreation and the attitude of preserving the natural environment which they found in the people of Minnesota. My father was a minister and guided youth groups in what is now the BWCAW since 1967. The north shore of Lake Superior and the Superior National Forest and natural places across the country have been my recreational centers for most of my life. That appreciation has been passed on to me and to my children who were raised at the edge of the Wilderness.

5. Nancy's family members are second generation immigrants from Norway and Denmark. The similar landscape and economic opportunity are what drew them here. Nancy's early wilderness experience is more traditional through cabin stays and summer camps in the wilderness but she also pursued it through education in studying the botanical variety that only a boreal forest wilderness can provide. Nancy and I are also artists and are inspired by the images and emotions this area holds and conveys.

6. Nancy and I own a home and business located on eight acres of private land on the south shore of Hungry Jack Lake within one mile of the BWCAW boundary. We are active members in our community and have raised our two sons here. This is not without its costs. One gives up much of what many take for granted in the modern world, but it has proven to be worth every inconvenience and shortcoming we have experienced. The combination of economic opportunity provided by the wilderness and the inherent beauty and experiential treasures it provides more than compensate for any perceived

lack of modernity. We see the BWCAW in some form nearly every day of the open water season and many times through the rest of the year. We hike, paddle, ski and snowshoe in our neighborhood and all over the region whenever possible. It is our major form of recreation and enjoyment of life.

7. The business Nancy and I own and operate is Hungry Jack Outfitters, which has provided outfitting services and accommodations under that name to wilderness paddlers since 1983. Under the name Sunset Point Cabins, this business provided accommodations and guiding services in the area since 1959. We have owned Hungry Jack Outfitters since 1991. Prior to that, we both lived and worked at other resorts on the Gunflint Trail. Nancy's family has had a summer cabin on Gunflint Lake, adjacent to the BWCAW, since 1976. Though we both grew up in urban areas, the north woods has always been "home" to us both. It is the mutual appreciation of this area which drew us together and cemented our relationship. Our business is primarily a rental operation which provides canoes, camping gear, food and overnight accommodations for people who want to experience the wilderness. However, the real product we serve is information and knowledge about the ways of the woods and detailed information about the routes through the lakes and streams of Canoe Country.

8. Our clients come mainly from the Midwest, with the metropolitan areas of the interstate Highway 35 corridor from Minneapolis to Dallas being the major markets, though our clients come from a broad cross section of rural, urban and suburban communities. Our customers cross all economic and age demographics. We have CEOs of major corporations, Nobel Laureates, lots of regular folks and people of very humble

means, families with their children and retirees who love to be in the wilderness and wish to share a simpler experience with their grandchildren. We also have guests come from all over the world and have hosted groups from Japan, Germany, Switzerland, the UK, Zimbabwe, Brazil and many other far reaching parts of the planet.

9. We and our customers utilize all the BWCAW's waters and routes. Most of our guests stay close to our location but others travel far and wide within this expansive wilderness. Some of our customers paddle from the far western edge all along the border to Lake Superior. Some paddle from the North side of Canada's Quetico Park all the way across to the south and into the BWCAW and back to our base. Many paddle in the heart of the BWCAW, not far from the Kawishiwi River.

10. People come back from their time in the BWCAW changed. They look different and behave differently. The calming effect of nature is evident in their faces and actions. Most compelling are the comments we get from travelers from other countries – either new to the BWCAW or expats—who are coming home for a taste of what they treasure most about the United States of America. They are astonished at the vastness of the BWCAW and the level of preservation we have managed to maintain. They marvel at the quiet, the dark sky and the cleanliness of the water. Without exception, they are grateful for the existence of such a pristine place because their countries have nothing left like this in any measure.

11. I guide people through the wilderness on canoe trips several times each year. When I do, I frequently answer questions our customers ask about the Boundary Waters ecosystem, its history, and its native plants and animals. For Nancy and me,

passing on the wonders of the Boundary Waters ecosystem in its unfettered form is our greatest honor whether that is to our children on our personal adventures or to the thousands of guests we help enjoy this great treasure every year. We see wildlife both large and small throughout the region and in our own backyard. We have moose calving near our home and wolf packs within howling distance, but we also have rare plants and all the amazing microbes, spores and biota that a natural environment supports and requires to function properly. All those things are even more abundant inside the wilderness and need to be protected.

12. The Boundary Waters is an unparalleled place in which to learn about the complexity and interconnectedness of ecosystems and their component organisms. A zoo is not an ecosystem. While there may be moose and lynx and bears in a zoo, it is not the ecosystem which would allow them to survive or thrive – it is merely a postcard of the real thing and in no way sustainable. Species diversity is important and will become more so as our world changes and our population grows. The Superior National Forest and the BWCAW in particular are repositories of species, and habitat, on the macro and micro level. It cannot be replaced and, as a wilderness, it cannot be restored if polluted with sulfide-ore copper mining pollution.

13. Lynx, moose and wolves are the flagship species of this landscape and cannot live without the kind of functioning ecosystem that exists in the region. However, it is the existence of snowshoe hares and their food sources, clean water which allows lily pads to grow and lots of small and larger game species which will determine their existence in this landscape. All those smaller factors come into play when we change

anything substantial within the regions waters. Large tracts of undivided land are required for these and other species to thrive. Fragmentation of their habitat not only makes their survival more tenuous but depletes all the other micro habitats their food sources rely on.

14. The BWCAW is a designated wilderness and is a crowning jewel in the National Wilderness System. Some downplay that designation because much of the region has seen significant human activity over the years, but this too must be taken into perspective. Until the 1850's, there was only minimal impact from Native American use. While this may have been going on for thousands of years, the impacts from their utilization of resources were limited. After that, the logging and other adventures which occurred in the region were temporary, limited in scale and had little impact on the larger landscape.

15. One can drive a car, use an all-terrain vehicle or motor boat in the vast majority of the United States. Worldwide, restrictions on use of motorized travel and protections for wild places are even fewer. Our wilderness preservation system and national parks are the envy of the world and we need to guard them carefully as they are not replaceable or renewable. We have something others now wish they had the foresight to have established.

16. My canoe trips are what I live for. Traveling through and camping the BWCAW has made my life richer and it has done the same for thousands of my guests.

17. My childhood experience in the woods with my father set the basis for my values and view of the world. Access to a place where life was simple to its core was

novel and exciting. I used to think that he taught me what it meant to be a good steward and citizen, but I feel that it was witnessing the interplay of the natural world and all its parts that influenced me most. Time away from all the things we consider “essential” and having to endure weather, discomfort, extreme effort and having to think on my feet to solve a problem were also large parts of my development and influenced my world view.

18. I have had the exceptional opportunity to raise my children near the wilderness, to take them out into the forests and lakes and let them see for themselves the rules of how the world really works first hand, how natural systems function and how there is always a backup plan when disaster strikes – as long as that disaster is natural. They have also learned patience and compassion through observation of the natural way of things. Seeing thousands of trees go down in a storm and then seeing the forest recover. Having massive fires rip through your neighborhood and threaten the lives of your friends and classmates is not something one goes through unchanged. It also affords the opportunity to observe the natural process of rejuvenation and renewal and to have the patience and presence of mind to allow those processes to occur. You don’t get those lessons from school.

19. My boys have seen Liverwort grow within days in a natural band-aid over fire scorched earth to prevent erosion of precious top soil created over thousands of years. Those Liverwort spores were just there waiting for the conditions where they were needed. How many other natural solutions are in that soil waiting to be utilized? We may never know if they are all killed by unclean water. Nature has solutions which have

developed over the millennia, but only for problems which have been there for that same time. If we change that balance, we are likely to break it.

20. To drink clean, pure water is a right. It is also one of the greatest joys on this earth in which many do not have a chance to partake. The BWCAW is one of the few places on earth where one can still paddle out to the middle of a deep, clear lake and dip a cup into the water and sate your thirst. In the rest of our modern world, we either treat or filter water to mollify all the assaults we have placed upon our water resources or people go through life in a constant battle with disease. My father showed me that I could drink the water from Lac La Croix on the western edge of the BWCAW when I was a child. I have shown this to my children here on lakes around the Gunflint Trail. I plan to someday take my grandchildren to Lac La Croix and show them the water is clean enough to drink. I drink water straight from the lake whenever possible in the BWCAW and Quetico Park in Canada. I used to drink straight from Hungry Jack Lake where I live, but development – even as limited as it is – has made me rethink that.

21. Perhaps the greatest thing I can share with a customer on a guided canoe trip is to drink water from the lake. Many are skeptical and even completely opposed to the idea. People are so used to the idea that all water is polluted and dangerous that they cannot bring themselves to drink from the water that surrounds them. But it is possible to drink this water safely. There are not many places on Earth where I would do that. Above all else, this is what we need to protect.

22. Time alone in the woods is a precious and primal thing. I believe it is something we all require in some measure and unfortunately is missing from so many

lives. The Germans have a word for it -- Waldeinsamkeit. It consists of two words: “Wald” meaning forest, and “Einsamkeit” meaning loneliness or solitude. It is the feeling of being alone in the woods, but it also hints at a connectedness to nature. The feeling plays a big role in religion. This is the feeling that I love most and it is where I feel close to God. It is a feeling that I also love to share with others who have not experienced it. Our world has few opportunities for this and fewer all the time as technology insinuates itself around the world. We need to preserve places where this can occur.

23. To be away from all the sounds of the modern world and now to have the chance to be away from our tech connections is also even rarer. Allowing large, loud, dirty and destructive ventures around the edges of our wilderness chips away at those opportunities and degrades the experience of all those who seek them.

24. If sulfide-ore copper mining moves ahead, its pollution would find its way into this fragile, unique watery ecosystem, and the results will be disastrous. The geology of the region is understood enough to know there are fissures and cracks all through what at first seems to be solid rock. There is scientific evidence in published, peer-reviewed journal articles that shows pollution from the proposed sulfide-ore copper mining at the edge of the BWCAW and within the watershed will flow into and pollute the precious water within the BWCAW. Experience with this type of mining elsewhere shows the pollution continues for centuries, essentially forever.

25. I am a life-long learner of all things regarding the BWCAW and the landscape it inhabits. I cannot claim credentialed expertise in these things, but I have a

lifetime of experience in witnessing the processes which govern the environment around me and the ecosystem in which I call home.

26. My sons may choose to continue the business someday and they may raise their families here too. It has been an honor to share our love of the forests and lakes in the Superior National Forest and the BWCAW and Quetico Park for over 25 years. We have helped thousands of people travel through, learn about and experience something different from their everyday lives. I have seen the positive effect this has had on my guests and on my staff members over the years. Many of my staff have chosen to relocate to the area permanently and have brought business and family to the community. Many of my guests have become advocates for wilderness and other environmental causes in their own communities.

27. While we are not directly in the path of pollution from the proposed mining leases, if these leases are allowed to go forward they will certainly affect our business and our way of life. The region is painted with a broad brush by the media and the public at large. When there is a fire in one small corner of the BWCAW, we get phone calls regarding the safety of family members on a trip who may be over a hundred miles from the fire. People tend to see things in categories. The BWCAW is held to a very high standard of protection and because of this high standard of preservation and qualities of wilderness and purity, people regard the boundary waters highly and want to visit. If the expired mineral leases at the edge of the BWCAW are renewed, it will have a drastic negative impact on people's view of the whole area. People know sulfide-ore copper mining pollutes surrounding waters, and it would damage public perception of the

BWCAW. Harming the idea of pristine wilderness would deal a blow to the local economy, and that could cause many businesses to suffer. Some may not survive.

28. I believe we offer an authentic experience to our clients. I believe that our region markets to people in a way that is authentic and real – people are happy when they get what they expected. The experiences people are looking for here are sustainable and realistic. The proposed Twin Metals mining project can change all that. Our nearest town, Grand Marais, is on the shore of Lake Superior and a significant distance from the proposed lease sites. Tourism is the main game in town and along most of the north shore of Lake Superior. We are far enough from these sites that if the sustainable Boundary Waters-based tourism economy of our area is impacted, we will not have the opportunity to take advantage of any economic benefit those leases might provide. It is conceivable to me that the impacts could be very significant to our local economy with little hope for any replacement in their wake.

29. People of this country and the world need the BWCAW and Superior National Forest and all the aesthetic values, scientific possibilities and ecological diversity it contains. Our business, our community and, most importantly, the ecosystem on which we depend both financially and for quality of life would be harmed if the mining companies win. My interests and those of my wife are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs

Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. This would be a disaster for the BWCAW and for me. I support and count on NMW to advance my interests in protecting the BWCAW in this lawsuit.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 7th day of November, 2016


David Seaton

**Franconia Minerals (US) LLC;
and Twin Metals Minnesota LLC,**

V.

United States of America; U.S. Department of the Interior; Sally Jewell, Secretary, U.S. Department of the Interior; Hilary C. Tompkins, Solicitor, U.S. Department of the Interior; and Bureau of Land Management,

Defendants.

Court File No. 16-CV-3042 (SRN/LIB)

I, Kristan A. Wegerson, M.D., declare as follows:

1. I am a member of Northeastern Minnesotans for Wilderness, and have been a member of the Board of Directors since 2012 and Co-Chair since 2014. I previously served on the Board of Directors from 2002 to 2008, and served as Chair, Co-Chair and Vice-Chair.

2. My address is 3726 E. 3rd St. Duluth, Minnesota 55804. I have been a frequent visitor to the BWCAW since 1980.

3. I also frequently stay at a cabin located on Snowbank Lake within one mile of the BWCAW and within 15 miles of the South Kawishiwi River.

4. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW,” “BWCA,” or “Boundary Waters”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and more than 92,000 additional supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the

federal agencies have no discretion, and would be required to renew the expired mining leases.

5. I have been visiting the Superior National Forest at least twice per month since 1980. I enjoy canoeing, camping, hiking and backpacking, snowshoeing, cross-country skiing, wildlife watching, birding, and wild-ricing. I plan to return as often as my schedule allows.

6. I believe that it is important to protect the Superior National Forest in order to maintain species diversity, protect the endangered Canada lynx, prevent habitat fragmentation and loss of forest habitat, and maintain water quality. I strongly believe in protecting roadless areas and primitive recreational opportunities. This can be best accomplished by protecting the BWCAW from damage, and identifying and maintaining non-motorized trails and decommissioning unneeded roads outside of the BWCAW.

7. I have been wild-ricing on the South Kawishiwi River for the past four years and have found excellent wild rice here, even when the rice has been lean in the other areas in which I rice. I know that this area is part of the 1854 Ceded Territory and the rights to hunt, fish and gather are protected for native tribe members.

8. I have been visiting the BWCAW several times per year since 1980. I enjoy canoeing, camping, hiking and backpacking, snowshoeing, cross-country skiing, wildlife watching, and birding. I often will visit three different locations within the BWCW in the same day: trail running the Anglemore Trail, canoeing on Slim Lake and canoeing and swimming in the Hegman Lakes. I call this my "Triple Crown." I try to visit the BWCAW as often as I can. I can see into the BWCAW from my cabin on

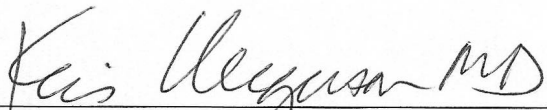
Snowbank Lake, so even when I can't be in the BWCAW, I "can see it from here." I love the BWCAW for the solitude and quietude that I can experience there. I believe that it is important to protect the BWCAW from mining on lands immediately adjacent to the BWCAW. Mining would jeopardize the solitude and quietude, the excellent water quality, would jeopardize the endangered Canada lynx, and would decrease species diversity. Because of the mining exploration that has already occurred, I no longer canoe and camp on the South Kawishiwi River upstream of the South Kawishiwi River entry point. I no longer use the entry point at Little Gabbro Lake. I have heard noise in the wilderness from exploratory drilling. I have seen trucks hauling and drilling rigs in operation near the BWCAW. I have seen the deforestation from several exploratory drill sites. I have seen the acid mine drainage (tell-tale orange water), very high in heavy metals, just off the Spruce Road down from the bulk sample site excavated by INCO (International Nickel Company) in 1974.

9. I am a family practice physician and have practiced in Northern Minnesota for 22 years. I am aware of potential deleterious health effects of sulfide mining. Six of the ten most toxic substances to human health, as identified by the World Health Organization, have been shown to be released by hard rock or sulfide-ore copper mining. These include arsenic, asbestos, air pollution, cadmium, mercury and lead. Contamination of surface water, ground water, and releases to air of these substances could have serious health consequences for the mine workers and those who live, work or recreate near the mining. The BWCAW, and my and others' associations with it, should not be contaminated by sulfide-ore copper mining and the pollution it always causes.

10. My interests in protecting forever the BWCAW and maintaining its purity; its wilderness character, aspect, and soundscape; and its species diversity for my use and enjoyment, and that of others, are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I think it incomprehensible that, with our environmental experience and knowledge today, we could even consider renewing these leases of our federal estate to the interests of any sulfide ore mining companies, and I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28th day of October, 2016



Kristan A. Wegerson, M.D.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

_____	)	
Franconia Minerals (US) LLC;	)	
and Twin Metals Minnesota LLC,	)	
	)	
Plaintiffs,	)	Court File No. 16-CV-3042 (SRN/LIB)
	)	
v.	)	
	)	
United States of America; U.S. Department	)	
of the Interior; Sally Jewell, Secretary, U.S.	)	
Department of the Interior; Hilary C.	)	
Tompkins, Solicitor, U.S. Department of the	)	
Interior; and Bureau of Land Management,	)	
	)	
Defendants.	)	
_____	)	

DECLARATION OF JOHN D. IPSEN, M.D.

I, John D. Ipsen, M.D., declare as follows:

1. I am a member of Northeastern Minnesotans for Wilderness, and have been an active volunteer since 2000.

2. Northeastern Minnesotans for Wilderness ("NMW") was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to

advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW,” “BWCA,” or “Boundary Waters”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and more than 92,000 additional supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

3. I have been a resident of Duluth, Minnesota, since 1994. I have been coming to the BWCAW as a visitor since 1978. I have traveled in virtually all areas of the BWCAW and one of my favorite places to visit is the South Kawishiwi and Gabbro Lake area adjacent to the mineral leases in question. For many years, I worked as a volunteer for the U. S. Forest Service cleaning and maintaining campsites, primarily in the Kawishiwi district. The exploratory mining activity on Spruce Road caused enough

noise pollution to detract from my enjoyment of the wilderness during a cleanup on the South Kawishiwi River, in the BWCAW, and I have not returned to the area. I also own and frequently stay at a cabin located on Snowbank Lake, within one mile of the BWCAW and approximately 15 miles northeast of the mineral leases. My educational experience includes a BS in biological sciences and a PhD in pharmacognosy (the study of medicine derived from natural sources). In addition, I am an MD who has practiced family medicine for 25 years.

4. Being able to enjoy the BWCAW has been one of the highlights of my life in Minnesota. I go there whenever circumstances permit, on the order of 20 times annually. I canoe, camp, hike, trail run, swim, fish, cross-country ski, snowshoe, and take photos to share with others. I have passed my knowledge of the woods on to my children and friends. I plan to continue in this vein until I am no longer physically able.

5. I equally rely on the Superior National Forest for the same and additional activities including staying at our cabin, kayaking, wildlife watching (I have seen lynx, moose, bear, and wolves for instance), and wild ricing. I hope to see the Superior National Forest continue to provide for maintenance of species diversity, preserving habitat for species such as lynx and moose, preventing habitat fragmentation, maintaining water quality, supporting non-motorized recreation, and protecting roadless areas and primitive recreational opportunities. As with my activities in the BWCAW, I plan to continue as long as my health allows.

6. My longer trips through the BWCA have been especially meaningful to me, and probably the solo trips I've done have left the deepest impressions. Several of these

trips were in the Gabbro and South Kawishiwi area. The solitude and natural beauty of the wilderness strike a chord within me that brings a wholeness I do not find elsewhere in the world. I deeply appreciate being able to surround myself with an essentially pristine environment – clean water, clean air, untrammelled wild land and its natural inhabitants. I hope never to see this area degraded or see the adjacent area of the Superior National Forest turned into an industrial mining district.

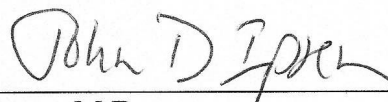
7. I also harvest wild rice on the South Kawishiwi River and any increase in the sulfate level there could damage the wild rice growing there. This is another reason I do not want to see a sulfide-ore copper mining operation established in the watershed of the Kawishiwi.

8. My interests in protecting the BWCAW and maintaining its wilderness character, aspect, and soundscape; maintaining species diversity; and maintaining the health of fish, wild rice, and other plants and animals are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I think it incomprehensible that, with our environmental experience and knowledge today, we could even consider renewing these leases of our

federal estate to the interests of any sulfide ore mining companies, and I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28 day of October, 2016

A handwritten signature in cursive script, reading "John D. Ipsen", written in dark ink.

John D. Ipsen, M.D.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Franconia Minerals (US) LLC; and Twin Metals Minnesota LLC,	)		
	)		
	)		
Plaintiffs,	)		Court File No. 16-CV-3042 (SRN/LIB)
	)		
v.	)		
	)		
United States of America; U.S. Department	)		
of the Interior; Sally Jewell, Secretary, U.S.	)		
Department of the Interior; Hilary C.	)		
Tompkins, Solicitor, U.S. Department of the	)		
Interior; and Bureau of Land Management,	)		
	)		
Defendants.	)		
	)		

DECLARATION OF SUSAN SCHURKE

I, Susan Schurke, declare as follows:

1. My husband, Paul Schurke, and I are members of Northeastern Minnesotans for Wilderness, and Paul has been a board member and active volunteer since helping to found the organization in 1996.

2. We reside near the BWCAW on White Iron Lake with our family (children Bria, Peter & Berit) at 1101 Ringrock Road, Ely, Minnesota 55731.

3. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the

Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness ("BWCAW" or "wilderness") and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and 92,000 additional supporters across Minnesota and the United States. NMW's members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases.

4. We co-founded and co-own Wintergreen Dogsled Lodge, Inc., and Wintergreen Northern Wear, LLC. Since 1989, Wintergreen Dogsled Lodge has provided seasonal, lodge-based, dogsled vacations along the edge of the BWCAW and dogsled camping trips in the BWCAW. Also since 1989, Wintergreen Northern Wear

has produced Made-in-Ely active wear that is principally marketed for BWCAW-area visitors and adventurers.

5. The viability of both of our wilderness-based businesses is almost entirely reliant upon their association with and their proximity to the BWCAW. Our customers are spread across the globe but hold one passion in common: their affinity for Minnesota's Northwoods and the BWCAW. Most of our customers are also regular visitors to the BWCAW and commonly access it through entry points in the Ely area, particularly those associated with the Kawishiwi River. Our customers repeatedly tell us that their passion for the BWCAW is based upon its wildness, serenity and the pristine quality of its lakes & streams.

6. Our home and our Wintergreen Dogsled Lodge on White Iron Lake, a flowage of the Kawishiwi River, are located five miles downstream from the proposed Twin Metals mine sites. Boating, swimming and fishing is the flowage rank among our family's key summer recreation activities. During the winter snow season, the ice of this flowage provides dogsledding routes for all of lodge guests.

7. Our home and businesses all lie within Superior National Forest, which encompasses the BWCAW. We enjoy the forest on a daily basis. Our livelihood and our family recreation are dependent upon its water and woodland resources. Our business and recreation activities in the forest include hiking, camping, canoeing, skiing, snowshoeing, fishing, hunting, watching wildlife, photography, and teaching wilderness skills. Our business use and personal enjoyment of the Kawishiwi River include the entire flowage both within the BWCAW and the portion outside of it on Birch Lake and

the White Iron Chain. We intend to continue these as life-long activities and we anticipate that our children will inherit our home and businesses and continue these activities as well.

8. Our interests associated with Superior National Forest include our concerns for maintaining species diversity; proper lynx and lynx habitat management; preventing habitat fragmentation and loss of forest habitat; maintaining water quality; non-motorized recreation opportunities, supported by decommissioning unneeded roads, and the identification and maintenance of non-motorized trails; and protecting roadless areas and primitive recreational opportunities.

9. We have enjoyed numerous BWCAW excursions each year ever since having been introduced to the wilderness. From day trips to week-long adventures in all seasons, our BWCAW activities include hiking, camping, canoeing, skiing, snowshoeing, fishing, hunting, watching wildlife, photography, teaching wilderness skills. We expect and hope these to be life-long pursuits. We have also guided BWCAW trips for various non-profit adventure programs including Wilderness Inquiry, Voyageur Outward Bound & the Wilderness Education Association.

10. Our summer family canoe trips and our winter business dogsled trips involve use of Fall Lake and other lakes on the flowage path of the Kawishiwi River down to Basswood Lake, and northwest along the border lakes. When we are on BWCAW trips, we take our drinking and cooking water from the lakes. We have routinely done so on Birch Lake, the Kawishiwi River, the White Iron Chain, and waters downstream inside the BWCAW, including Fall Lake, Basswood Lake, Crooked Lake

and Lac La Croix. Similarly, while on BWCAW trips, we swim in all these same lakes. We also take and eat fish from them. We intend to continue drinking from, swimming in and catching & eating fish from BWCAW lakes as a life-long pursuit.

11. The aspects of the BWCAW we most love, and the things we want to protect and maintain are the opportunities it offers for solitude in a primitive setting, the quiet and the natural soundscape of the BWCAW, its pristine water quality, its habitat quality and diversity, which support great species diversity, and the special memories of our family time spent in the BWCAW and our volunteer time spent working to protect the BWCAW. To protect these aspects of the BWCAW, we must prevent the lands immediately adjacent to it from being turned into an industrial sulfide-ore copper mining district.

12. Our academic backgrounds enhance our understanding and appreciation of wilderness. My graduate studies in Therapeutic Recreation have equipped me to facilitate our wilderness adventures for persons with mobility and sensory impairments through Wilderness Inquiry, the non-profit program we helped found in 1977. Paul's studies and professional involvement with science journalism has equipped him to write two books and numerous magazine and newspaper articles about wildlands and wilderness adventure.

13. Our two businesses provide a gratifying livelihood for many Ely-area families and individuals. Wintergreen Northern Wear, which I principally run, employs over two dozen year-round designers, cutters, seamstresses, managers and sales staff. Wintergreen Dogsled Lodge, which Paul principally runs, employs about 16 seasonal

wilderness guides, food service and lodging staff. Both of these businesses and the significant area employment they provide are dependent upon their association with pristine qualities of the Superior National Forest and the BWCAW.

14. Our business interests and personal quality of life interests in protecting the BWCAW, as described above, are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases, allowing Twin Metals and proposals for sulfide-ore copper mining to move forward in the watershed of the BWCAW.

15. We have a personal interest in the outcome of the litigation. If the mine were to move ahead it would damage our enjoyment and use of the BWCAW; it would damage public perception of the BWCAW as a place of wilderness and clean water, and it would reduce the interest of people to go to and spend time in the BWCAW. That would likely mean a drop in visitor traffic through Ely, which likely would damage our businesses and our ability to provide employment.

Pursuant to 28 U.S.C. § 1746, we declare under penalty of perjury that the foregoing is true and correct.

Dated this 28 day of October, 2016

Susan Schurke Susan Schurke
Susan Schurke

Franconia Minerals (US) LLC;
and Twin Metals Minnesota LLC,

Plaintiffs,

v.

United States of America; U.S. Department
of the Interior; Sally Jewell, Secretary, U.S.
Department of the Interior; Hilary C.
Tompkins, Solicitor, U.S. Department of the
Interior; and Bureau of Land Management,

Defendants.

I, Jeffrey D. Rome, M.D., respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

1. I am currently a member of Northeastern Minnesotans for Wilderness (“NMW”) and have been since 2013. I have provided significant financial support to this organization and have attended numerous NMW events. As an example, recently I attended a “listening session” held in Ely, Minnesota, by the United States Forest Service to voice concerns about sulfide-ore mining in the watershed of the Boundary Waters Canoe Area Wilderness (“BWCAW”). Additionally, in support of NMW and the Save the Boundary Waters campaign, I submitted a letter to Representative Tim

Walz and Senator Al Franken in April of this year regarding the threat to public health presented by acid mine drainage in the watershed of the BWCAW. This letter was co-signed by 32 other physicians and specifically addressed the problem of water contamination with heavy metals as a result of sulfide ore mining.

2. NMW was formed in 1996 to continue the local tradition of working to protect wilderness, particularly the BWCAW, against ever increasing public and commercial pressures, so that the natural features of the area will remain intact for future generations. NMW's mission is to preserve wilderness and wild places, to advocate for the BWCAW, and to foster education about the value of wilderness. NMW has approximately 5,000 members and 93,000 additional supporters. NMW's members appreciate the natural resources of the Superior National Forest and the BWCAW and have a long-standing interest in conservation of this pristine and unique ecosystem. The interests of NMW and its members in the protection, use, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.
3. I am a resident of both Rochester, Minnesota, and Ely, Minnesota. My family and I have a home on the shores of Burntside Lake, immediately adjacent to the BWCAW. We have been coming to the Ely area for over half a century and have been property owners on Burntside Lake for over a quarter of the century.
4. My family and I reside on Burntside Lake approximately six months each year and are engaged in a number of community activities. For example, I serve on the Board of Directors of the Burntside Lake Association and am a member of the Burntside Lake Aquatic Invasive Species Task Force. We frequently participate in a wide variety of the recreational activities that the Superior National Forest and BWCAW

provide for both locals and thousands of visitors from all over the country and other nations as well. These activities include canoeing, camping, hiking, swimming, cross-country skiing, snowshoeing, fishing, and wildlife photography. I have made dozens of canoe trips into the BWCAW over many decades, and this past summer I had the extraordinary experience of taking my two grandsons for their first extended canoe trip into the BWCAW and Quetico Provincial Park. I have paddled on the Kawishiwi River, Birch Lake, the White Iron chain of lakes, Fall Lake, Moose Lake, New Found Lake, Basswood Lake, and on the border lakes (Lac La Croix, Iron, and Crooked) on numerous occasions, and I will paddle on many of them again in coming years. These are among the waters that would be in the path of pollution if the expired sulfide-ore mineral leases at issue in this case were to be renewed and a mine developed.

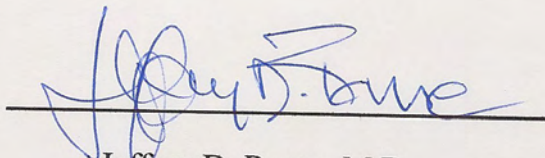
5. My interests in this area are directly linked to the wilderness of the Superior National Forest and the BWCAW. The essential qualities of this wilderness include large tracts of land that are true wilderness, essentially untouched by development; pristine waters that are free of industrial contaminants; abundant wildlife, including common species such as ravens, crows, and deer, as well as uncommon and threatened species such as eagles, lynx, moose, and wolves; night skies that are free of light pollution; and the quiet of the deep wilderness. Thus, I believe the interests of my family and myself in the wilderness qualities of the Superior National Forest/BWCAW would be jeopardized if sulfide-ore mining were permitted in the watershed of the Boundary Waters.
6. As a physician, I am also particularly concerned about the threat to public health posed by sulfide-ore mining in the watershed of the Superior National Forest/BWCAW. Sulfide-ore mining has a deplorable record of environmental degradation, including contaminated waters, diminished forests, and decimated wildlife species. Sulfide-ore mining has the potential to release toxic heavy metals in acid-mine drainage, including mercury, arsenic, lead, and cadmium, among others. These toxins are known to have significant adverse effects on the environment and

human health and are among the World Health Organization's top 10 chemicals of major public health concern. *See* Exhibit 1.

7. My interests and those of my family would be harmed if the outcome of litigation resulted in reversal of the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 28 day of October, 2016


Jeffrey D. Rome, M.D.

Preventing Disease Through Healthy Environments

ACTION IS NEEDED ON CHEMICALS OF MAJOR PUBLIC HEALTH CONCERN

The production and use of chemicals continues to grow worldwide, particularly in developing countries. This is likely to result in greater negative effect on health if sound chemicals management is not ensured. Multisectoral action is urgently needed to protect human health from the harmful effects of improperly managed chemicals. The following Sections summarize scientific evidence and provide risk management recommendations for 10 chemicals or groups of chemicals of major public health concern.

Air pollution

Indoor air pollution from solid fuel use and urban outdoor air pollution are estimated to be responsible for 3.1 million premature deaths world-wide every year and 3.2% of the global burden of disease. More than half of the health burden from air pollution is borne by people in developing countries. Air pollutants have been linked to a range of adverse health effects, including respiratory infections, cardiovascular diseases and lung cancer. Reduction of air pollution levels will decrease the global burden of disease from these illnesses. Pollution prevention requires policies on air quality and transport, air pollution control regulations in cities, emission controls in industry and promotion of clean, renewable energy sources. Interventions to reduce indoor air pollution include switching from home use of solid fuel to cleaner fuels and technology and ventilation in homes, schools and the working environment, and stopping smoking. Efforts to significantly reduce air pollutants will also help to decrease greenhouse gas emissions and mitigate the effects of global warming.

Arsenic

Soluble inorganic arsenic is acutely toxic. Intake of inorganic arsenic over a long period can lead to chronic arsenic poisoning (arsenicosis). Effects, which can take years to develop depending on the exposure level, include skin lesions, peripheral neuropathy, gastrointestinal symptoms, diabetes, renal system effects, cardiovascular diseases, and cancer. Organic arsenic compounds, which are abundant in seafood, are less harmful to health, and are rapidly eliminated by the body. Human exposure to elevated levels of inorganic arsenic occurs mainly through the consumption of groundwater containing naturally high levels of inorganic arsenic, food prepared with this water, and food crops irrigated with high arsenic water sources. In one estimate, arsenic-contaminated drinking-water in Bangladesh alone was attributed 9,100 deaths and 125,000 Disability Adjusted Life Years (DALYs) in 2001. Reduction in human exposure to arsenic can be achieved by screening of drinking-water supplies, clearly identifying those delivering water above the WHO guideline 10 µg arsenic per litre or national permissible limits, together with awareness-raising campaigns. Mitigation options include use of alternative groundwater sources, use of microbiologically safe surface water (e.g. rainwater harvesting), or use of arsenic removal technologies.

Asbestos

All types of asbestos cause lung cancer, mesothelioma, cancer of the larynx and ovary, and asbestosis (fibrosis of the lungs). Exposure to asbestos occurs through inhalation of fibres in air in the working environment, ambient air in the vicinity of point sources such as factories handling asbestos, or indoor air in housing and buildings containing friable (crumbly) asbestos materials. Currently about 125 million people in the world are exposed to asbestos at the workplace. In 2004, asbestos-related lung cancer, mesothelioma and asbestosis from occupational exposures resulted in 107,000 deaths and 1,523,000 DALYs. In addition, several thousands of deaths can be attributed to other asbestos-related diseases, as well as to non-occupational exposures to asbestos. Elimination of asbestos-related diseases should take place through the following public health actions: a) recognizing that the most efficient way to eliminate asbestos-related diseases is to stop the use of all types of asbestos; b) replacing asbestos with safer substitutes and developing economic and technological mechanisms to stimulate its replacement; c) taking measures to prevent exposure to asbestos in place and during asbestos removal (abatement), and; d) improving early diagnosis, treatment, social and medical rehabilitation of asbestos-related diseases and establishing registries of people with past and/or current exposures to asbestos.

Benzene

Human exposure to benzene has been associated with a range of acute and long term adverse health effects and diseases, including cancer and aplastic anaemia. Exposure can occur occupationally and domestically as a result of the ubiquitous use of benzene-containing petroleum products including motor fuels and solvents. Active and passive exposure to tobacco smoke is also a significant source of exposure. Benzene is highly volatile and exposure occurs mostly through inhalation. Interventions to reduce both work and general population exposure include promoting the use of alternative solvents in industrial processes, developing and implementing policies and legislation to remove benzene from consumer products, discouraging domestic use of benzene-containing products, stopping smoking, and promoting building codes requiring detached garages.

Cadmium

Cadmium exerts toxic effects on the kidney, the skeletal and the respiratory systems, and is classified as a human carcinogen. It is generally present in the environment at low levels; however, human activity has greatly increased those levels. Cadmium can travel long distances from the source of emission by atmospheric transfer. It is readily accumulated in many organisms, notably molluscs and crustaceans. Lower concentrations are found in vegetables, cereals and starchy roots. Human exposure occurs mainly from consumption of contaminated food, active and passive inhalation of tobacco smoke, and inhalation by workers in the non-ferrous metal industry. Interventions to reduce global environmental cadmium releases and occupational and environmental exposure include increased recycling of cadmium, minimizing emissions and discharges from activities such as mining and waste management, promoting safe working conditions for workers manipulating cadmium-containing products, and stopping smoking.

Dioxins & dioxin-like substances

Dioxins and dioxin-like substances, including PCBs, are persistent organic pollutants (POPs) covered by the Stockholm Convention. They can travel long distances from the source of emission, and bioaccumulate in food chains. Human exposure to dioxins and dioxin-like substances has been associated with a range of toxic effects, including immunotoxicity, developmental and neurodevelopmental effects, and changes in thyroid and steroid hormones and reproductive function. Developmental effects are the most sensitive toxic endpoint making children, particularly breast-fed infants, the population most at risk. These substances are by-products of combustion and various industrial processes, such as chlorine bleaching of paper pulp and smelting. While manufacture of PCBs should have been discontinued, release into the environment still occurs from disposal of large scale electrical equipment and waste. Human exposure to dioxin and dioxin-like substances occurs mainly through consumption of contaminated food. Actions to reduce emissions of these substances are required by the Stockholm Convention. Interventions to reduce human exposure include identifying and safely disposing of material containing or likely to generate dioxin and dioxin-like substances such as electrical equipment, ensuring appropriate combustion practices to prevent emissions, implementing FAO/WHO strategies to reduce contamination in food and feed, and monitoring of food items and human milk.

Inadequate or excess fluoride

Fluoride intake has both beneficial effects – in reducing the incidence of dental caries – and negative effects – in causing enamel and skeletal fluorosis following prolonged high exposure. The ranges of intakes producing these opposing effects are not far apart. Public health actions are needed to provide sufficient fluoride intake in areas where this is lacking, so as to minimize tooth decay. This can be done through drinking water fluoridation, or, when this is not possible, through salt or milk fluoridation. Excessive fluoride intake usually occurs through the consumption of ground water naturally rich in fluoride, or crops that take up fluoride and are irrigated with this water. Such exposure may lead to crippling skeletal fluorosis, which is associated with osteosclerosis, calcification of tendons and ligaments and bone deformities. While the global prevalence of dental and skeletal fluorosis is not entirely clear, it is estimated that excessive fluoride concentrations in drinking water have caused tens of millions of dental and skeletal fluorosis cases world-wide over a range of years. Although removal of excessive fluoride from drinking-water may be difficult and expensive, low-cost solutions that can be applied at a local level do exist. It is important that local authorities consider the causes of fluorosis carefully and choose the best and most appropriate means of dealing with excess fluoride exposure taking into account the local conditions and sensitivities.

Lead

Lead is a toxic metal whose widespread use has caused extensive environmental contamination and health problems in many parts of the world. It is a cumulative toxicant that affects multiple body systems, including the neurologic, hematologic, gastrointestinal, cardiovascular, and renal systems. Children are particularly vulnerable to the neurotoxic effects of lead, and even relatively low levels of exposure can cause serious and in some cases irreversible neurological damage. Lead exposure is estimated to account for 0.6% of the global burden of disease, with the highest burden in developing regions. Childhood lead exposure is estimated to contribute to about 600,000 new cases of children with intellectual disabilities every year. Recent reductions in the use of lead in petrol, paint, plumbing and solder have resulted in substantial reductions in blood lead levels. However, significant

sources of exposure still remain, particularly in developing countries. Further efforts are required to continue to reduce the use and releases of lead and to reduce environmental and occupational exposures, particularly for children and women of child-bearing age. Interventions include eliminating non-essential uses of lead such as lead in paint, ensuring the safe recycling of lead-containing waste, educating the public about the importance of safe disposal of lead-acid batteries and computers, and monitoring of blood lead levels in children, women of child-bearing age and workers.

Mercury

Mercury is toxic to human health, posing a particular threat to the development of the child *in utero* and early in life. Mercury exists in various forms: *elemental* (or metallic); *inorganic* (e.g. mercuric chloride); and *organic* (e.g., methyl- and ethylmercury), which all have different toxic effects, including on the nervous, digestive and immune systems, and on lungs, kidneys, skin and eyes. It has been estimated that among selected subsistence fishing populations, between 1.5/1000 and 17/1000 children showed cognitive impacts caused by the consumption of fish containing mercury. Mercury releases in the environment result mainly from human activity, particularly from coal-fired power stations, residential heating systems, waste incinerators and as a result of mining for mercury, gold and other metals. Once in the environment, elemental mercury is naturally transformed into methylmercury that bioaccumulates in fish and shellfish. Human exposure occurs mainly through inhalation of elemental mercury vapors during industrial processes and through consumption of contaminated fish and shellfish. Interventions to prevent environmental releases and human exposure include eliminating the use of mercury wherever possible, promoting the development of mercury-free alternatives e.g. for manometers and thermometers, ensuring proper disposal of mercury-containing devices, and implementing safe handling, use and disposal of mercury-containing products and waste.

Highly hazardous pesticides

Highly hazardous pesticides may have acute and/or chronic toxic effects, and pose particular risk to children. Their widespread use has caused health problems and fatalities in many parts of the world, often as a result of occupational exposure and accidental or intentional poisonings. Available data are too limited to estimate the global health impacts of pesticides, however the global impact of self-poisoning (suicides) from preventable pesticide ingestion has however been estimated to amount to 186,000 deaths and 4,420,000 DALYs in 2002. Environmental contamination can also result in human exposure through consumption of residues of pesticides in food and, possibly, drinking water. While developed countries have systems already in place to register pesticides and control their trade and use, this is not always the case elsewhere. Guidance and legal frameworks on the use, management and trade of pesticides, as well as proper storage and handling, are available from international organizations and international conventions; these should be implemented globally.

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**Public Health and Environment
World Health Organization
20 Avenue Appia, CH-1211 Geneva-27, Switzerland**

	)	
Franconia Minerals (US) LLC;	)	
and Twin Metals Minnesota LLC,	)	
	)	
Plaintiffs,	)	Court File No. 16-CV-3042 (SRN/LIB)
	)	
v.	)	
	)	
United States of America; U.S. Department	)	
of the Interior; Sally Jewell, Secretary, U.S.	)	
Department of the Interior; Hilary C.	)	
Tompkins, Solicitor, U.S. Department of the	)	
Interior; and Bureau of Land Management,	)	
	)	
Defendants,	)	
	)	

I, Clare August Hansen Shirley, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

1. I am a member of Northeastern Minnesotans for Wilderness, and have been a donating member since 2016.
2. Northeastern Minnesotans for Wilderness ("NMW") was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so

that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness ("BWCAW") and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW's members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest ("the Forest"), especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. NMW's members would be harmed if the March 8, 2016 Memorandum Opinion by the Solicitor of the U.S. Department of the Interior were invalidated; and if the U.S. Department of the Interior and the Bureau of Land Management ("BLM") granted, or were required to grant, Antofagasta-Twin Metals' request for renewal of its expired mineral leases.

3. I reside at 4620 Sawbill Trail, Tofte, Minnesota.

4. I co-own/operate Sawbill Canoe Outfitters, Inc. ("Sawbill").

a. My grandparents, Frank and Mary Alice Hansen, founded Sawbill in 1957. Sawbill was originally based out of a one-room cabin at Sawbill Lodge, prior to the 1964 Wilderness Act and subsequent closing of Sawbill Lodge. Since moving into its own building, the business has grown along with the popularity of the BWCAW. My parents, Bill and Cindy Hansen, bought Sawbill in 1985. I was raised at Sawbill, and live on site on the edge of the BWCAW year-round. In January of 2016, my husband, Dan Shirley, and I purchased Sawbill from my

parents. Sawbill has supported my family, including my grandparents, parents, husband, siblings and daughter for over 60 years.

b. Sawbill is unique in that it is located off the grid, with no telephone or power lines in the area. We rely on our remote location, specific knowledge of the area, and the pristine nature of the BWCAW in order to provide outfitting services to those entering the Wilderness. We rent canoes and other equipment for the purpose of non-motorized recreational trips into the BWCAW. We operate a store and outfitting shop to cater to our customers, in addition to issuing BWCAW entry permits. We are also the concessionaire for three USFS campgrounds, one of which is located on-site. Our customers rely on our services and campground both before and after their trips. Many customers also choose to stay on-site at the campground and do day-trips into the BWCAW. Sawbill relies exclusively on visitors to the BWCAW to sustain its customer base. On average, Sawbill employs 15 full time employees from May to October.

c. Our customers include two basic groups, those who take overnight trips into the BWCAW, and those who stay in the campground and day trip into the BWCAW. Our customers come from all over the world to access the Wilderness. The summer of 2016 alone we had multiple groups from France, the Netherlands, Austria, Germany, and Canada. Our U.S. customers come from as far as New York or California. We serve several Boy Scout troops from Texas and North Carolina. These travelers join countless customers from Minnesota, Wisconsin, Michigan, Iowa, Nebraska and elsewhere. Across the board, our

customers tell us that they are drawn to the BWCAW due to its pristine waters, quiet solitude, and abundance of wildlife. Because of the ease of accessibility and excellent reputation of the BWCAW, it attracts visitors from all walks of life with a broad range of interests in the Wilderness. Many of our customers are keen to fish, and we often send our customers out with supplies to cook and eat the fish they catch. Being able to eat what you catch is of great importance to many of our fishermen and women. Boy Scout troops, college classes, and church groups all use the BWCAW to train young people in orienteering and navigation, Leave No Trace principles, wildlife photography, biology, etc. Exposure to a largely uninterrupted ecosystem and pristine natural area is the main draw for many of these types of groups. The majority of our customers regularly swim in the unpolluted waters of the BWCAW. As far as I know, every single one of our customers drinks from the lakes in the BWCAW; no one carries in water. Most customers drink the water without any treatment, some boil the water, and a minority will use some form of water filter.

d. We outfit overnight campers for a minimum of three days, two nights. On average, our customers spend about five or six days in the Wilderness at a time. We typically serve the Sawbill, Kawishiwi, Baker, Homer, and Brule Lake entry points, but also deliver customers to entry points in the Ely area, including Lake One and Isabella Lake, with some regularity. Campers sometimes begin their trip in the Ely area and end at Sawbill, or vice-versa. Thus, some of our clientele is concentrated in the Sawbill Lake area, but many of our customers

range out into the Eastern and Western areas of the BWCAW. Due to the nature of the quota system for entry permits, Sawbill relies on being able to serve customers that enter, exit, or travel through all areas of the BWCAW. The interconnected nature of the routes ensures that our customers will be able to find campsites once they enter, and expands the places and lakes we recommend to people in order to spread out the impact.

e. When customers return from Wilderness trips, we inevitably hear stories of fishing. Spring small-mouth bass fishing, mid-summer walleye, and late-fall lake trout are always topics of conversation. People who cannot eat the fish they catch in the polluted waters elsewhere are excited to “live off the land” for a night or two in the BWCAW. We also often hear about wildlife encounters. Customers are frequently enchanted by the loons calling and thrilled by seeing moose. The dark nights with starry skies, and exceptional quietude of the BWCAW, are other important aspects we often hear about. Our customers value the ability to get out into the undisturbed ecosystem and reconnect with the natural world.

5. I live year-round in the heart of the Superior National Forest here at Sawbill. Every aspect of my professional and personal life revolves around our remote location and access to nature. Professionally, I left my career as an attorney in Missoula, Montana, and my husband left his career as a chemist, in order to run Sawbill. We rely exclusively on the success of Sawbill to sustain ourselves and our five-month old daughter. From May through October, Sawbill is open to the public and we work seven

days a week to help customers access the Wilderness. When we do have a few free days, we spend them taking a canoe trip in the BWCAW or hiking on one of the many hiking trails in the immediate area. My husband and I both have Minnesota fishing licenses and spend many evenings fishing. My husband is an avid hunter of both deer and grouse and hunts both in the Forest in the fall. We process the animals ourselves and store the meat for use during the winter. We gather a variety of other food from the Forest, including mushrooms, berries, and ferns, all of which we preserve and eat throughout the year. During the winter months, we continue to live on-site, even while the business is closed to the public. We maintain a cross-country ski trail through the Forest which we use on an almost daily basis throughout the winter. We also frequently cross-country ski, snowshoe, or hike into the BWCAW. Sometimes it is to ice fish, other times to take photographs, observe wildlife, and always for exercise and to relieve stress. We maintain several social media accounts, including Facebook, Instagram and Twitter, as well as our own website, www.sawbill.com, both personally and professionally for the outfitter. We often use photographs and stories from our time spent in the Forest on these online platforms. Our customers interact virtually with us and enjoy the frequent glimpses into the Forest throughout the year. We plan to spend the rest of our working careers running Sawbill, and have no plans to alter the nature of the business.

6. I have gone on a BWCAW overnight canoe trip nearly every year of my life. My husband and I intend to take our daughter on an overnight BWCAW trip every summer of her childhood. Living in Montana, we frequented the Rattlesnake Wilderness Area, along with several other national forests and wilderness areas in the West. These

experiences helped lead us back to the Forest and BWCAW. Nowhere in the West can you drink the water directly from the source without treating it. The quiet solitude, pristine nature, and unique abundance of clean water are what drew us back to the BWCAW and are what make it an easy choice for us to stay here. Disruptions such as industrial activities in the immediate vicinity of the BWCAW would negatively impact the experience of those visiting the Wilderness. That in turn would negatively impact the area's reputation, thus negatively impacting our business as well as our personal enjoyment and use of the area.

7. Given how closely we live with the land in the Forest and the BWCAW, we have a number of interests tied to maintaining the ecosystem. Maintaining species diversity, including proper lynx management, so that our customers can see and photograph wildlife is of great importance to the continued success of Sawbill, and to our personal enjoyment of the BWCAW. Thus, it is also essential to our interests that habitat fragmentation and loss of forest habitat be prevented. Drinking water straight from the Wilderness lakes is vital to the use and enjoyment of the BWCAW by us and our our customers, and to the reputation of the BWCAW as a pristine Wilderness destination. Loss of the exceptional water quality in the BWCAW and the Forest would negatively affect our business and our personal lives. Our business is tied directly to non-motorized recreational use of the Forest and the BWCAW. Reducing road infrastructure by decommissioning unneeded roads on the edge of the Boundary Waters supports our interests, as does identification and maintenance of non-motorized trails for hikers,

snowshoers, and cross-country skiers. Primitive recreational opportunities are the backbone of our business.

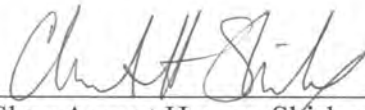
8. As the third-generation co-owner and operator of Sawbill, my business relies entirely on the use and enjoyment of the BWCAW and surrounding areas. We employ around 15 people from May to October and two to four people from October to May. We serve thousands of people annually with the sole focus of use and enjoyment of the unique natural areas in and around the BWCAW. If mining leases in the lands adjacent to the BWCAW were renewed, it would have such a negative impact on our business that it would be difficult to continue to operate as we do, employ as many people as we employ, make a profit, and make a living. Sawbill celebrated its 60th season in business this summer, and I intend to continue its success for at least the rest of my working career.

9. My interests in protecting the BWCAW and maintaining its wilderness character, aspect, and soundscape; maintaining species diversity; protecting and improving the quality of water in the roughly 1,175 lakes and 1,200 miles of stream and river within the BWCAW, and elsewhere on the Superior National Forest; promoting non-motorized recreation; protecting the aesthetics experienced by visitors to the BWCAW as they enter and depart the wilderness; and running a business that provides outfitting services to visitors to the wilderness would be harmed if the March 8, 2016 Memorandum Opinion by the Solicitor of the U.S. Department of the Interior were invalidated; and if the U.S. Department of the Interior and the Bureau of Land Management ("BLM") granted, or were required to grant, Antofagasta-Twin Metals'

request for renewal of its expired mineral leases, located under and on the edge of Birch Lake and the Kawishiwi River, just upstream from where those two waters flow into the BWCAW.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 29th day of October, 2016



Clare August Hansen Shirley

	)	
Franconia Minerals (US) LLC;	)	
and Twin Metals Minnesota LLC,	)	
	)	
Plaintiffs,	)	Court File No. 16-CV-3042 (SRN/LIB)
	)	
v.	)	
	)	
United States of America; U.S. Department	)	
of the Interior; Sally Jewell, Secretary, U.S.	)	
Department of the Interior; Hilary C.	)	
Tompkins, Solicitor, U.S. Department of the	)	
Interior; and Bureau of Land Management,	)	
	)	
Defendants.	)	
	)	

I, Steven L. Koschak, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

2. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the

Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness ("BWCAW") and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has approximately 5,000 members and 93,000 additional supporters across Minnesota and the United States. NMW's members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases.

3. I reside with my wife, Mary Jane Koschak, at 12007 River Point Road, Ely, Minnesota 55731, in Lake County.

4. My wife and I own and operate River Point Resort & Outfitting Company at the same address. Our facility is located on the peninsula where the South Kawishiwi

River flows into the northern end of Birch Lake. We are five miles by water from the Boundary Waters Canoe Area Wilderness.

5. River Point Resort & Outfitting Company is a tourism and hospitality business that has been in operation since 1944. It was started by Frances and Frank Koschak, and has been owned and operated continually by the Koschak family since that time. River Point Resort offers lodging in the form of sixteen housekeeping cabins, villas, and chalets, along with auxiliary recreational opportunities such as swimming, boating, kayaking and canoeing, guided fishing, hiking and other family activities. We accommodate approximately 2,000 housekeeping guests per season, which runs from mid-May through mid-October.

6. River Point Outfitting Company outfits trips in the Boundary Waters Canoe Area Wilderness (BWCA), as a complement to our resort accommodations. Our outfitting business includes more than 100 canoes, and we outfit more than 775 people travelling in the BWCA in the course of a summer. We offer both partial and complete outfitting services, which can include meals, routing, maps and permits, and transportation to any of the approximately 30 entry points to the BWCA in the Ely area.

7. Our property consists of 34 acres, with one mile of shoreline, in the heart of the Superior National Forest. Prior to construction of the resort, this land had been unoccupied and undeveloped since the time of the Laurel Indians, who lived here about 500 years before the Common Era. The land includes a significant archeological site that was discovered in 1982, the first discovery of a site occupied by the Laurel Indians in the United States. An archeological covenant with the U.S. Forest Service protects this site

on the south shoreline. The site is immediately adjacent to a proposed underwater tunnel to connect the Twin Metals Maturi mine to the proposed concentrator site.

8. Until 2002, the land that we now own was part of the Superior National Forest, and we leased it from the U.S. Forest Service. Our business was considered an exemplary model of a private/public partnership with the Forest Service, and government dignitaries flew in several times to see the property and speak with us about the partnership. We were able to purchase the land through a land exchange in 2002. I believe that a primary reason why we have maintained such a positive relationship with the Forest Service is that we have always considered ourselves to be stewards of the land, and have taken great care not to impact the water, air, or forest on and around this property – both before and after we received title.

9. Our property is in a beautiful location deep in the forest. It is sited on a private peninsula with no other roads, bounded on the east and west by the South Kawishiwi River. Birch Lake joins the river at the south shore of the property.

10. Birch Lake is twenty miles long, and about ninety percent of the shoreline is in federal ownership. Birch Lake is the only lake in the area outside of the BWCA where the Forest Service maintains boat-in, wilderness-style campsites, which provide unique camping opportunities for our guests and other visitors to the area. Birch Lake is home to two federal campgrounds, 17 dispersed campsites, a private campground, one additional resort, and two houseboat businesses. Birch Lake is similar to the large lakes found within the BWCA, and provides a wilderness-type experience to people who are unable to make a trip into the BWCA.

11. The BWCA lies five river miles to the northeast east of our resort property, and is accessible from our property by canoe through Entry Point 32 (South Kawishiwi River). The South Kawishiwi River flows southeast out of the BWCA for five miles, at which point it meets Birch Lake, takes a sharp turn to the northwest on the west side of our property, and flows through White Iron and Farm Lakes. It is also possible to access the BWCA through Farm Lake by that route. Finally, the river continues to flow north through Garden Lake and Fall Lake where it re-enters the BWCA. This route into the BWCA is the most direct route to Basswood Lake and the Canadian border from River Point Resort and Outfitting Company. From our location in the headwaters of the Rainy River (BWCA) watershed, there are literally hundreds of miles of paddling (and other boating) opportunities both upstream and downstream.

12. People come to River Point Resort and Outfitting Company because of our location on the edge of the BWCA, the incredible natural beauty, the clean air, the quiet, and the wilderness setting. People come for the peace and tranquility of a place where they are completely buffered from the noise, sights, and stress of urban life. The property is all about nature, and that is what people come here for. We provide them with the comforts of home (but without TVs!), in a place where they can escape the chaos and craziness of their daily lives. People come here simply to sit on their screened porch or on the lakeshore, look at the river, the lake, and forest, and listen to the sounds of nature. Our guests come seeking equilibrium and spirituality as only a sojourn in a wild area can provide.

13. My wife and I have experienced negative impacts from mining activity for more than ten years. One negative impact was from the noises of drilling, seismic testing, and heavy equipment operation. Twin Metals Minnesota (Antofagasta Chile) began drilling in the area in approximately 2006. A group of summer home owners adjacent to our property were coerced into a road-use agreement with the understanding that the mining company would cease exploratory drilling in their neighborhood in the summer months. However, the mining company did not negotiate with River Point Resort and Outfitting Company.

14. We were subjected to drilling noise throughout the fall, winter and spring seasons of every year for many years. The noise occurred so frequently and for so long that we did not document specific dates and times. The noise repeatedly was loud and constant enough that we did not open our windows. Even so, the drilling noise was audible indoors. The auditory pollution was incomprehensible and unbearable. Whether it was because the birds were no longer around or because we couldn't hear them over the drilling noise, we did not hear the usual springtime sounds of birds on our property from 2006 through 2013. We did not realize how completely the birdsong had been missing during that time until the spring of 2014, after Twin Metals ceased their exploratory drilling. However, to the best of my knowledge, hydrogeological exploration by Twin Metals occurred on federal lands and also on some state lands within the wilderness following the cessation of the exploratory drilling phase by Twin Metals. Along with the drilling for the hydrogeological wells, other "down the hole" environmental drill hole assessments were ongoing. Furthermore, the noise resulting from capping of some 10-

year old exploration drill holes by Twin Metals occurred then, and is occurring now in the fall of 2016.

15. When exploratory drilling occurred, the noise was constant – day and night. In addition to drilling noise, we heard screeching and banging when drills were being changed, and heavy truck and bulldozer activity, including use of bulldozers to push boulders out of drilling locations. The drilling activity was sometimes close enough to us, that we could hear the voices of the workers across the river and lake. We felt captive in our home, as we did not want to be outside to bear the full brunt of the noise. The whole point of living where we do is lost when we cannot be outside, and cannot hear the peace and quiet of natural sounds like wind in the trees, and birdsongs.

16. To understand what the sound of constant drilling and heavy equipment is like, if you have never lived through it, try this for a few months or so: put your Kitchen-Aid mixer on the counter, plug it in, throw rocks into the steel pot, and leave it running with the blades hitting the side of the pot 24 hours a day, seven days a week, for months on end. Occasionally turn the mixer off, bang on it with a hammer, and restart it minutes later, without notice. That is what it sounded like to us, even when the drilling sites were miles away.

17. The constant barrage of sound wore on us, causing us mental and emotional stress and anxiety. The noise added a layer of stress that we would not otherwise experience. This became especially clear to us in 2014 when the noise stopped; the relief from the cessation, coupled with anxiety from not knowing when the noise would restart, made us realize how much of a burden it was, personally. In addition, we experienced

stress from living with the worry of losing our business, and consequently our home, due to decline in our reservations and customers caused by the nearly incessant noises from the Twin Metals lease sites across the lake and river. We still live under a constant dark cloud of stress over us every day, from worrying that the leases will be renewed and the mining noises and other effects on us and on our businesses will resume.

18. In 2013, Twin Metals continued drilling into the summer guest season. This noise in the heart of our busy season was a significant disruption for our guests, and negatively affected the quality of their experience. Not surprisingly, guests at our resort do not want the sound of drill rigs and heavy equipment impacting their vacation, and they are shocked and unhappy when the peaceful, natural surroundings and sounds, like wind in the trees and waves lapping the shore, are drowned out by industrial noise. Likewise, guests who canoed/camped within the Boundary Waters were impacted by the noise and their wilderness experience was lacking the peace and serenity that they were seeking and should have had on their adventure. Resort guests and canoe outfitting guests complained about the noise, resulting in many questions about the situation, creating loss of employer and staff time on other vital tasks and additional stress on everyone. The noise associated with the mineral exploration harmed my wife, Jane, and I emotionally and mentally, and it denigrated the perception of peace and quiet which are the mainstays of why our businesses have been successful these past 40 years and why guests choose to vacation at our wilderness edge resort location, and within the Boundary Waters. The long-term effects of mineral exploration and the threat of a looming mine across the river

has had a negative affect financially and has harmed the reputation of River Point Resort & Outfitting Company.

19. Although the agreement with Birch Lake summer home owners limited drilling in our vicinity in the summer, the company drilled in other locations during that time. In the summer of 2009 or 2010, we had a guest whom we had outfitted for a BWCA trip who came back reporting that her trip had been ruined by drilling noise. This was in the Gabbro Lake (Entry Point 33) area in the BWCA. We would lose more outfitting customers if the mining leases were renewed, as the mining noises, including drilling, heavy equipment, and other noise, would resume.

20. Prior to mineral exploration activities, we did not hear any similar noises. We rarely, if ever, heard even the sound of a distant motor vehicle on state highway #1, and rarely did a lone plane fly overhead on its way to Ely's airport.

21. The ability to hear the sounds of nature has an importance beyond being an ingredient in relaxation or vacationing – it is important to having a good quality of life year round, and also to being able to participate in and enjoy the fall deer hunt. In early November of 2011 or 2012, about ten relatives and friends joined me at River Point for our annual deer hunting week. At that time, Twin Metals had as many as eleven drill rigs operating at one time. I was in my deer stand trying to listen for the sound of a deer walking in the woods, and realized that I could not hear the sounds of the forest over the drilling. At that point I quit hunting on my property because of the noise. None of the people who had come were able to hunt here because the noise made it impossible to use their hearing - one of the critical senses needed when hunting. In addition to engaging in

an annual family and friends event, being in the forest at this time of the year is a special event, in and of itself. The color changes have occurred, the forest is still, and the experience of just “being” amidst the beauty and serenity of the quiet of nature is therapeutic and restful. We had been robbed of the anticipated hunt and the forest experience due to the incessant drilling noise from Twin Metals.

22. The mining company has also used aerial sonar for exploration, flying a large helicopter at low altitude, just above the tree tops. The helicopter would traverse very slowly, covering the entire area by sections and working in a grid. Once it had covered the area moving back and forth in two directions, it would move to transects in the other two directions, covering the same area. The helicopter would pass over our property many times – perhaps fifty times in one day. The noise was so loud that we would have to shout to be heard. This occurred during the summer when we had guests, who were very disturbed by the noise and what felt like an invasion. This went on at least twice a week during the summer of either 2011 or 2012. I could see that the helicopter was also flying close to the edge of the BWCA, and am certain that the noise affected the wilderness area.

23. I submitted complaints about the helicopter noise, first to the Federal Aviation Administration who said there was nothing they could do, and then to our congressional delegation. After speaking with Senator Franken, the helicopter flights stopped. Shortly after that, three men in a boat spent a day right off of our property’s shoreline, performing seismic testing along the entire boundary. Some of the men in the boat trained binoculars on the shore repeatedly. This activity, both the seismic testing and

the use of binoculars, troubled our resort guests as it invaded their privacy. I believe that the mining company was doing this to make a point, and that it was an act of harassment.

24. Even prior to 2006, we were impacted by the noise of Franconia drilling at the Birch Lake site, four or five miles down the lake. Franconia anchored a barge in the middle of the lake, but noise travels a long way over water. The noise funneled down the lake, so we heard it from our property, but the entire lake was also affected by auditory pollution for an entire summer. The drilling noise was loud enough that I know it impacted the campsites around the lake. Our guests asked us about it all summer long, taking time away from our work and creating an anguishing situation for us, as we had no idea how long it would continue. I went on a tour of the Franconia drilling operation, and noticed that the noise was deafening in the immediate vicinity. I have some experience with sound abatement in the construction of buildings, and noticed that there was no attempt at sound abatement at the Franconia operation. I also saw that the drilling barge flew both an American and a pirate flag, which I felt was a statement of the mining company's attitude toward neighbors on the lake and the forest environment.

25. In addition, the mineral lease activity also affected our air quality at River Point. When the wind was right, we got the smells of diesel exhaust from heavy equipment, rather than fresh air scented with the smell of pines, water, and forest.

26. More, in the area where drilling for mineral exploration was being done, I am no longer able to access parts of the Superior National Forest where I used to go. Friends and neighbors who have hunted in the area for years have had to go elsewhere. The area is more fragmented than ever as a result of roads that have been put in for

mineral exploration and then gated, so that what used to be an open track is now a gated road. Mining activity has made this portion of the Superior National Forest less accessible to recreational users. This has always been a well-loved area devoted to recreational pursuits, but the mining company's mineral exploration has essentially privatized public land, dedicating it to the use of a Canadian mining company owned by a bigger Chilean mining company.

27. Furthermore, I believe that our well water has been affected by the exploration activity. Kinetico tests our water yearly, and in the last couple years the amount of iron in the water has increased dramatically. During that same time, we noticed that the water and bathtubs in some of the accommodations were turning brown. We have one well that has always had very pure water – the water has never needed treatment. The water in that well was particularly affected, and we worried through the summer of 2014 that we would lose that well. However, the drilling stopped that year, and the water cleared up through the summer and has remained clear. Water from another of our wells, however, got substantially worse than the well mentioned above, experiencing an increase in hardness that included a 40-fold increase in iron content between 2006 and 2014. We have had to replace many, many shower heads, faucets, and other fixtures as a result of the corrosion from this water. My wife broke out in a rash after showering which continued with use of that water. Even the silverware in our housekeeping cabins began to tarnish badly, and we incurred costs in staff time and money to have to staff scrub each piece of silverware each time housekeeping occurred to remove corrosion. We had to install a second, larger water softener, and began to go through eight bags (300 pounds)

of salt per day, and still our guests complained about the water's taste and color. We had to install under the kitchen sink reverse osmosis systems in each of our 16 housekeeping accommodations, and in our residence, at a cost of roughly \$200 each. I attribute the deterioration of water quality in our one well to the drilling by the mining company and its contractors of hundreds of holes, some thousands of feet deep. Our wells are able to draw water because they intercept fractures and fissures in the bedrock, and it is my conviction that some of the fractures transport water from across and beneath the South Kawishiwi River and Birch Lake, where the drilling has been happening.

28. During the same time frame, we noticed one year that when the ice receded from the shoreline in the spring, the entire shoreline was covered by reddish-brown, clay-like silt, which is something we have never seen here before. It just happened one year, which I believe was 2013, and has not happened again.

29. During the drilling, I also saw Twin Metals water tanker trucks filling their tanks frequently, night and day, with water from the Kawishiwi River and Birch Lake, for use in drilling. No monitoring was done, and to my knowledge they did not keep track of how much water they were using. I have been told that they were permitted to use up to 10,000 gallons per day with their permit, but I have not been able to obtain any information about how much water they are actually using. We had three years of drought – 2011, 2012 and 2013 – when the lake and river levels were very low. I am aware that if the mineral leases were to be renewed, the plaintiffs would likely get another permit for withdrawal of lake water, and that if a mine were built it would likely be given larger volumes of water to withdraw, and I do not believe that this is a sustainable use of water.

30. I am aware of the Twin Metals mine plans, including the planned location of underground mines and surface facilities. I am aware of the amount of surface activity required to construct a mine of the size that is planned. There is no possibility that we would be able to continue operating our two businesses here if a mine was built in this area. To take the present wilderness, recreational district of the Superior National Forest and turn it into a mining district would be the end of River Point Resort & Outfitting Co., as we now know it, our home, and our way of life. The location simply would no longer offer the setting that our guests come here for. This would destroy the life we have created and the dreams and the legacy we wish to pass onto our son. Our life's work and investment will be destroyed. This would devastate us, certainly, but would also destroy the refuge for the thousands of guests that we serve every spring, summer and fall, along with Superior National Forest visitors who use Birch Lake, the Kawishiwi River, or the pristine Boundary Waters wilderness area adjacent to River Point.

31. Land values plummeted after the drilling noise began, and the constant threat of a sulfide-ore copper mine has depreciated property values. If the leases are renewed, our worries that the mine could go through will only increase. If it does, we would be forced to close our businesses, and likely attempt to sell our property. We would be forced to sell at a steep discount from of its pre-drilling, pre-mine value resulting in financial ruin.

32. My interests – including all the above and more – are distinct from those represented by the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S.

Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 26 day of October, 2016



Steven L. Koschak

Franconia Minerals (US) LLC;
and Twin Metals Minnesota LLC,

V.

Defendants.

Court File No. 16-CV-3042 (SRN/LIB)

I, Louis Tomsich, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules that the following statements are true and correct:

1. I reside with my wife, Linda Tomsich at 5333 165th Lane NW, Ramsey, MN 55303.
2. My wife and I are members of Northeastern Minnesotans for Wilderness, and have been donors and volunteers on behalf of the Campaign to Save the Boundary Waters.

3. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW” or “Boundary Waters”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has thousands of members and supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

4. As a child, I traveled throughout the canoe country now known as the BWCAW with parents, Boy/Explorer Scouts, and then with Linda as a married couple with family. At the age of 18, I participated in a 300-mile canoe race through the Boundary Waters and Quetico Provincial Park from Ely, MN to Atikokan, Canada and back, taking 3rd place. Enjoying the wilderness and canoeing has played a significant part in my life.

5. The cabin property which my wife and I own was purchased by Linda's parents in the mid-1950's. The cabin was moved from Half Dog Island on Basswood Lake in the BWCA in the mid-1960's and re-assembled on the South Kawishiwi River by Linda's parents. My wife and I also purchased other adjacent properties along the river. These total 96 acres, along with the cabin property, which make up approximately a mile of South Kawishiwi River shoreline including portage 711. Portage 711 is part of two possible routes for Entry Point # 32 and allows access to upper portions of the South Kawishiwi River, and beyond. Our portage is unique because vacationers cannot drive to it, rather, they paddle upstream from South Kawishiwi Campground, along our property which has been managed as natural wilderness since we've owned it. With loons, beaver huts, and rugged shoreline it is a foretaste of the beauty that awaits them less than two miles upriver in the BWCA. The proposed mine is within earshot of our property, and the environmental disruption would be devastating. As an example, while exploratory core samples were extracted we were continuously bombarded by the deafening hum of drilling rigs followed by the concussive thud of explosions from blasting. The noise

pollution alone was enough to silence the songs from birds and animals making our property feel eerily devoid of life. If the proposed mining is allowed to take place we will have to endure the constant drone of heavy machinery at the very least. I do not even want to think of what would happen when pollution leaches into the creeks and streams that feed into the South Kawishiwi barely a mile upstream from our property. It will be devastating to me and anyone else that paddles the South Kawishiwi River to enter the BWCA.

6. Linda and I both graduated from Ely Memorial High School and Vermillion Community College. Linda continued her education, graduating from the University of Minnesota Duluth with a BS in Elementary Education. She earned a Master's degree from the University of Minnesota in Early Childhood Education. After a 33 year teaching career Linda retired in 2007. I graduated from Bemidji State University with a BS in Industrial Technology. My sole focus over a 41-year career in the Heavy-Industry & Healthcare Industry was to keep my employer's workplace free of recognized safety and environmental hazards. By enforcing and exceeding the requirements of the Occupational Safety & Health Act of 1970 (OSHA) I was able to meet those objectives. I retired in 2014.

7. Since retirement, Linda and I have been able to spend more time at our cabin, and that has led to a rejuvenated passion in our South Kawishiwi River property. We have spent countless weekends working on our forest land, improving our

cabin property, fishing, canoeing, snowshoeing, hiking, and cross country skiing along the riverfront.

8. We do not want a sulfide-ore copper mine to be located in the watershed of the BWCAW, let alone so close to the wilderness boundary and to water bodies like the South Kawishiwi River and Birch Lake. The clean and extremely inter-connected lakes and rivers of the BWCAW watershed is not the place for a sulfide-ore copper mine, considering that Environmental Protection Agency data shows this type of mining to be the biggest producer of toxic waste in the country. This type of mining has never been done safely. No sulfide-ore copper mine in the world has ever operated and closed without polluting nearby surface and groundwater.

9. In addition to our desire to protect and enjoy the intrinsically valuable natural attributes that the area lakes provide, my wife and I also have a financial interest at risk. It is unfathomable to think of placing that kind of mining in the watershed of one of our national treasures. Our property is right across the river from the proposed Twin Metals Mine. We are concerned that our well water would become contaminated, that the noise and air pollution from the proposed mine would directly affect our property, and the values of our property would plummet. We need to think long-term about this project and how this will negatively affect us, and everyone else who has used or ever will use this area and the BWCAW.

10. The Ely area and the BWCAW have influenced my life in many ways and I feel strongly about protecting it for future generations. We have two grandchildren, a girl

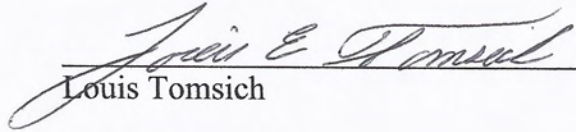
aged seven, and a boy aged four years old, and I want them to enjoy what my wife and I have enjoyed over the years. When at the cabin they are active and outside, which is important to their healthy development physically and mentally. The kids enjoy fishing, swimming and exploring. They appreciate the clean water we now have. What will they learn about us as a state and as a nation, if they experience the destruction this mine would cause to such a precious place, and to such precious resources as pure water and beautiful, quiet wilderness?

11. Sulfide-ore copper mining development, if it were to move ahead in the watershed of the BWCAW, would inevitably pollute surrounding and downstream waters in the BWCAW, and groundwater. It would taint the quality and reputation of the BWCAW as a wilderness canoeing paradise, and harm our enjoyment of the BWCAW as a place to travel through by canoe, to camp, and to fish. I would worry about my family and I drinking the water and eating fish caught in the river and waters downstream. I have personal, environmental, and financial interests in seeing the decisions of the federal agencies upheld, so that the agencies may continue to have the authority to decline to renew the mining company's expired mineral leases.

12. I support Northeastern Minnesotans for Wilderness in its work and mission, and I look to it to advance my interests in the protection of the BWCAW and its watershed. I believe that if expired mineral leases were to be renewed, it would cause irreparable harm to the BWCAW. It is a risk we cannot take.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
is true and correct.

Dated this 26th day of OCTOBER, 2016



Louis Tomsich

	)	
Franconia Minerals (US) LLC;	)	
and Twin Metals Minnesota LLC,	)	
	)	
Plaintiffs,	)	Court File No. 16-CV-3042 (SRN/LIB)
	)	
v.	)	
	)	
United States of America; U.S. Department	)	
of the Interior; Sally Jewell, Secretary, U.S.	)	
Department of the Interior; Hilary C.	)	
Tompkins, Solicitor, U.S. Department of the	)	
Interior; and Bureau of Land Management,	)	
	)	
Defendants.	)	
	)	

I, Gail Bollis, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

1. My husband, Chris Bollis, and I have been married since 1974. We currently reside at 220 Stubbs Bay Rd., Long Lake, Minnesota 55356.
2. My husband and I are members of Northeastern Minnesotans for Wilderness ("NMW") and have been in-kind and financial donors and dedicated volunteers on behalf of the Campaign to Save the Boundary Waters.
3. Northeastern Minnesotans for Wilderness was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural

features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness ("BWCAW") and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has thousands of members and supporters across Minnesota and the region. NMW's members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities, and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases.

4. I was born in 1949. I grew up in the Lake Minnetonka area of Minnesota, as did my husband. I have lived my entire life in Minnesota, as has my husband.

5. As a child, my five siblings and I thought we were rich, because we spent a week in the Minnesota Northwoods renting a cabin or camping, where my father loved the smell of the pines. These were deeply memorable experiences and I wrote about them for school assignments.

6. My husband, Chris Bollis, has many fond memories of Boy Scout canoe trips to the boundary waters. Because of these experiences he learned to love the outdoors. From those experiences he gained useful survival and life skills that he later employed to manage the challenges of living outdoors during his year as an infantryman on field-duty in Vietnam from 1968 to 1969. When he returned from Vietnam, he went to the Minnesota Northwoods several times, which helped him heal and more smoothly

transition to civilian life.

7. After our wedding, my husband and I camped in the Superior National Forest for our honeymoon. Then, while we raised our three children, we vacationed in the Minnesota Northwoods, often camping near Ely.

8. Since 1985, we have owned a Finnish-style log cabin built in the early 1930s, complete with the original log furniture, that is located on a cedar- and red pine-covered point of land on the South Kawishiwi River. Our drinking water comes from an outside pump, served by a 75-foot-deep well and our bathroom is an outhouse. Our washing water, for hands and dishes and cooking, comes from a pump, the intake for which is located at the confluence of Birch Lake and the South Kawishiwi River. We also have an outdoor shower that is served by the same pump. We are four portages from the Kawishiwi River BWCAW entry point, also known as entry point #32. At this cabin we have hosted our children, our grandchildren, and many Boy Scout troops and church groups, who speak very fondly of these wilderness experiences. We want our four grandchildren to enjoy the pristine wilderness experiences as well. Wilderness is like none other as a respite from a busy world, a place to recharge, heal, and regain one's bearings.

9. Each year, we spend from one to several weeks at the cabin during each season, spring, summer, fall and winter, when we ski in three miles to reach the cabin. We invite friends and family to join us. We go fishing, swimming, berry picking, hiking, and hunting. It is a very special place to us.

10. Our cabin is located on what was Federally Leased land, but we now own the surface rights. In 2010, we were one of 25 cabin owners who finalized a multi-year-long land exchange with the federal government. It was near the conclusion of the exchange process that we were informed about a new interest in sulfide-ore copper mining under Birch Lake and the Kawishiwi River. After researching the sulfide-ore copper mining industry, we became very concerned about environmental consequences that would affect us and other people who lived in and visited the area.

11. From the mid-2000s until about 2014, mining companies or their

contractors drilled hundreds of deep holes within two miles of our cabin to the northeast, east, south, and southwest. The noise from the drilling was very loud and carried a long distance though forest and across Birch Lake. The drilling sound was intrusive, jarring, and disrupted our enjoyment of the time we spent at our cabin. It interfered with my ability to hear the sounds of nature. The nearest drilling occurred less than a half-mile from our cabin, but we also heard drilling from sites well over a mile away, at least. We also heard the beeping sounds of trucks backing up at drill sites. Some of the drill sites were on land which we own in common with other people along our road. In addition, we had to put up with the noise from a lot of truck and heavy equipment traffic. These sounds diminished our enjoyment of being at our cabin, being outside on our property, and paddling on the Kawishiwi River and Birch Lake.

12. The Kawishiwi River flows in a southwest direction, out of the BWCAW and to our cabin where it meets Birch Lake, and where the direction of flow turns northwest, through the White Iron Chain of Lakes, and then back into the BWCAW. The expired mineral leases are located right on, or under, or adjacent to the Kawishiwi River and Birch Lake – in other words, all around and under us. Our cabin and land are located on lands covered by one of the two expired mineral leases. Though we own the surface, the sub-surface minerals are federally owned. The minerals beneath our cabin are part of the Maturi deposit, and, according to a pre-feasibility study by contractors to the mining companies, would be the first, or one of the first, deposits to be mined if Twin Metals gets its leases renewed.

13. Sulfide-ore copper mines always pollute surrounding water; it is not a question of whether, but when the pollution would reach the South Kawishiwi River, Birch Lake, and the BWCAW if the mining companies win.

14. Pollution from a sulfide-ore copper mine in the deposits covered by the expired mineral leases would, under normal operation, reach the Kawishiwi River and Birch Lake. That sulfide or copper mine pollution, with acids and heavy metals, would affect our property, damage our property's value, harm our ability to safely use the water we use, and harm the peace of mind, feeling of safety, and enjoyment we take now in

using the water for drinking, washing and bathing, fishing, swimming, and paddling. The pollution would flow downstream and into the BWCAW, damaging its ecology and its reputation as a clean, pristine, and unsullied place.

15. For 32 years, we owned and operated a family business called the General Store of Minnetonka, which includes a destination gift and souvenir store and cafe that attracts customers from near and far. We advertise our store in hotels and the airport. We employ nearly 50 full-time and part-time people in our 20,000 square-foot free-standing store. Some of the most popular items sold in the store are those with a Minnesota Northwoods theme or image. Roughly 25% of our first floor space is devoted to Northwoods-themed goods, representing a substantial amount of our sales and revenue. The store also sells wild rice and the cafe serves wild rice soup and wild rice salads. The vibrant sales of these products depend upon the environmental health of the Minnesota Northwoods and BWCAW as a place for people to visit and be proud of. The tourism industry in the BWCAW and the Minnesota Northwoods is one of the things that makes for a positive quality of life for Minnesota. That quality of life also helps draw here the kind of people we like to employ. Sulfide Nickel mining is a threat to wild rice and tourism and we believe it will detract from the pride Minnesotans feel about the Minnesota Northwoods and will hurt our business.

16. Because of our business and financial interests, our future enjoyment of a pristine wilderness and our deep desire to leave a wilderness legacy for our children and grandchildren, we do not want a sulfide-ore copper mine to be located near the BWCAW or within the watershed of the BWCAW, where it would do irreversible damage to the water and wilderness. We support the work and mission of Northeastern Minnesotans for Wilderness and we depend upon the organization to defend our interests and help us protect the BWCAW and its watershed. We believe that renewing expired mineral leases will lead to significant damage to the BWCAW and to our interests.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information is true and correct.

Dated this 27 day of October, 2016

Gail Bollis
Gail Bollis

Franconia Minerals (US) LLC;
 and Twin Metals Minnesota LLC,

 Plaintiffs,

 v.

 United States of America; U.S. Department
 of the Interior; Sally Jewell, Secretary, U.S.
 Department of the Interior; Hilary C.
 Tompkins, Solicitor, U.S. Department of the
 Interior; and Bureau of Land Management,

 Defendants.

I, Robert Beymer, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

1. I reside with my wife, Cheryl Beymer, at 12355 Endless Waters Road, Ely, Minnesota (mailing address: PO Box 766, Ely, MN 55731). That has been our primary residence since June 1984.

2. I was a charter member of Northeastern Minnesotans for Wilderness when it was created in 1996, and I donated \$500 during each of the past two years to the Campaign to Save the Boundary Waters.

3. I fully support the mission of Northeastern Minnesotans for Wilderness ("NMW") to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness ("BWCAW" or "Boundary Waters") and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places, both for the current population and for future generations.

4. The Boundary Waters Canoe Area Wilderness has been an essential part of my life for 50 years. I first visited the Wilderness in 1967 when, at the age of 18, I organized a canoe trip for Explorer Scouts living in south-central Iowa. For me, it was love at first sight, and I returned to the Boundary Waters every summer for the following 17 years, including seven summers working as a canoe trip guide for Camp Northland on Burntside Lake. It was there where I met Cheryl and, after we were married in 1977, she also helped lead canoe trips at the camp. While guiding for Camp Northland, I saw the need for literature to help introduce Wilderness newcomers to the many routes available to them. This led me to become an author. My *Boundary Waters Canoe Area Wilderness: Western Region* was first published in 1978, and it was succeeded by my second book, *Boundary Waters Canoe Area Wilderness: Eastern Region*, the following year. In 1985, my *Paddlers Guide to Quetico Provincial Park* was published, and it

covers routes on the Canadian side of the border. For about two decades, I also wrote articles about the Boundary Waters for such periodicals as *Camping Journal*, *Silent Sports*, *Minneapolis-St. Paul Magazine* and *Boundary Waters Journal*.

5. Cheryl and I bought our property in 1983 and moved there in 1984. We chose the lakefront property because of its relatively remote location on the shore of the South Kawishiwi River and its proximity to the Boundary Waters Canoe Area Wilderness. It was close enough to Ely to allow commuting to work in town, while being far enough away from town to provide a peaceful environment. It was on the South Kawishiwi River, in fact, where Cheryl took her first canoe trip into the BWCAW, and it was one of my favorite canoe routes. We have kept the woods on the lakeside of our house as natural as possible so as to not detract from the experience of other paddlers as they begin their journeys at the South Kawishiwi River Campground and paddle past our property en route to Wilderness Entry Point 32, a couple of miles upstream. Over the past 33 years we have watched native wildlife from our house, including moose, bear, deer, pine martens, fishers, beavers, foxes, bald eagles and osprey, and we have listened to countless song birds and the eerie cries of common loons and timber wolves. The proposed mine is close to our property, and the environmental disruption would be disappointing, if not devastating. While the drilling for core samples occurred for at least ten years, we listened to the constant hum of drilling rigs around the clock. Nevertheless, Cheryl and I did not want to be NIMBYs and we refrained from taking active opposition to the proposed mining venture. Even today, we do not want to oppose mining in our

back yard simply because of the detrimental effects it will have on our lives. However, we cannot tolerate even a *possibility* that a mine so close to the Wilderness will mitigate, if not completely obliterate, the wilderness experience for future generations. If the proposed mine is allowed to take place, the sound of heavy machinery well into the BWCAW will be an ever-present annoyance, but not the least of the problems caused by sulfide mining. Pollution of the streams that feed into the South Kawishiwi River could be devastating to the future of the Wilderness.

6. I retired in 2010, after working 19 years for the Minnesota Department of Revenue, which brought more than a hundred jobs to Ely. It continues to expand employment opportunities for Ely area residents, and there is no reason to think it will not continue to provide jobs for generations to come. Jobs, of course, is what the mine promises to bring to Ely. Twin Metals promises jobs for 30 years. That is how long the Twin Metals jobs will last—just a blink in the history of this beautiful region. But it is long enough to inflict long-lasting damage to the Boundary Waters. I wonder how many jobs will be lost in Ely if the BWCA Wilderness is no longer a beautiful, tranquil, fish-filled refuge for visitors. Are jobs for 30 years worth the risk? I think not. Employers like the Department of Revenue provide the stable, long-lasting jobs that have no effect on the natural environment. That's the kind of employer Ely needs, not a mine that leaves hundreds of people without jobs in 30 years and a legacy of deadly pollution that may not reveal itself for decades.

7. Cheryl has a Master's Degree in Education from Bemidji State University, and she taught for 26 years in the Ely School District until her retirement in 2015. While teaching first graders, one of her goals was to introduce children to the natural environment, to develop an appreciation for the flora and fauna found all around them. She felt an obligation to instill at least a rudimentary sense of environmentalism in the children who would some day be the guardians of this special ecosystem. Now, she feels it incumbent upon herself to protect that environment for those children's children and grandchildren.

8. We do not want sulfide mining to occur in the watershed of the BWCAW. The clean, inter-connected lakes and rivers of the BWCAW watershed is not the place for such mining, considering that Environmental Protection Agency data shows this type of mining to be the biggest producer of toxic waste in the country. It is our understanding that this type of mining has never occurred without polluting nearby surface and groundwater. Core samples have been drilled within a mile of our house, and we already have concerns that our well water could be subjected to contamination. We know that noise and air pollution from the proposed mine will directly affect our property, and the value of our property will continue to decline.

9. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to

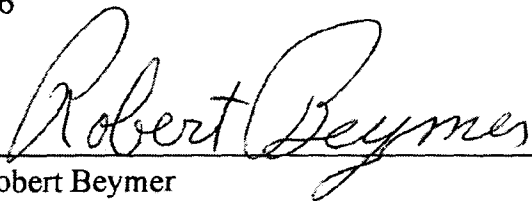
grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

10. The BWCAW has influenced my life in many ways and I feel strongly about protecting it for future generations. Sulfide mining development would inevitably pollute water in the BWCAW, as well as our own groundwater. It would likely ruin the reputation of the BWCAW as a wilderness canoeing paradise, and it would harm our enjoyment of the South Kawishiwi River. I have personal, environmental, and financial interests in seeing the decisions of the federal agencies upheld, so that the agencies may continue to have the authority to decline to renew the mining company's expired mineral leases.

11. I support Northeastern Minnesotans for Wilderness in its mission to protect the BWCAW and its watershed. I believe that if expired mineral leases were to be renewed, it is likely to cause irreparable harm to the BWCAW. This is a risk we cannot take.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 4th day of November, 2016


Robert Beymer

Franconia Minerals (US) LLC;
 and Twin Metals Minnesota LLC,

 Plaintiffs,

 v.

 United States of America; U.S. Department
 of the Interior; Sally Jewell, Secretary, U.S.
 Department of the Interior; Hilary C.
 Tompkins, Solicitor, U.S. Department of the
 Interior; and Bureau of Land Management,

 Defendants.

I, Norman W. Deschampe, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

3. The Band, along with two other MCT Bands, Fond du Lac and Bois Forte, retain hunting, fishing, and other usufructuary rights that extend throughout the entire

northeast portion of the state of Minnesota (the "Ceded Territory") under the 1854 Treaty of LaPointe.

4. In the Ceded Territory, all the Bands have a legal interest in protecting natural resources.

5. All federal agencies share in the federal government's trust responsibility to the Bands to maintain those treaty resources.

6. The Band is concerned with the prospect of sulfide-ore mines being developed in the headwaters of the Boundary Waters Canoe Area Wilderness ("BWCAW") watershed. The BWCAW watershed is located on the Minnesota/Ontario border and is entirely within the 1854 Ceded Territory. The BWCAW watershed is comprised of a vast area of pristine, interconnected waterways that have been used by the Chippewa for centuries. Low buffering capacity of water and soil and the interconnection of lakes and streams make the BWCAW watershed particularly vulnerable to the impacts of mining.

7. Sulfide-ore mining proposed in the BWCAW watershed, immediately adjacent to the BWCAW and upstream from it, would threaten to pollute pristine water and damage the important forest habitat used by many types of wildlife. Sulfide-ore mining has a consistent record of devastating environmental harm, including contaminating waters, degrading forests, and unpredicted, catastrophic spills of toxic materials. There are inherent risks to sulfide-ore mining, and data from the U.S. Environmental Protection Agency show sulfide-ore mining to be the biggest generator of toxic waste in the nation. It makes no sense to place such an industrial activity within the BWCAW watershed and within the Ceded Territory upon which the Band relies.

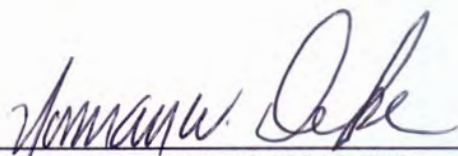
8. The quality of natural resources within the BWCAW watershed, and hence the usufructuary interests of the Band and Band members in those resources, would be harmed if sulfide-ore mineral leases were to be renewed in the watershed of the BWCAW.

9. As Northeastern Minnesotans for Wilderness ("NMW") seeks to protect the BWCAW and its watershed by keeping sulfide-ore copper mines out of the watershed,

and as the lands and waters of the BWCAW and its watershed are entirely within the 1854 Ceded Territory, NMW's efforts to protect the BWCAW by protecting its watershed aid and are compatible with the exercise by the Band and Band members of retained usufructuary treaty rights.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

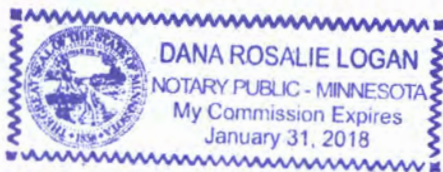
Dated: 9/10/16, 2016.



NORMAN W. DESCHAMPE

014453/200191/2464403_1

Dana Rosalie Logan - Sept. 26, 2014



Franconia Minerals (US) LLC;
 and Twin Metals Minnesota LLC,

 Plaintiffs,

 v.

 United States of America; U.S. Department
 of the Interior; Sally Jewell, Secretary, U.S.
 Department of the Interior; Hilary C.
 Tompkins, Solicitor, U.S. Department of the
 Interior; and Bureau of Land Management,

 Defendants.

Court File No. 16-CV-3042 (SRN/LIB)

I, Jason Zabokrtsky, declare as follows:

2. NMW was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary

Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has 5,000 members and an additional 92,000 supporters across Minnesota and the nation. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection, use, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

3. NMW is the founder of, and is the lead organization in, the Campaign to Save the Boundary Waters (the “Campaign”). The Campaign draws support from residents and property owners in Northeastern Minnesota and throughout the state, and from many other states; faith organizations; local, regional, and national environmental organizations; Northeastern Minnesota resorts and outfitting businesses; regional, national, and international businesses; hunting and fishing conservation organizations; military veterans organizations; youth organizations; individuals from across the nation and the world who vacation in or near the BWCAW and/or Voyageurs National Park;

local, state, and national elected leaders; and more. The Campaign seeks to permanently protect the BWCAW and Voyageurs National Park by keeping sulfide-ore copper mining out of the watershed.

4. I reside at 1246 Wolf Den Dr., Ely, Minnesota 55731, near White Iron Lake.

5. I own and manage Ely Outfitting Company and Boundary Waters Guide Service in downtown Ely, Minnesota. I founded the business in 2008 as a professional guide service and the business has grown to a full service Boundary Waters canoe trip outfitter with guide services. My business outfits customers from around the nation and world who travel almost exclusively in the BWCAW. Our customers travel by canoe, camp, explore, fish, drink the water from the lakes, and make lifetime memories with their friends and families.

6. We outfit more than 1,700 customers annually. Our customers use their limited vacation time and budgets to rent equipment and purchase outfitting from us because of the unique wilderness experience the BWCAW affords. Our guests value the quiet solitude, outstanding fishing opportunities, pristine water, and personal challenge they find here. Our customers travel throughout the BWCAW and regularly travel through the Kawishiwi River, Fall Lake, Newton Lake, Basswood Lake, Crooked Lake, Iron Lake and Lac la Croix.

7. My business employs five full-season staff, over a dozen part-time wilderness guides, and several additional part-time and temporary staff.

8. I first worked as a professional guide in the eastern region of the BWCAW during the summer of 1997, and have traveled the BWCAW regularly since then. Since 2005, I have made my living guiding and outfitting summer canoe trip customers and/or guiding dogsledding customers in the Superior National Forest and BWCAW.

9. For personal enjoyment, I frequently participate in outdoor activities including canoeing, hiking, cross-country skiing, snowshoeing, fishing, and hunting in and around the Superior National Forest and BWCAW. Travelling outdoors in and around the Superior National Forest and BWCAW is, and will continue to be, a regular part of my life.

10. In 2013, I completed the first recorded transect of Quetico Provincial Park and the BWCAW from north to south on foot and without a watercraft while traveling off-trail and by swimming.

11. My business and personal interests in this region require clean water and healthy forests in the region. Maintaining solitude, quiet space, species diversity, preventing habitat fragmentation and loss of forest habitat, maintaining water quality, and maintaining an excellent fishery are vital to my business and personal interests.

12. Creating an industrialized landscape with noise, light, dust and water pollution immediately adjacent to areas of the BWCAW frequented by myself and my business customers is detrimental to my business and personal interests.

13. Over the course of 20 years traveling the BWCAW, I have paddled most of the primary canoe routes throughout the million acres of Wilderness. I have paddled hundreds of lakes and rivers, fished many of those waterbodies, and explored little-

known historical sites throughout the Wilderness. These travels have included extensive canoeing, swimming, skiing, and dogsledding in the Kawishiwi River area as well as White Iron Lake, Fall Lake, Newton Lake, Basswood Lake, the Basswood River, Crooked Lake, Iron Lake, Bottle Lake and Lac la Croix, all of which are downstream of Birch Lake and the area of the proposed Twin Metals mine.

14. My interests in the outcome of this litigation are that the BWCAW's wilderness character, aspect, and soundscape; the water quality in its lakes, streams, rivers, and wetlands; the aesthetics experienced by visitors upon entering and leaving the Wilderness; and the unparalleled opportunities it offers to all visitors seeking mental, emotional, and spiritual renewal; be protected now and forever, and that past promises to keep the BWCAW untrammelled be honored. My interests are distinct from those of the federal defendants, and would be harmed if the March 8, 2016 Memorandum Opinion by the Solicitor of the U.S. Department of the Interior were invalidated; and if the U.S. Department of the Interior and the Bureau of Land Management ("BLM") granted, or were required to grant, Antofagasta-Twin Metals' request for renewal of its expired mineral leases, located under and on the edge of Birch Lake and the Kawishiwi River, just upstream from where those two waters flow into the BWCAW. I look to NMW to represent my interests in protecting the BWCAW.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28th day of October, 2016



Jason Zabokrtsky

	)	
Franconia Minerals (US) LLC;	)	
and Twin Metals Minnesota LLC,	)	
	)	
Plaintiffs,	)	Court File No. 16-CV-3042 (SRN/LIB)
	)	
v.	)	
	)	
United States of America; U.S. Department	)	
of the Interior; Sally Jewell, Secretary, U.S.	)	
Department of the Interior; Hilary C.	)	
Tompkins, Solicitor, U.S. Department of the	)	
Interior; and Bureau of Land Management,	)	
	)	
Defendants.	)	
	)	

I, Paul Schurke, declare as follows:

2. We reside near the BWCAW on White Iron Lake with our family (children Bria, Peter and Berit) at 1101 Ringrock Road, Ely, Minnesota 55731.

3. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the

Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness ("BWCAW" or "wilderness") and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and 92,000 additional supporters across Minnesota and the United States. NMW's members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases.

4. We co-founded and co-own Wintergreen Dogsled Lodge, Inc., and Wintergreen Northern Wear, LLC. Since 1989, Wintergreen Dogsled Lodge has provided seasonal lodge-based dogsled vacations along the edge of the BWCAW and dogsled camping trips in the BWCAW. Also since 1989, Wintergreen Northern Wear

has produced Made-in-Ely active wear that is principally marketed for BWCAW-area visitors and adventurers.

5. The viability of both of our wilderness-based businesses is almost entirely reliant upon their association with and their proximity to the BWCAW. Our customers are spread across the globe but hold one passion in common: their affinity for Minnesota's Northwoods and the BWCAW. Most of our customers are also regular visitors to the BWCAW and commonly access it through entry points in the Ely area, particularly those associated with the Kawishiwi River. Our customers repeatedly tell us that their passion for the BWCAW is based upon its wildness, serenity and the pristine quality of its lakes and streams.

6. Our home and our Wintergreen Dogsled Lodge on White Iron Lake, a flowage of the Kawishiwi River, are located five miles downstream from the proposed Twin Metals mine sites. Boating, swimming and fishing is the flowage rank among our family's key summer recreation activities. During the winter snow season, the ice of this flowage provides dogsledding routes for all of lodge guests.

7. Our home and businesses all lie within Superior National Forest, which encompasses the BWCAW. We enjoy the forest on a daily basis. Our livelihood and our family recreation are dependent upon its water and woodland resources. Our business and recreation activities in the forest include hiking, camping, canoeing, skiing, snowshoeing, fishing, hunting, watching wildlife, photography, and teaching wilderness skills. Our business use and personal enjoyment of the Kawishiwi River include the entire flowage both within the BWCAW and the portion outside of it on Birch Lake and

the White Iron Chain. We intend to continue these as life-long activities and we anticipate that our children will inherit our home and businesses and continue these activities as well.

8. Our interests associated with Superior National Forest include our concerns for maintaining species diversity; proper lynx and lynx habitat management; preventing habitat fragmentation and loss of forest habitat; maintaining water quality; non-motorized recreation opportunities, supported by decommissioning unneeded roads, and the identification and maintenance of non-motorized trails; and protecting roadless areas and primitive recreational opportunities.

9. We have enjoyed numerous BWCAW excursions each year ever since having been introduced to the wilderness which, for myself, was on a church youth group canoe trip at age 10 in 1965. From day trips to week-long adventures in all seasons, our BWCAW activities include hiking, camping, canoeing, skiing, snowshoeing, fishing, hunting, watching wildlife, photography, teaching wilderness skills. We expect and hope these to be life-long pursuits. We have also guided BWCAW trips for various non-profit adventure programs including Wilderness Inquiry, Voyageur Outward Bound & the Wilderness Education Association.

10. Our summer family canoe trips and our winter business dogsled trips involve use of Fall Lake and other lakes on the flowage path of the Kawishiwi River down to Basswood Lake, and northwest along the border lakes. When we are on BWCAW trips, we take our drinking and cooking water from the lakes. We have routinely done so on Birch Lake, the Kawishiwi River, the White Iron Chain, and waters

downstream inside the BWCAW, including Fall Lake, Basswood Lake, Crooked Lake and Lac La Croix. Similarly, while on BWCAW trips, we swim in all these same lakes. We also take and eat fish from them. We intend to continue drinking from, swimming in and catching and eating fish from BWCAW lakes as a life-long pursuit.

11. The aspects of the BWCAW we most love, and the things we want to protect and maintain are the opportunities it offers for solitude in a primitive setting, the quiet and the natural soundscape of the BWCAW, its pristine water quality, its habitat quality and diversity, which support great species diversity, and the special memories of our family time spent in the BWCAW and our volunteer time spent working to protect the BWCAW. To protect these aspects of the BWCAW, we must prevent the lands immediately adjacent to it from being turned into an industrial sulfide-ore copper mining district.

12. Our academic backgrounds enhance our understanding and appreciation of wilderness. My studies and professional involvement with science journalism have equipped me to write two books and numerous magazine and newspaper articles about wildlands and wilderness adventure. Sue's graduate studies in Therapeutic Recreation have equipped her to facilitate our wilderness adventures for persons with mobility and sensory impairments through Wilderness Inquiry, the non-profit program we helped found in 1977.

13. Our two businesses provide a gratifying livelihood for many Ely-area families and individuals. Sue's Wintergreen Northern Wear employs over two dozen year-round designers, cutters, seamstresses, managers and sales staff. Wintergreen

Dogsled Lodge employs about 16 seasonal wilderness guides, food service and lodging staff. Both of these businesses and the significant area employment they provide are dependent upon their association with pristine qualities of the Superior National Forest and the BWCAW.

14. Our business interests and personal quality of life interests in protecting the BWCAW, as described above, are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases, allowing Twin Metals and proposals for sulfide-ore copper mining to move forward in the watershed of the BWCAW.

15. We have a personal interest in the outcome of the litigation. If the mine were to move ahead it would damage our enjoyment and use of the BWCAW, it would damage public perception of the BWCAW as a place of wilderness and clean water, and it would reduce the interest of people to go to and spend time in the BWCAW. That would likely mean a drop in visitor traffic through Ely, which likely would damage our businesses and our ability to provide employment.

Pursuant to 28 U.S.C. § 1746, we declare under penalty of perjury that the foregoing is true and correct.

Dated this 28 day of October, 2016

Paul Schurke

Paul Schurke

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

FRANCONIA MINERALS (US) LLC; and
TWIN METALS MINNESOTA LLC,

Plaintiffs,

v.

UNITED STATES OF AMERICA; U.S.
DEPARTMENT OF THE INTERIOR;
SALLY JEWELL, Secretary, U.S.
Department of the Interior; HILARY C.
TOMPKINS, Solicitor, U.S. Department of
the Interior; and BUREAU OF LAND
MANAGEMENT,

Defendants.

Civil Action No. 16-cv-03042

AFFIDAVIT OF JACK LEE

I, Jack Lee, declare as follows:

1. I am the Executive Director of Voyageur Outward Bound School (“VOBS”) located in Ely, Minnesota.

2. VOBS is a 501(c)(3) organization. We are one of the schools in the Outward Bound network, which is an international educational non-profit founded in 1941 with eleven schools throughout the United States.

3. VOBS’ mission is “changing lives through challenge and discovery.” As our founder Kurt Hahn said, “there is more in us than we know.” VOBS teaches people they have more character and leadership than they believed. By working with others in their brigade on our multi-week expeditions into the Boundary Waters Canoe Area (“BWCA”), our students strive to improve their perseverance, strength, and mental

toughness, and to take those skills and determination back home in betterment of and service to their communities.

4. The VOBS' basecamp has been located at 1007 Spruce Road in Ely, Minnesota since 1964. This basecamp is aptly named "Homeplace," and is within the Superior National Forest along the South Kawishiwi River adjacent to the Boundary Waters. The Homeplace grounds are unique, with acres of woods adjoined by both flat and whitewater, with rock faces available for our students to learn to rock climb, and ample space to enjoy the natural beauty of this unique area. I often hear from past students who share how meaningful their VOBS experience was, and who speak fondly about their time spent at Homeplace. But as special as Homeplace is, the most important element of our programs is the pristine wilderness of the Boundary Waters.

5. VOBS has been operating wilderness trips in the Boundary Waters for more than 50 years, helping change the lives of 30,000 men, women and children from around the world. We run more than ninety expeditions annually in the Boundary Waters and adjacent Superior National Forest, and during our summer peak, we manage more than 20 student brigades in these areas.

6. For more than five decades, VOBS has been an important part of the Ely community and regional economy. VOBS employs approximately 25 people year round, all of whom live in and around Ely, and we employ an additional 75 persons there in the summertime. Our staff are active in the Ely and area communities, volunteering, serving on non-profit boards, and otherwise giving back. Many of our former staff have stayed or even come back and settled in Ely and nearby communities to raise families and

become long-time residents, largely because of the region's proximity to the Boundary Waters.

7. VOBS and its employees support and buy from many local merchants, and our students perform many local service projects. Like many businesses operating near the Boundary Waters, we live with and have come to accept the inconveniences and the cost impacts of restrictions within the Boundary Waters. For instance, the Boundary Waters' reduced group size limitations results in several hundred thousand dollars annually in lost revenue to VOBS. But we readily absorb this and other related costs and inconveniences because we recognize the importance of these restrictions in preserving the Boundary Waters' pristine beauty and wilderness nature.

8. VOBS brings more than 600 people a year into the Boundary Waters. They come from all 50 states and from countries all over the world. For most of our first time students, it is their first experience of true wilderness, and many of them make repeat visits for its adventure and to enjoy the Boundary Waters' solitude.

9. Each of our expeditions is led by two instructors who employ our time tested Outward Bound philosophy and curriculum. Our experiential curriculum gives our students, many of whom start as novice travelers, an opportunity to overcome individual and group challenges, and to finish their Outward Bound course as masters. It encourages them to apply an expedition mentality in their daily lives, and to use their character and leadership in the service of their families and communities. But the best teacher on an expedition is the Boundary Waters' pristine wilderness setting. Our students include people from all walks of life, including young persons struggling to

make positive choices, adults considering their next phases in life, college students, business and community leaders, and families.

10. Among our most powerful courses are those serving military veterans. We recently delivered a course for veterans from the “Forgotten Battalion” (recently profiled in *The New York Times*, http://www.nytimes.com/2015/09/20/us/marine-battalion-veterans-scarred-by-suicides-turn-to-one-another-for-help.html?_r=0). They’re called the Forgotten Battalion because of the trauma these soldiers endured in their tours in Afghanistan and the high suicide rate since their return to the United States. This group of veterans was specifically directed to VOBS not only because of our reputation of healing and empowerment but also because of the Boundary Waters’ unique, calming environment, and the fact that survival in the wilderness requires perseverance and commitment. We receive many testimonials from our vet students, but a note from one sums up what the program means to many of these veterans: “In this outdoor setting, which really serves to allow one to detach from daily distractions, the group was challenged daily to reflect on our experiences and to share or discuss them.... I am very appreciative of this opportunity to reflect and define my overseas military experience, and to find positive and constructive tools moving forward.”

11. In the Boundary Waters, our students hike, portage, climb, kayak, dogsled, and ski. But more than anything else, we canoe. A lot. Paddling the lakes and rivers of the Boundary Waters is an essential part of our program. Because it doesn’t require the strength of many of our activities, can be made accessible, and is not complicated, almost anyone can canoe, and many students develop a level of mastery within just a few weeks

of paddling. Importantly, canoeing also allows us to transport everything needed to be in the wilderness for several weeks at a time. By being together for long periods of time, surrounded by the peaceful but also unpredictable wilderness, without intrusion by technology or the outside world, an Outward Bound brigade of seven students guided by two instructors come together as a team, building trust by having to rely upon one another, learning to respect nature and gradually taking ownership of their expedition, but more importantly, taking ownership of their lives and their future. The opportunity for a group to be in the wilderness with few other people around and without the need to be resupplied or supported is a unique and critical educational progression of our students. And it is made possible thanks only to the pristine, wild, untrammelled nature of the Boundary Waters.

12. Thanks to the egalitarian nature that the Boundary Waters facilitates, VOBS' Homeplace location has always been an important center to train staff for all of Outward Bound USA, which in total serves more than 400,000 students annually. The loss of this facility because of pollution to the Boundary Waters would have significant, adverse ramifications on Outward Bound nationally.

13. In Minnesota, VOBS is fortunate to deliver programs in all parts of the state – including the St Croix River, Blue Mounds State Park, the Twin Cities, the Crow Wing River, southeastern Minnesota, Lake Superior and beyond. Nationally, Outward Bound is proud to deliver programs in wilderness areas throughout the country, from the mountains of Colorado, Alaska and North Carolina, to the waters of Florida, Maine, and

Washington, and to the deserts of California, Utah and Texas. Amidst these wild and beautiful natural parts of our nation, the Boundary Waters remains unique.

14. The drafters of The Wilderness Act of 1964 were careful in their definition of wilderness: *"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."*

15. In 1978, Congress enacted the Boundary Waters Canoe Area Wilderness Act as part of the Wilderness Act to further protect what Governor Dayton has called Minnesota's "crown jewel" and a national treasure. The main purpose of that law is to protect and preserve, and enhance the connected lakes, rivers and forested areas of the Boundary Waters, and to enhance public enjoyment of its unique wild landscape and its environs. It is imperative that this area continue to be protected and preserved.

16. VOBS realizes the question of mining is an important economic question for this part of Minnesota, and that the science and facts of mining and the associated environmental risks are complicated, and therefore can be subject to distortion. One of the four values of Outward Bound is integrity. As a result, VOBS has gone to great lengths to educate ourselves on the issues, including its formation of an internal Mining Committee of the Board of Trustees in order to research the pros and cons of mining within the Boundary Waters watershed. We have also invited those with different opinions on the matter to address the VOBS Board of Trustees – including plaintiff Twin Metals, and also from organizations opposed to mining in the Boundary Waters,

including Northeastern Minnesotans for Wilderness on behalf of the Campaign to Save the Boundary Waters, and independent governmental agencies such as the Minnesota Department of Natural Resources. VOBS understands that Twin Metals truly desires to have a clean, non-polluting mining operation adjacent to the Boundary Waters. But we are increasingly concerned about the inherent risks of this type of mining and the adverse consequences such mining has consistently had on other areas of the country (and other countries). The initial proposed mine by Twin Metals is proposed within a few miles of Homeplace and future proposed Twin Metals mines would be even closer to Homeplace and our expeditions. Even now, during the very early developmental stages of the mining operation, our expeditions and programs are being negatively impacted by the proposed mining and associated development activities, from increased noise, lights, dust, increased truck and vehicle traffic, and the need to re-route some of our dog sledding activities and other program courses.

17. But these inconveniences are dwarfed by what we have determined is an unacceptable risk from the proposed mining – the irreversible and catastrophic pollution to the waters of the Boundary Waters and its environs.

18. VOBS has been serving the Outward Bound mission -- changing lives through challenge and discovery – in the Boundary Waters for more than fifty years. We are committed to serving this mission for another fifty years and beyond. This work could end for many lifetimes if the plaintiffs' mining operations were to cause pollution or impairment to the Boundary Waters.

19. Our interests as an organization are inextricably tied to the health and preservation of the Boundary Waters and maintaining its wilderness character. The potential pollution and destruction to the Boundary Waters' 1,175 lakes and 1,200 miles of streams and rivers, its forest and wildlife by plaintiffs' proposed adjacent mining operations presents what VOBS has concluded is a potentially lethal and unacceptable risk to its business and to its mission of changing lives through challenge and discovery.

20. VOBS' interests would be irretrievably harmed if the Bureau of Land Management renewed plaintiff's two expired mineral leases.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 4th day of November, 2016



Jack Lee
Executive Director
Voyageur Outward Bound School

Franconia Minerals (US) LLC;
and Twin Metals Minnesota LLC,

Plaintiffs,

v.

United States of America; U.S. Department
of the Interior; Sally Jewell, Secretary, U.S.
Department of the Interior; Hilary C.
Tompkins, Solicitor, U.S. Department of the
Interior; and Bureau of Land Management,

Defendants.

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1. I am a supporter of Northeastern Minnesotans for Wilderness, and, in 2015, I founded Veterans for the Boundary Waters, a group within the Campaign to Save the Boundary Waters.
2. My residence is at 14725 Camero Lane, Rosemount, Minnesota 55068.

3. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has 5,000 members and an additional 92,000 supporters across Minnesota and the nation. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases.

4. NMW is the founder of, and is the lead organization in, the Campaign to Save the Boundary Waters (the “Campaign”). The Campaign draws support from

residents and property owners in Northeastern Minnesota and throughout the state, and from many other states; faith organizations; local, regional, and national environmental organizations; Northeastern Minnesota resorts and outfitting businesses; regional, national, and international businesses; hunting and fishing conservation organizations; military veterans organizations; youth organizations; individuals from across the nation and the world who vacation in or near the BWCAW and/or Voyageurs National Park; local, state, and national elected leaders; and more. The Campaign seeks to permanently protect the BWCAW and Voyageurs National Park by keeping sulfide-ore copper mining out of the watershed.

5. The Superior National Forest is where I have been enjoying the vast wilderness since I was a baby. My parents, also outdoorspeople and avid wilderness travelers, brought me as an infant to the forest, and since then I have shared my passion with my family, my friends and those I've served in combat with. Most frequently I hike and explore, hunt and fish, as well as connect with myself in the quiet solitude and pristine waters of the unfettered wilderness.

6. I have participated in activities within the Superior National Forest in a professional and a personal nature. I was involved with a professional video campaign for Sportsmen For The Boundary Waters, a likeminded organization focused on protecting the Superior National Forest's BWCAW. As part of my healing from my war, I participated in a veterans' dog sled expedition with Voyageurs Outward Bound, a wilderness school located on the Kawishiwi River, just off Spruce Road, in Ely, MN. In my personal life I visit the forest at least twice each quarter with my family to hike,

explore, visit the communities and connect with my wife and children. With regular frequency, through all seasons I travel to the Superior National Forest alone or with a companion to hunt, hike, fish and look forward, with great anticipation, to camping within the forest and BWCAW.

7. In addition to protecting the BWCAW for my personal use, I also care about preserving the forest landscape, so that it provides habitat for diverse species and complex chains of life within the forest. Building the mine would run counter to proper management of lynx critical habitat within the Forest, and that habitat would be difficult, if not impossible, to return to its original state once destroyed. The mine would cause habitat fragmentation and devastating loss of forest habitat on the edge of the BWCAW, which would harm moose and other species. Sulfide-ore copper mining pollution would degrade pristine and essential water quality in Birch Lake and the Kawishiwi River, which flow into the BWCAW. Industrial noise pollution would carry over water and through the forest into the BWCAW, damaging primitive wilderness recreational opportunities.

8. Through my exploration and recreational use of the Superior National Forest I have also enjoyed Birch Lake. In exploring the shorelines and wilderness with Voyageur Outward Bound, I also enjoyed swimming in the lake and was touched by the raw beauty and pure waters.

9. I plan to continue my personal and professional relationship with the Superior National Forest, the surrounding communities, and BWCAW through activities including hiking, camping, canoeing, skiing, snowshoeing, ski-joring, fishing, hunting,

dog sledding and watching wildlife. I also plan to photograph the wilderness, and I would like to teach courses in and about the BWACW including history, outdoor survival, foraging and how to interact with the wilderness without having an impact.

10. In addition to my long history of camping and enjoying wilderness with my family and friends, I have 3 significant experiences within the BWCAW and Superior National Forest that highlight the unique and special qualities of this incomparable treasure.

11. After my last tour in Iraq I came home suffering from undiagnosed PTSD, Depression and Anxiety. After struggling with it for years I attempted suicide, and although treatment through the VA made me not want to die, it didn't make me want to live. I found out about a dog sledding trip in the BWCAW, a lifelong dream, and decided to go. On that trip I lost and found many things. I smelled the cold crisp air and found that devoid of all human sound, I could hear the sounds of the wilderness. I could hear the quiet. I could feel the poison of war starting to leave my body and the spark of life reignite within me. Next to the snow capped trees I heard similar stories and feelings from the other veterans on the trip with me. Within the BWCAW I started to want to live again.

12. My first time grouse hunting was in the Superior National Forest and BWCAW. Walking through the forest with new friends I learned about a new adventure that I could take on. I felt adrenaline again, but in a way that wasn't traumatizing. Through this experience I met people who were very different from me, who didn't have the same war experiences as I did, yet we had a common connection. We connected over

the wilderness. The quiet and remote ecosystems connected by clean water that provided the habitats unharmed by humans. The game and non-game ecosystem brought us to the crisp air and vast wilderness framed in shades of orange, red and yellow. During this trip to the BWCAW I felt relaxed and I was able to hold a weapon again. Feeling relaxed, in control, safe and holding a weapon was something I never thought would happen again. I know the peaceful nature of the wilderness, the lack of human influence was a major piece of this victory in my recovery and aided in the strengthening of new friendships.

13. Recently I had the opportunity to share the BWCAW with my family. During our trip we went on a simple trail hike to a moose viewing area. While we didn't see any moose it was still a grand experience and one that brought my family closer together. Once in the forest, my wife and children seemed to lose their fear and were taken by the greatness of the wilderness. Instead of fearing spiders, what they might step on (or in), or any of the troubles of our day to day life, they lost themselves in the promise of adventure. On the trail I shared knowledge and engaged them in understanding wildlife behavior and the ecosystem. Wholeheartedly they searched for moose scat and rubbings. The only sounds I heard were the rustling of leaves and the laughter of my family. This was healing to my heart.

14. I care about preserving special memories of time spent in the BWCAW, and working to protect it. I want to make sure that the essential features of the BWCAW, which helped me so much - the solitude and primitive setting, the quiet and natural soundscape, the water quality and native wildlife species like Canada lynx and Minnesota's iconic moose population - are maintained and not damaged or destroyed. To

achieve that protection, the federal agencies must have the discretion to deny the mining companies' request for renewal of the expired mineral leases, so that the lands immediately adjacent to the BWCAW can be saved from being turned into an industrial mining district.

15. My interests in this outcome of this litigation are distinct from those of the federal defendants, and would be harmed if the March 8, 2016 Memorandum Opinion by the Solicitor of the U.S. Department of the Interior were invalidated; and if the U.S. Department of the Interior and the Bureau of Land Management ("BLM") granted, or were required to grant, Antofagasta-Twin Metals' request for renewal of its expired mineral leases, located under and on the edge of Birch Lake and the Kawishiwi River, just upstream from where those two waters flow into the BWCAW. I look to NMW to represent my interests in protecting the BWCAW.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 18 day of October, 2016



Erik Ransom Packard

Franconia Minerals (US) LLC;
and Twin Metals Minnesota LLC,

Plaintiffs,

v.

United States of America; U.S. Department
of the Interior; Sally Jewell, Secretary, U.S.
Department of the Interior; Hilary C.
Tompkins, Solicitor, U.S. Department of the
Interior; and Bureau of Land Management,

Defendants.

I, Erwin W. Laitala, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules, that the following statements are true and correct:

2. I have been a member of Northeastern Minnesotans for Wilderness since the organization's inception, and I have been a donor to the Campaign to Save the Boundary Waters.

3. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCA,” “BWCAW,” or “Boundary Waters”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and more than 92,000 additional supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

4. My grandparents emigrated from Finland to Ely in 1908. My father was born in Ely. Both my grandfather and father were employed by US Steel Corp. for a time as iron ore miners in the underground mines in Ely. I myself worked for US Steel Corp for 30 years until retirement in 2007 at Minnesota Ore Operations, Minntac Plant.

5. My father took me on my first canoe trip into the Boundary Waters Canoe Area when I was 4 years old. I have been on over a dozen long canoe trips into the BWCAW over my lifetime. I intend to take more such trips.

6. I have extensively traveled the world over, backpacking and camping in numerous countries. But, the BWCAW has brought more enjoyment than any other place on earth. It is why I continue to live in Ely, to be close to the BWCAW.

7. As a miner my whole life, I was at first a strong supporter of the prospect of copper/nickel mining in Northeastern Minnesota. I was even one of the earlier investors in the Polymet Project, and in fact lost over \$100,000 during the financial crash of 2008, almost all of my investment. I did not have a clue at that time what the devastation of sulfide mining could do. It was not until as a member of Northeastern Minnesotans for Wilderness that I was educated to the hazards of sulfide mining when the local Twin Metals Project was proposed. I was educated to the sure pollution of the South Kawishiwi River that the sulfide mining would cause to the water quality of the BWCAW and beyond. Degradation of the water quality of the BWCAW would be disastrous, potentially killing the fish and making the water undrinkable.

8. The proposed Twin Metals Project would be ruinous to the BWCAW. I love the Boundary Waters Canoe Area Wilderness and I wish to see the area protected.

9. My interests in preserving and protecting the BWCAW from the impacts of sulfide-ore copper are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I think it incomprehensible that, with our environmental experience and knowledge today, we could even consider renewing these leases of our federal estate to the interests of any sulfide ore mining companies, and I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 31 day of OCT, 2016

Erwin W. Laitala
Erwin W. Laitala

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Franconia Minerals (US) LLC; and Twin Metals Minnesota LLC,	)		
	)		
	)		
Plaintiffs,	)		Court File No. 16-CV-3042 (SRN/LIB)
	)		
v.	)		
	)		
United States of America; U.S. Department	)		
of the Interior; Sally Jewell, Secretary, U.S.	)		
Department of the Interior; Hilary C.	)		
Tompkins, Solicitor, U.S. Department of the	)		
Interior; and Bureau of Land Management,	)		
	)		
Defendants.	)		
	)		

DECLARATION OF JOSEPH GOLDSTEIN

I, Joseph Goldstein, a 15-year old high school sophomore, declare as follows:

1. I am a member of Northeastern Minnesotans for Wilderness, and have been a donor and volunteer on behalf of the Campaign to Save the Boundary Waters since 2014.

2. I reside with my mom, dad and three younger brothers at 4912 Bears Paw in Springfield, Illinois. I am a 15-year old sophomore honors student at Glenwood High School in Springfield, Illinois. My family has travelled every year, some years up to six times, to the BWCA since 2008 in order to canoe and/or dogsled into the wilderness for

family vacations, to attend Camp Widgiwagan, and to spend time with friends who reside in and around Ely, Minnesota. We have a deep emotional connection both to the Boundary Waters, and to Ely, Minnesota, which we consider a “second hometown,” and which I hope will become my permanent residence as an adult.

3. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW’s mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCA,” “BWCAW,” or “Boundary Waters”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has more than 5,000 members and more than 92,000 additional supporters across Minnesota and the region. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary,

Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies have no discretion, and would be required to renew the expired mining leases.

4. I have spent extensive time canoeing, dogsledding, fishing, hiking, swimming and drinking from lakes and rivers throughout the BWCAW, including (but not limited to) the following areas which would be negatively and irreparably impacted by Antofagasta-Twin Metals' mining:

- a. Kawishiwi River
- b. White Iron Lake
- c. Basswood Lake
- d. Basswood River
- e. Crooked Lake
- f. Iron Lake
- g. Lac la Croix

5. I consider myself an advocate for wild places, particularly the BWCA. This wilderness has been a critical – perhaps the most critical – part of my childhood. Two years ago I was diagnosed with High Risk Acute Lymphoblastic Leukemia, and my connection to this wilderness and my travels to and on behalf of the BWCA have been the key to maintaining my emotional well-being throughout my treatments. My life's goal is first to protect and preserve this pristine wilderness, and ultimately to become a physician specializing in Wilderness Medicine, utilizing my life's experiences and training to help others – both sick and well – experience the joys and challenges the BWCA has to offer. Despite my age, I have travelled extensively throughout the United States and the world, and have been fortunate to experience wilderness in many places

including the peaks of the Western Rocky Mountains, the ocean floors in the Florida Keys, and the Arctic Glaciers of Greenland and Svaalbard, and I can state without hesitation that no place I have visited or explored can compare with the pristine beauty of the Boundary Waters, primarily due to its remote, unspoiled wilderness and waters. The importance of the purity of the water in the BWCA cannot be overstated: it is the very foundation of that wilderness. Contamination of those waters by heavy metals will have devastating consequences to the water, the wildlife, the forest and to residents and visitors who swim in and consume the fish and water downstream from Birch Lake and the Kawishiwi River, where the plaintiffs want to mine.

6. My family and I have visited the BWCAW recreationally 1-6 times each year beginning in 2008. We visit in all seasons and have travelled into and camped throughout the BWCA Wilderness both by canoe and by dogsled. Our activities include (but are not limited to): canoeing, hiking, camping, fishing, watching wildlife, swimming, dogsledding, ice-fishing, photography. Additionally, my 13-year-old brother and I both attend Camp Widgiwagan, and are working our way through their programs with the goal of completing their “Voyageur” program, which consists of approximately 45 days in the wilderness, at age 18. Our family trips are typically 4-6 days in the wilderness with each visit, and we currently have family trips planned through 2017. These trips are never long enough, according to my brothers and me. For all of us, our goal is for these trips to continue throughout our life and become a tradition we continue with our own families, someday.

7. My interest in preserving the natural and untrammeled wilderness that is the BWCA includes but is not limited to:

- i. Protection of solitude achieved in a primitive setting;
- ii. Maintaining quietude and the natural soundscape of the BWCAW;
- iii. Absolute preservation and maintenance of water purity and quality;
- iv. Preventing the lands immediately adjacent to the BWCAW from being turned into an industrial mining district;
- v. Protection of species diversity, including lynx, otters, moose, wolves, and other large and iconic animals;
- vi. Preservation of the lifetime's worth of memories my parents, little brothers and I have accumulated during our time spent in the BWCAW, and during our time spent working to protect the BWCAW; and
- vii. Ultimately moving to and building a life and career for myself based on the practice of Wilderness Medicine in the BWCA.

8. My interests in preserving and protecting the BWCAW from the impacts of sulfide-ore copper are distinct from those of the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I think it

incomprehensible that, with our environmental experience and knowledge today, we could even consider renewing these leases of our federal estate to the interests of any sulfide ore mining companies, and I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28 day of October, 2016



Joseph Goldstein

	)	
Franconia Minerals (US) LLC;	)	
and Twin Metals Minnesota LLC,	)	
	)	
Plaintiffs,	)	Court File No. 16-CV-3042 (SRN/LIB)
	)	
v.	)	
	)	
United States of America; U.S. Department	)	
of the Interior; Sally Jewell, Secretary, U.S.	)	
Department of the Interior; Hilary C.	)	
Tompkins, Solicitor, U.S. Department of the	)	
Interior; and Bureau of Land Management,	)	
	)	
Defendants.	)	
	)	

1. I am a member of Northeastern Minnesotans for Wilderness (“NMW”) and have been a donor and volunteer on behalf of the Campaign to Save the Boundary Waters since 2014.
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preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness (“BWCAW”) and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has approximately 5,000 members and 93,000 additional supporters across Minnesota and the United States. NMW’s members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection, use, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies would have no discretion, but would have to renew the expired mining leases.

3. I reside with my husband and four sons at 4912 Bears Paw in Springfield, Illinois. We have travelled for family vacations every year since 2008, some years up to six times, to the BWCAW and to spend time with friends who reside in and around Ely, MN. We have a deep emotional connection to both the Boundary Waters and to Ely, which my family and I consider a second hometown. We have spent extensive time canoeing, dogsledding, fishing, hiking, swimming, and drinking from lakes and rivers throughout the BWCAW, including (but not limited to) the following areas which would be negatively and irreparably impacted by Antofagasta-Twin Metals’ mining:
 - a. Kawishiwi River
 - b. White Iron Lake
 - c. Basswood Lake
 - d. Basswood River
 - e. Crooked Lake

f. Iron Lake

g. Lac la Croix

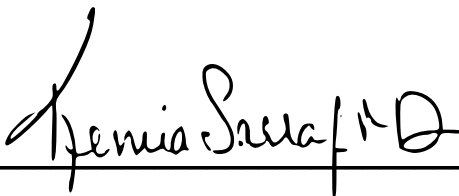
4. I am the President and Founder of genHkids (generation Healthy kids!), Inc. located in Springfield, Illinois. genHkids is a non-profit dedicated to improving the health of every child by teaching children and their grown-ups to “Eat Real. Move More.”
5. As a scientist, a physician and a public health professional (M.D., M.P.H.) I understand and appreciate the multitude of short- and long-term health benefits associated with time spent in the Boundary Waters Wilderness. There are quantifiable positive impacts on the physical, emotional, and psychological health of anyone who spends time in a wilderness setting, particularly one as unspoiled as the BWCAW. There is an ever-growing body of scientific evidence which shows that time spent in the wilderness improves objective, measurable health markers such as blood pressure, heart rate, cortisol, and blood glucose, as well as improvements in subjective markers such as mood and emotional well-being. Additionally, I (and many other medical professionals) recognize that time spent in the wilderness protects against anxiety and depression in both children and adults, and can assist in recovery from trauma and ease the symptoms of PTSD. Child development experts increasingly agree that time spent in wilderness is crucial for a child’s neurocognitive development, strengthens their immune system and instills critical thinking and problem-solving strategies that aid in the development of resilience and self-reliance. None of these benefits can be replicated outside of a true wilderness environment; it requires the space, the communing with nature, the quiet, and the challenge presented by the unique and pristine wilderness that is the BWCAW. The importance of the purity of the water in the BWCAW cannot be overstated: it is the very foundation of that wilderness. Contamination of those waters by heavy metals will have devastating consequences to the water, the wildlife, the forest, and to residents and visitors who swim in and consume the fish and water downstream from Birch Lake and the Kawishiwi River, where the plaintiffs want to mine.

6. My family and I (myself, my husband, and our four sons) have visited the BWCAW recreationally 1-6 times each year beginning in 2008. We visit in all seasons and have travelled into and camped throughout the BWCA both by canoe and by dogsled. Our activities include, but are not limited to: canoeing, hiking, camping, fishing, watching wildlife, swimming, dogsledding, ice-fishing and photography. Typically, we spend 4-6 days in the wilderness with each visit, and we already have family trips planned through 2017. Ultimately, our goal is for these trips to continue throughout our life and become a tradition our children hand down to their own families. Additionally:
- a. Our experiences in the BWCAW have helped to create and foster a hunger for adventure and a longing for wild places in our family. Since our first visit to the Boundary Waters in '08, my husband and two eldest sons have ventured into the wilderness in Svaalbard, Norway, and Western Greenland by dogsled. Additionally, all of us spend weeks each summer hiking through the mountains of Colorado.
 - b. My interests in preserving the natural and untrammeled wilderness that is the BWCAW includes, but is not limited to:
 - i. protection of solitude achieved in a primitive setting;
 - ii. promotion of active, non-motorized recreation in a natural wilderness environment;
 - iii. preserving and protecting the BWCAW's wilderness character, aspect, and natural soundscape, including quietude;
 - iv. protection of the aesthetics experienced by visitors to the BWCAW as they enter and depart the wilderness;
 - v. absolute preservation and maintenance, or improvement, of water purity and quality, including groundwater and surface water in the roughly 1,175 lakes and 1,200 miles of stream and river within the BWCAW;
 - vi. preventing the lands immediately adjacent to the BWCAW from being turned into an industrial mining district;

- vii. maintaining specie diversity, including the proper protection of threatened, endangered, and special concern species, and Regional Forester Sensitive Species;
 - viii. preventing habitat fragmentation, and otherwise as well as declining species, and the proper management of their habitat;
 - ix. ensuring proper lynx and lynx habitat management; and
 - x. preserving the lifetime's worth of memories my family and I have accumulated during our time spent in the BWCAW and during our time spent working to protect the BWCAW.
7. My interests – including all the above and more – would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 27 day of October, 20016



Kemia M. Sarraf, M.D., MPH

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Franconia Minerals (US) LLC; and Twin Metals Minnesota LLC,	)		
	)		
	)		
Plaintiffs,	)		Court File No. 16-CV-3042 (SRN/LIB)
	)		
v.	)		
	)		
United States of America; U.S. Department	)		
of the Interior; Sally Jewell, Secretary, U.S.	)		
Department of the Interior; Hilary C.	)		
Tompkins, Solicitor, U.S. Department of the	)		
Interior; and Bureau of Land Management,	)		
	)		
Defendants.	)		
	)		

DECLARATION OF JEFFREY A. GOLDSTEIN, M.D.

I, Jeffrey A. Goldstein, M.D., declare as follows:

1. I am a member of Northeastern Minnesotans for Wilderness, and have been a donor and volunteer on behalf of the Campaign to Save the Boundary Waters since 2014.
2. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future

generations. NMW's mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness ("BWCAW," "BWCA," or "Boundary Waters") and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has approximately 5,000 members and 93,000 additional supporters across Minnesota and the United States. NMW's members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection, use, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies would have no discretion, but would have to renew the expired mining leases.

3. I reside with my wife and our four sons at 4912 Bears Paw in Springfield, Illinois 62711. We have travelled every year, some years up to six times, to the BWCA since 2008 in order to canoe and/or dogsled into the wilderness for family vacations and to spend time with friends who reside in and around Ely, Minnesota. We have a deep emotional connection both to the Boundary Waters and to Ely, Minnesota, which I and my family consider a "second hometown." We have spent extensive time canoeing,

dogsledding, fishing, hiking, swimming and drinking from lakes and rivers throughout the BWCAW, including (but not limited to) the following areas which would be negatively and irreparably impacted by Antofagasta-Twin Metals' mining:

- a. Kawishiwi River
- b. White Iron Lake
- c. Basswood Lake
- d. Basswood River
- e. Crooked Lake
- f. Iron Lake
- g. Lac la Croix

4. As a scientist and a physician, I understand and appreciate the multitude of short- and long-term health benefits associated with time spent in the Boundary Waters Wilderness. There are quantifiable positive impacts on the physical, emotional, and psychological health of anyone who spends time in a wilderness setting, particularly one as native and unspoiled as the BWCAW. There is an ever-growing body of scientific evidence which shows that time spent in the wilderness improves objective, measurable health markers such as blood pressure, heart rate, cortisol and blood glucose, as well as improvements in subjective markers such as mood and emotional well-being. Additionally, I and many other medical professionals recognize that time spent in the wilderness is protective against anxiety and depression in both children and adults, and can assist in recovery from trauma and can ease the symptoms of PTSD.

5. As the father of four sons, I cannot overstate the importance of time spent outdoors in wilderness settings on their emotional, social and physical development. Furthermore, time spent in the BWCA has had a marked influence on the resiliency and self-reliance that my sons demonstrate. The self-confidence they have developed at very young ages can be traced directly to time spent learning to care for themselves and each other in the BWCA. Indeed, child development experts increasingly agree that time spent in wilderness is crucial for a child's neurocognitive development, strengthens their immune system and instills critical thinking and problem-solving strategies that aid in the development resilience and self-reliance. None of this can be replicated outside of a true wilderness environment; it requires the space, the communing with nature, the quiet, and the challenge presented by the unique and pristine wilderness that is the BWCA.

6. The importance of the purity of the water in the BWCA cannot be overstated: it is the very foundation of that wilderness. Contamination of those waters by heavy metals will have devastating consequences to the water, the wildlife, the forest and to residents and visitors who swim in and consume the fish and water downstream from Birch Lake and the Kawishiwi River, where the plaintiffs want to mine.

7. I am a Multi-Board Certified physician in Cardiology, Interventional Cardiology, Vascular Medicine and Endovascular Medicine. I am the Director of Prairie Vascular, Director of the Prairie Vascular Fellowship, Chairman of the Department of Cardiology, and a Partner at Prairie Cardiovascular Consultants at St. John's Hospital in Springfield, Illinois.

8. My family and I (myself, my wife and our four sons) have visited the BWCAW recreationally one to six times each year beginning in 2008. We visit in all seasons and have travelled into and camped throughout the BWCA Wilderness both by canoe and by dogsled. Our activities include (but are not limited to): canoeing, hiking, camping, fishing, watching wildlife, swimming, dogsledding, ice-fishing, and photography. Typically, we spend four to six days in the wilderness with each visit, and we have family trips planned, already, through 2017. Ultimately, our goal is for these trips to continue throughout our lives and become a tradition our children will hand down to their own families. Additionally:

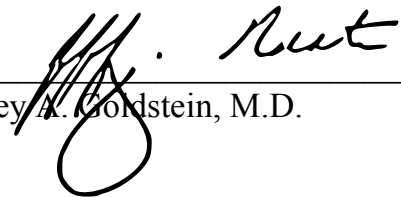
- a. Our experiences in the BWCAW have helped to create and foster a hunger for adventure and a longing for wild places in our family. Since our first visit to the Boundary Waters in 2008, my two eldest sons and I have ventured into the wilderness in Svaalbard and Western Greenland by dogsled, and all of us spend many weeks each summer hiking through the mountains of Colorado.
- b. My interest in preserving the natural and untrammeled wilderness that is the BWCA includes but is not limited to:
 - i. Protection of solitude achieved in a primitive setting;
 - ii. Maintaining quietude and the natural soundscape of the BWCAW;
 - iii. Preserving and maintaining or improving water purity and quality;
 - iv. Preventing the lands immediately adjacent to the BWCAW from being turned into an industrial mining district;

- v. Protecting species diversity by protecting habitat;
- vi. Proper lynx management and lynx habitat management; and
- vii. Preservation of the lifetime's worth of memories my family and I have accumulated during our time spent in the BWCAW, and during our time spent working to protect the BWCAW.

9. My interests – including all the above and more – would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 29 day of October, 2016



Jeffrey A. Goldstein, M.D.

Franconia Minerals (US) LLC;
 and Twin Metals Minnesota LLC,

 Plaintiffs,

 v.

 United States of America; U.S. Department
 of the Interior; Sally Jewell, Secretary, U.S.
 Department of the Interior; Hilary C.
 Tompkins, Solicitor, U.S. Department of the
 Interior; and Bureau of Land Management,

 Defendants.

Court File No. 16-CV-3042 (SRN/LIB)

I, James S. Koschak, respectfully declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746 and Rule 7.1 of the Local Civil Rules that the following statements are true and correct:

1. I am a member and avid supporter of Northeastern Minnesotans for Wilderness, and have been a donor and volunteer on behalf of the Campaign to Save the Boundary Waters.

2. Northeastern Minnesotans for Wilderness (“NMW”) was formed in 1996 to continue the local tradition of working to protect our wild places, particularly the

Boundary Waters Wilderness, against ever increasing public and commercial pressures so that the natural features and processes that exist in the area will remain intact for future generations. NMW's mission is to protect and preserve wilderness and wild places, to advocate for the protection of the Boundary Waters Canoe Area Wilderness ("BWCAW") and the enhancement of its wilderness aspect, and to foster education about the value of wilderness and wild places. NMW has approximately 5,000 members and 93,000 additional supporters across Minnesota and the United States. NMW's members enjoy, appreciate, and benefit from the natural resources in the Superior National Forest, especially the waters, lands, plant communities and wildlife in the BWCAW, and have had a long-standing interest in lynx, moose, wolf, and forest conservation, both in the BWCAW and across the Superior National Forest. The interests of NMW and its members in the protection of, use of, and enjoyment of the BWCAW would be harmed if the March 8, 2016 Memorandum Opinion, issued by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by Twin Metals Minnesota and its wholly-owned subsidiary, Franconia Minerals, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases.

3. I reside at 1329 East Harvey Street, Ely, Minnesota 55731, in St. Louis County.

4. My parents, Steve and Jane Koschak, own and operate River Point Resort & Outfitting Company at 12007 River Point Road, Ely, Minnesota 55731, in Lake

County. River Point is located on the peninsula where the South Kawishiwi River flows into the northern end of Birch Lake. We are five miles by water from the Boundary Waters Canoe Area Wilderness.

5. I grew up living and working at River Point. I have put years of my life and work into helping them to run the resort and outfitting sides of the business. Though I now have a home in Ely proper, I work in the businesses and help my parents on a regular basis. I hope that someday I may buy my parents out, and be able to make my home at River Point and operate the resort and outfitting company.

6. River Point Resort & Outfitting Company is a tourism and hospitality business that has been in operation since 1944. It was started by Frances and Frank Koschak, and has been owned and operated continually by the Koschak family since that time. River Point Resort offers lodging in the form of sixteen housekeeping cabins, along with auxiliary recreational opportunities such as swimming, boating, kayaking and canoeing, guided fishing, hiking and other family activities. We accommodate approximately 2,000 housekeeping guests per season, which runs from mid-May through mid-October.

7. River Point Outfitting Company outfits trips in the Boundary Waters Canoe Area Wilderness (BWCA), as a complement to our resort accommodations. Our outfitting business includes more than 100 canoes, and we outfit more than 775 people travelling in the BWCA in the course of a summer. We offer both partial and complete outfitting services, which can include meals, routing, maps and permits, and transportation to any of the approximately 30 entry points to the BWCA in the Ely area.

8. Our property consists of 34 acres, with one mile of shoreline, in the heart of the Superior National Forest. Prior to construction of the resort, this land had been unoccupied and undeveloped since the time of the Laurel Indians, who lived here about 500 years before the Common Era. The land includes a significant archeological site that was discovered in 1982, the first discovery of a site occupied by the Laurel Indians in the United States. An archeological covenant with the U.S. Forest Service protects this site on the south shoreline. The site is immediately adjacent to a proposed underwater tunnel to connect the Twin Metals Maturi mine to the proposed concentrator site.

9. Until 2002, the land that we now own was part of the Superior National Forest, and we leased it from the U.S. Forest Service. Our business was considered an exemplary model of a private/public partnership with the Forest Service, and government dignitaries flew in several times to see the property and speak with us about the partnership. We were able to purchase the land through a land exchange in 2002. I believe that a primary reason why we have maintained such a positive relationship with the Forest Service is that we have always considered ourselves to be stewards of the land, and have taken great care not to impact the water, air, or forest on and around this property – both before and after we received title.

10. Our property is in a beautiful location deep in the forest. It is sited on a private peninsula with no other roads, bounded on the east and west by the South Kawishiwi River. Birch Lake joins the river at the south shore of the property.

11. Birch Lake is twenty miles long, and about ninety percent of the shoreline is in federal ownership. Birch Lake is the only lake in the area outside of the BWCA

where the Forest Service maintains boat-in, wilderness-style campsites, which provide unique camping opportunities for our guests and other visitors to the area. Birch Lake is home to two federal campgrounds, 17 dispersed campsites, a private campground, one additional resort, and two houseboat businesses. Birch Lake is similar to the large lakes found within the BWCA, and provides a wilderness-type experience to people who are unable to make a trip into the BWCA.

12. The BWCA lies five river miles to the northeast east of our resort property, and is accessible from our property by canoe through Entry Point 32 (South Kawishiwi River). The South Kawishiwi River flows southeast out of the BWCA for five miles, at which point it meets Birch Lake, takes a sharp turn to the northwest on the west side of our property, and flows through White Iron and Farm Lakes. It is also possible to access the BWCA through Farm Lake by that route. Finally, the river continues to flow north through Garden Lake and Fall Lake where it re-enters the BWCA. This route into the BWCA is the most direct route to Basswood Lake and the Canadian border from River Point Resort and Outfitting Company. From our location in the headwaters of the Rainy River (BWCA) watershed, there are literally hundreds of miles of paddling (and other boating) opportunities both upstream and downstream.

13. People come to River Point Resort and Outfitting Company because of our location on the edge of the BWCA, the incredible natural beauty, the clean air, the quiet, and the wilderness setting. People come for the peace and tranquility of a place where they are completely buffered from the noise, sights, and stress of urban life. The property is all about nature, and that is what people come here for. We provide them with the

comforts of home (but without TVs!), in a place where they can escape the chaos and craziness of their daily lives. People come here simply to sit on their screened porch or on the lakeshore, look at the river, the lake, and forest, and listen to the sounds of nature. Our guests come seeking equilibrium and spirituality as only a sojourn in a wild area can provide.

14. I have experienced negative impacts from mining activity for more than ten years. One negative impact was from the noises of drilling, seismic testing, and heavy equipment operation. Twin Metals Minnesota (Antofagasta Chile) began drilling in the area in approximately 2006. A group of summer home owners adjacent to our property were coerced into a road-use agreement with the understanding that the mining company would cease exploratory drilling in their neighborhood in the summer months. However, the mining company did not negotiate with River Point Resort and Outfitting Company.

15. I was subjected to drilling noise throughout the fall, winter and spring every year for many years. The noise occurred so frequently and for so long that we did not keep track of the dates and times. The noise often was loud and constant enough that we did not open our windows, but even so the drilling noise was very audible indoors. Whether it because the birds weren't there or because we couldn't hear them over the drilling noise, we did not hear the usual springtime sounds of birds around our property for the years from 2006 through 2013. We did not realize how completely the birdsong had been missing during that time until the spring of 2014, after Twin Metals stopped drilling. However, to the best of my knowledge, hydrogeological exploration by Twin Metals occurred on federal lands and also on some state lands within the wilderness

following the cessation of the exploratory drilling phase by Twin Metals. Along with the drilling for the hydrogeological wells, other “down the hole” environmental drill hole assessments were ongoing. Furthermore, the noise resulting from capping of some 10-year old exploration drill holes by twin Metals occurred then, and is occurring now in the fall of 2016.

16. When exploratory drilling occurred, the noise was constant – day and night. In addition to drilling noise, we heard screeching and banging when drills were being changed, and heavy truck and bulldozer activity, including use of bulldozers to push boulders out of drilling locations. The drilling activity was sometimes close enough to us, that I could hear the voices of the workers across the river and lake. I felt captive at the resort, as I did not want to be outside to bear the full brunt of the noise. The whole point of living where we do is lost when we cannot be outside, and cannot hear the peace and quiet of natural sounds like wind in the trees, and birdsong.

17. To understand what the sound of constant drilling and heavy equipment is like, if you have never lived through it, try putting your Kitchen-Aid mixer on the counter, plug it in, throw rocks into the steel pot, and leave it running with the blades grinding the rocks and hitting the sides of the pot 24 hours a day, seven days a week, for months on end. Occasionally turn the mixer it off, bang on it with a hammer, and restart it minutes later, without notice. That is what it sounds like, even when the drilling sites are miles away.

18. The constant barrage of sound wore on my parents and on me, causing us mental and emotional stress and anxiety. The noise added a layer of stress that we would

not otherwise experience. This became especially clear to us in 2014 when the noise stopped; the relief from the cessation, coupled with anxiety from not knowing when the noise would restart, made us realize how much of a burden it was, personally. In addition, I could not help but worry that we would lose customers, and my parents would be forced to close our business as a result of the nearly incessant noises from the Twin Metals lease sites across the lake and river. I still experience stress from worry that the leases will be renewed and the mining noises will destroy the business, make it impossible to live at River Point, and put an end to my hope of owning and running River Point someday.

19. In 2013, Twin Metals continued drilling into the summer guest season. This noise in the heart of our busy season was a significant disruption for our guests, and negatively affected the quality of their experience. Not surprisingly, guests at our resort do not want the sound of drill rigs and heavy equipment impacting their vacation, and they are shocked and unhappy when the peaceful, natural surroundings and sounds, like wind in the trees and waves lapping the shore, are drowned out by industrial noise. Likewise, guests who canoed/camped within the Boundary Waters were impacted by the noise and their wilderness experience was lacking the peace and serenity that they were seeking and should have had on their adventure. Resort guests complained about the noise, resulting in many questions about the situation, creating loss of employer and staff time on other vital tasks and additional stress on everyone. The noise associated with the mineral exploration harmed me emotionally and mentally, and it denigrated the perception of peace and quiet which are the mainstays of why our businesses have been successful for decades and why guests choose to vacation at our wilderness edge resort

location, and within the Boundary Waters. The long term effects of mineral exploration and the threat of a looming mine across the river has had a negative affect financially and has harmed the reputation of River Point Resort & Outfitting Company.

20. Although the agreement with Birch Lake summer home owners limited drilling in our vicinity in the summer, the company drilled in other locations during that time. In the summer of 2009 or 2010, we had a guest whom we had outfitted for a BWCA trip who came back reporting that her trip had been ruined by drilling noise. This was in the Gabbro Lake (Entry Point 33) area in the BWCA. We would lose more outfitting customers if the mining leases were renewed, because the mining noises would resume.

21. Prior to mineral exploration activities, we did not hear any similar noises. We rarely heard even the sound of a distant motor vehicle.

22. The ability to hear the sounds of nature has an importance beyond being an ingredient in relaxation or vacationing – it is important to having a good quality of life year round and to being able to participate in and enjoy the fall deer hunt. In early November of 2011 or 2012, about ten relatives and friends were here at River Point for deer hunting. At that time, Twin Metals had as many as eleven drill rigs going at one time. We tried to hunt, but had to quit because hearing is an essential sense for a hunter, and we could not hear the sounds of the forest over the drilling.

23. I was at River Point on many of the days when the mining company used a large helicopter, flying at low altitude just above the tree tops, as part of a survey. The helicopter would traverse very slowly with a large hoop hanging beneath it, covering the entire area by sections and working in a grid. Once it had covered the area moving back

and forth in two directions, it would move to transects in the other two directions, covering the same area. The helicopter would pass over our property many times – perhaps fifty times in one day. The noise was so loud that we would have to shout to be heard. This went on during the summer when we had guests, who were very disturbed by the noise and what felt like an invasion. This went on at least twice a week all summer one summer, which was either 2011 or 2012. I could see that the helicopter was also flying close to the edge of the BWCA, and am certain that the noise affected the wilderness area.

24. My parents complained about the helicopter noise, first to the Federal Aviation Administration who said there was nothing they could do, and then to our congressional delegation. After speaking with Senator Franken, the helicopter flights stopped. Shortly after that, three men in a boat spent a day right off our shoreline, doing noisy seismic testing along the entire boundary of our property. Some of the men in the boat trained binoculars on the shore repeatedly. This activity, both the seismic testing and the use of binoculars, bothered our guests, some of whom were originally sunbathing on the shoreline. I believe that the mining company was doing this to make a point, and that it was an act of harassment.

25. Even prior to 2006, we were impacted by the noise of Franconia drilling at the Birch Lake site, four or five miles down the lake. Franconia anchored a barge in the middle of the lake, but noise travels a long way over water. The noise funneled down the lake, so we heard it from our property, but the entire lake was also affected by auditory pollution for an entire summer. The drilling noise was loud enough that I know it

impacted the campsites around the lake. Our guests asked us about it all summer long, taking time away from our work and creating an anguishing situation for us, as we had no idea how long it would continue. I saw that the drilling barge flew both an American and a pirate flag, which my parents and I felt was a statement of the mining company's attitude toward neighbors on the lake and the forest environment.

26. In addition, the mineral lease activity also affected our air quality at River Point. When the wind was right, we got the smells of diesel exhaust from heavy equipment, rather than fresh air scented with the smell of pines, water, and forest.

27. More, in the area where drilling for mineral exploration was being done, I am no longer able to access parts of the Superior National Forest where I used to go. Friends and neighbors who have hunted in the area for years have had to go elsewhere. The area is more fragmented than ever as a result of roads that have been put in for mineral exploration and then gated, so that what used to be an open track is now a gated road. Mining activity has made this portion of the Superior National Forest less accessible to recreational users. This has always been a well-loved area devoted to recreational pursuits, but the mining company's mineral exploration has essentially privatized public land, dedicating it to the use of a Canadian mining company owned by a bigger Chilean mining company.

28. Furthermore, I believe that our well water has been affected by the exploration activity. Kinetico tests our water yearly, and in the last couple years the amount of iron in the water has increased dramatically. During that same time, we noticed that the water and bathtubs in some of the accommodations were turning brown. We have

one well that has always had very pure water – the water has never needed treatment. The water in that well was particularly affected, and we worried through the summer of 2014 that we would lose that well. However, the drilling stopped that year, and the water cleared up through the summer and has remained clear. Water from another of our wells, however, got substantially worse than the well mentioned above, experiencing an increase in hardness that included a 40-fold increase in iron content between 2006 and 2014. We have had to replace many, many shower heads, faucets, and other fixtures as a result of the corrosion from this water. Even the silverware in our housekeeping cabins began to tarnish badly, and we incurred costs in staff time and money to have staff scrub each piece of silverware each time housekeeping occurred to remove corrosion. We had to install a second, larger water softener, and began to go through eight bags (300 pounds) of salt per day, and still our guests complained about the water's taste and color. We had to install reverse osmosis filters in each of our 16 housekeeping cabins, and in our residence, at a cost of roughly \$200 per filter. I attribute the deterioration of water quality in our one well to the drilling by the mining company and its contractors of hundreds of holes, some thousands of feet deep. Our wells are able to draw water because they intercept fractures and fissures in the bedrock, and it is my conviction that some of the fractures transport water from across and beneath the Kawishiwi R. and Birch Lake, where the drilling has been happening.

29. During the same time frame, my parents and I noticed one year that when the ice receded from the shoreline in the spring, the entire shoreline was covered by

reddish-brown, clay-like silt, which is something we have never seen here before. It just happened one year, which I believe was 2013, and has not happened again.

30. During the drilling, I also saw Twin Metals water tanker trucks filling their tanks frequently with water from the Kawishiwi River and Birch Lake, for use in drilling. No monitoring was done, and to my knowledge they did not keep track of how much water they were using. I have been told that they were permitted to use up to 10,000 gallons per day with their permit, but I have not been able to obtain any information about how much water they are actually using. We had three years of drought – 2011, 2012 and 2013 – when the lake and river levels were very low. I am aware that if the mineral leases were to be renewed, the plaintiffs would likely get another permit for withdrawal of lake water, and that if a mine were built it would likely be given larger volumes of water to withdraw, and I do not believe that this is a sustainable use of water.

31. I am aware of the Twin Metals mine plans, including the planned location of underground mines and surface facilities. I am aware of the amount of surface activity required to construct a mine of the size that is planned. There is no possibility that we would be able to continue operating our two businesses here if a mine is built in this area. To take the present wilderness, recreational district of the Superior National Forest and turn it into a mining district would be the end of River Point Resort & Outfitting Co. as we now know it, our home, and our way of life. The location simply would no longer offer the setting that our guests come here for. This would destroy the life that my parents have created and the dreams and the legacy that they wish to pass onto me. My parents' life's work and investment will be lost, and my life's work and investment in our

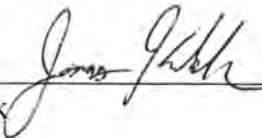
businesses would be lost. This would devastate all three of us, certainly, but would also destroy the refuge of the thousands of guests that we serve every spring, summer, and fall, along with Superior National Forest visitors who use Birch Lake, the Kawishiwi River, or the pristine Boundary Waters wilderness area adjacent to River Point.

32. Land values took a nose dive after the drilling noises began, and the constant threat of a sulfide-ore copper mine has depreciated property values. If the leases are renewed, my worries that the mine could go through will only increase. If it does, my parents would be forced to close our business, and likely attempt to sell our property. It would have to be sold at a steep discount from its pre-drilling, pre-mine value.

33. My interests – including all the above and more – are distinct from those represented by the federal defendants, and would be harmed irreparably and irreversibly if the Memorandum Opinion, issued on March 8, 2016 by the Solicitor of the U.S. Department of the Interior, concluding that the U.S. Department of Interior and the Bureau of Land Management have discretion to grant or deny renewal of the expired mineral leases held by plaintiffs Twin Metals Minnesota and its subsidiary, were to be reversed. A reversal would mean that the federal agencies would have no discretion, and would be required to renew the expired mining leases. I support and count on NMW to advance and protect my interests from the harm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 26th day of OCTOBER, 2016

James S. Koschak 

Mr. LOWENTHAL. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I want to speak in opposition to this legislation, and here is why: it threatens Minnesota's Boundary Waters Canoe Area; it stops the scientific environmental review that is going on right now; it weakens the Antiquities Act; and it singles out Minnesota's national forests as not being allowed the same environmental protections that national forests in every other State receive.

Now, northern Minnesota has a rich history of taconite mining. But the mine that is being proposed on the doorstep of the Boundary Waters, America's most-visited wilderness, is a massive copper-sulfide mine, something we have no history of in Minnesota. It would threaten some of the cleanest and most pristine water and lakes in the country.

Today, there is a 2-year review going on of the mining leases to analyze the risks of copper-sulfide mining in the watershed of the Boundary Waters. It is based on science. It is supported by Secretary Perdue. It is supported by Secretary Zinke. And I should note that Secretary Zinke is supporting a similar review of a proposed mine in Montana that borders Yellowstone National Park.

But this bill halts that scientific review and automatically grants the leases for the mine. If this becomes law, Minnesota's land and water would be singled out as not worthy of the exact same environmental review and protections that exist in every other State in the country.

It carves out a special exemption for Minnesota from the Antiquities Act, which has been used on a bipartisan basis by 16 Presidents as a conservation tool to protect America's history for future generations. And why should the land and history in Minnesota be less worthy of protection?

There are the public comments from more than 100,000 people, Mr. Speaker, that would be tossed aside.

Mr. Speaker, the Boundary Waters is Minnesota's Yellowstone. Hundreds of thousands of people canoe and fish there annually every year. It is a national treasure.

Some of the best memories of my life have taken place in the Boundary Waters as I grew up or, now, with my daughters. We owe it to future generations to understand the impact that copper-sulfide mining poses to the Boundary Waters Canoe Area; and that is why I am voting "no" on a bill that undermines science and puts Minnesota's water at risk.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

FRANCONIA MINERALS (US) LLC;
and TWIN METALS MINNESOTA LLC,

Plaintiffs,

v.

UNITED STATES OF AMERICA; U.S.
DEPARTMENT OF THE INTERIOR;
SALLY JEWELL, Secretary, U.S.
Department of the Interior; HILARY C.
TOMPKINS, Solicitor, U.S. Department of
the Interior; and BUREAU OF LAND
MANAGEMENT,

Defendants.

Civil File No. 0:16-cv-03042-SRN-LIB

DECLARATION OF THOMAS B. HEFFELFINGER

I, THOMAS B. HEFFELFINGER, declare and state under penalty of perjury under the laws of the United States of America as follows:

1. I am counsel for Intervenor Northeastern Minnesotans for Wilderness on behalf of the Campaign to Save the Boundary Waters, a non-profit, tax exempt, charitable corporation, organized in 1996 under the laws of the State of Minnesota and based in Ely, Minnesota, and I make this Declaration in support of Intervenor's motion to intervene as a defendant in this matter.

2. Attached hereto as Exhibit A is a true and correct copy of the Declaration of Rebecca L. Rom, dated October 27, 2016.

3. Attached hereto as Exhibit B is a true and correct copy of the Declaration of Steven J. Piragis, dated October 26, 2016.

4. Attached hereto as Exhibit C is a true and correct copy of the Declaration of Darrell Spencer, dated October 27, 2016.

5. Attached hereto as Exhibit D is a true and correct copy of the Declaration of Linda Tomsich, dated October 26, 2016.

6. Attached hereto as Exhibit E is a true and correct copy of the Declaration of Amy Freeman, dated October 28, 2016.

7. Attached hereto as Exhibit F is a true and correct copy of the Declaration of David Freeman, dated October 28, 2016.

8. Attached hereto as Exhibit G is a true and correct copy of the Declaration of David Seaton, dated November 7, 2016.

9. Attached hereto as Exhibit H is a true and correct copy of the Declaration of Kristin A. Wegerson, M.D., dated October 28, 2016.

10. Attached hereto as Exhibit I is a true and correct copy of the Declaration of John D. Ipsen, M.D., dated October 28, 2016.

11. Attached hereto as Exhibit J is a true and correct copy of the Declaration of Susan Schurke, dated October 28, 2016.

12. Attached hereto as Exhibit K is a true and correct copy of the Declaration of Jeffrey D. Rome, M.D., with exhibit 1, dated October 28, 2016.

13. Attached hereto as Exhibit L is a true and correct copy of the Declaration of Clare August Hansen Shirley, dated October 29, 2016.

14. Attached hereto as Exhibit M is a true and correct copy of the Declaration of Steven L. Koschak, dated October 26, 2016.

15. Attached hereto as Exhibit N is a true and correct copy of the Declaration of Louis Tomsich, dated October 26, 2016.

16. Attached hereto as Exhibit O is a true and correct copy of Gail Bollis, dated October 27, 2016.

17. Attached hereto as Exhibit P is a true and correct copy of Robert Beymer, dated November 4, 2016.

18. Attached hereto as Exhibit Q is a true and correct copy of the Declaration of Norman W. Deschampe, dated September 26, 2016.

19. Attached hereto as Exhibit R is a true and correct copy of the Declaration of Jason Zabokrtsky, dated October 28, 2016.

20. Attached hereto as Exhibit S is a true and correct copy of the Declaration of Paul Schurke, dated October 28, 2016.

21. Attached hereto as Exhibit T is a true and correct copy of the Declaration of Jack Lee, dated November 4, 2016.

22. Attached hereto as Exhibit U is a true and correct copy of the Declaration of Erik Ransom Packard, dated October 18, 2016.

23. Attached hereto as Exhibit V is a true and correct copy of the Declaration of Erwin W. Laitala, dated October 31, 2016.

24. Attached hereto as Exhibit W is a true and correct copy of the Declaration of Joseph Goldstein, dated October 28, 2016.

25. Attached hereto as Exhibit X is a true and correct copy of the Declaration of Kemia M. Sarraf, M.D., M.P.H., dated October 27, 2016.

26. Attached hereto as Exhibit Y is a true and correct copy of the Declaration of Jeffrey A. Goldstein, M.D., dated October 29, 2016.

27. Attached hereto as Exhibit Z is a true and correct copy of the Declaration of James S. Koschak, dated October 26, 2016.

Dated this 21st day of November, 2016.

s/ Thomas B. Heffelfinger
THOMAS B. HEFFELFINGER

010972/316010/2502699_1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

FRANCONIA MINERALS (US) LLC;
and TWIN METALS MINNESOTA LLC,

Plaintiffs,

v.

UNITED STATES OF AMERICA; U.S.
DEPARTMENT OF THE INTERIOR;
SALLY JEWELL, Secretary, U.S.
Department of the Interior; HILARY C.
TOMPKINS, Solicitor, U.S. Department of
the Interior; and BUREAU OF LAND
MANAGEMENT,

Defendants.

Civil File No. 0:16-cv-03042-SRN-LIB

**SUPPLEMENTAL DECLARATION OF
THOMAS B. HEFFELFINGER**

I, THOMAS B. HEFFELFINGER, declare and state under penalty of perjury
under the laws of the United States of America as follows:

1. I am counsel for proposed Intervenor Northeastern Minnesotans for
Wilderness on behalf of the Campaign to Save the Boundary Waters, a non-profit, tax
exempt, charitable corporation, organized in 1996 under the laws of the State of
Minnesota and based in Ely, Minnesota

2. In preparation for the hearing on the Motion to Intervene as a Defendant
filed November 21, 2016, by Northeastern Minnesotans for Wilderness, scheduled for
Tuesday, January 10, 2017, at 3:00 p.m., I make this Supplemental Declaration

Supplemental Declaration in support of said motion. This supplemental filing corrects an inadvertent mistake by which Exhibit AA, attached hereto, was not attached to my original Declaration filed on November 21, 2016, as ECF No. 28.

3. Attached hereto as Exhibit AA is a true and correct copy of the Declaration of Kevin R. Dupuis, Sr., dated September 23, 2016.

Dated this 6th day of January, 2017.

s/Thomas B. Heffelfinger
THOMAS B. HEFFELFINGER

010972/316010/2539611_1

EXHIBIT AA
TO SUPPLEMENTAL DECLARATION
OF THOMAS B. HEFFELFINGER

Jeanne Troup

From: ecf-notice@mnd.uscourts.gov
Sent: Friday, January 06, 2017 3:15 PM
To: mnecfnotifications@mnd.uscourts.gov
Subject: Activity in Case 0:16-cv-03042-SRN-LIB Franconia Minerals (US) LLC et al v. United States of America et al Declaration in Support

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

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U.S. District Court

U.S. District of Minnesota

Notice of Electronic Filing

The following transaction was entered by Heffelfinger, Thomas on 1/6/2017 at 3:15 PM CST and filed on 1/6/2017

Case Name: Franconia Minerals (US) LLC et al v. United States of America et al
Case Number: 0:16-cv-03042-SRN-LIB
Filer: Northeastern Minnesotans for Wilderness
Document Number: 58

Docket Text:

Supplemental Declaration of Thomas B. Heffelfinger in Support of [25] MOTION to Intervene as a Defendant, [28] Declaration in Support., [54] Request, [27] Memorandum in Support of Motion, [26] Notice of Hearing on Motion, [55] Notice of Hearing on Motion filed by Northeastern Minnesotans for Wilderness. (Attachments: # (1) Exhibit(s) AA)(Heffelfinger, Thomas)

0:16-cv-03042-SRN-LIB Notice has been electronically mailed to:

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Document description:Exhibit(s) AA

Original filename:n/a

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