



Protecting clean water, healthy communities, and the Boundary Waters
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May 7, 2015

Chip Weber, Acting Forest Supervisor
Attn: School Trust Land Exchange
Forest Headquarters
8901 Grand Avenue Place
Duluth, MN 55808

Via email: comments-eastern-superior@fs.fed.us

Dear Mr. Weber,

Thank you for the notice regarding the availability of School Trust Land Exchange Scoping Package. Please accept these comments on behalf of Northeastern Minnesotans for Wilderness (NMW), a region-based wilderness advocacy group created by area residents to protect the Boundary Waters Canoe Area Wilderness (BWCAW) and other wild places. Please keep NMW informed of any future developments or information regarding this proposal.

The BWCAW, America's most visited wilderness, is a truly special place. It is one of the most accessible wilderness areas in the country and allows people of all backgrounds and abilities to experience the benefits of wilderness recreation. Due to the interconnection between waterways and forest dynamics, the BWCAW relies on the surrounding healthy and well-managed Superior National Forest. Thus, effects to the Wilderness must be considered when projects are proposed on Superior National Forest (SNF) within the BWCAW watershed. By shrinking the Superior National Forest, leaving vulnerable additional acreage for future exchange deals and potentially opening additional acres within the BWCAW watershed to sulfide-ore copper mining, the proposed School Trust Land Exchange threatens the BWCAW.

NMW recognizes the need for consolidating lands within the BWCAW under federal management and appreciates the Forest Service's stated goal to "provide an enduring wilderness resource for future generations." However, exchanging any federal land within the Superior National Forest for state-owned land within the BWCAW means shrinking the footprint of the Superior National Forest. The Forest Service and State of Minnesota use different goals and management philosophies, especially as the Minnesota Department of Natural Resources (DNR) must give precedence to long-term economic gain on lands designated to benefit the Permanent School Trust Fund. The environmental impact of switching management regimes to one that prioritizes revenue above all else must be evaluated for the current proposal, and a purchase-only alternative should be considered. The purchase-only option has the best chance of minimizing environmental impact, as it would maintain the current footprint of the Superior National Forest and provide a larger and more immediate influx of funds to the Permanent School Trust Fund.

NMW is concerned about the history of eroding support for purchasing the state-owned lands within the BWCAW. The Forest Service and the state agreed in the past to a total purchase approach, and later federal legislation was introduced to require a total exchange. Now, the Forest Service has proposed only the exchange portion of the hybrid approach recommended by the working group, without a guarantee

that the purchase phase will follow. The current proposal would shrink the footprint of the Superior National Forest outside the BWCAW by 30,000 acres. By failing to include the purchase option in its current proposal, the Forest Service leaves the Superior National Forest vulnerable to future political pressure, lack of funding, and other factors that would make it difficult to purchase the remaining 53,000 acres of state-owned land within the BWCAW. Proceeding with the hybrid approach in such a piecemeal fashion leaves the Superior National Forest vulnerable to future exchange deals, which would further reduce the land in the Superior National Forest outside of the BWCAW.

The proposed action as described in the scoping package has the potential to cause significant environmental impact within the Superior National Forest and the BWCAW. Over 6,000 acres of the parcels that the Superior National Forest would lose are fragile lands with high levels of biological diversity. Their high ecological value would not be respected if managed by the state of Minnesota to maximize revenue, and the environmental analysis should consider the impacts from lost biological diversity, increased forest fragmentation, spread of invasive species from increased development, and disruptions to wildlife habitat and travel corridors. Several federally listed threatened species rely on areas within the Superior National Forest proposed to be transferred to state control, including the Canada lynx, gray wolf, and the northern long-eared bat. The Superior National Forest also offers important habitat for moose, a species of special concern listed by the State of Minnesota, which would be impacted by increased development on federal parcels proposed for transfer to the state. The environmental analysis must thus consider impacts to biological diversity, forest health, and wildlife, including requirements under the Endangered Species Act.

Additionally, 7,800 acres of the Superior National Forest land proposed for exchange is currently managed as recreational land. If exchanged, these lands would be managed to maximize revenue, not to prioritize recreational opportunities, including angling, hunting, snowmobiling, OHV access, and other outdoor pursuits. While timber management can occur on these lands while under federal management, state management would make development a priority. Prioritizing logging, mining, and other development on these parcels would increase forest destruction, noise, light, dust, and machinery compared to prioritizing recreation. Impacts to recreation quality and access must be considered in the environmental analysis conducted on the proposed action.

The Forest Service must consider the impact on the BWCAW of increased mining and development activity on candidate parcels in the BWCAW watershed. Some of the Superior National Forest candidate exchange parcels are within the BWCAW watershed and adjacent to existing state metallic mineral leases held by Twin Metals Minnesota, a project of the Chilean mining company Antofagasta. While the United States intends to retain federal mineral rights, transferring surface management reduces the amount of federal oversight required for approving new sulfide-ore copper mines in the BWCAW watershed. Additionally, by transferring surface management where mineral ownership is already severed, the United States would relinquish its authority to regulate proposed sulfide-ore copper mining on those parcels. Any sulfide-ore copper mining activities that occurs on federal parcels as a result of the land trade would impact the BWCAW and Voyageurs National Park, which lie downstream. The environmental analysis must consider the impact the BWCAW and Voyageurs National Park from increased sulfide-ore copper mining in their watershed.

Finally, a considerable portion of the federal parcels proposed to be exchanged lie within the 1854 Ceded Territory, in which three bands of the Lake Superior Chippewa reserve rights to hunt, fish, and gather under federal treaty. The Forest Service must consult with the affected tribes to ensure that land exchanged would not negatively impact their treaty rights, as well as study the proposed action's impact to hunting, fishing, and gathering activities in the 1854 Ceded Territory.

In light of the concerns listed above and due to the potential for significant environmental impact, the Forest Service must prepare a full Environmental Impact Statement (EIS) instead of an Environmental Assessment. The EIS must also consider alternatives that include a full purchase option for all 83,000 acres instead of exchanging a portion, as the two alternatives represent significantly different environmental impact. The EIS must assess the impact that increased mining, logging, and development on the lands lost by the Superior National Forest would have on the BWCAW, biological diversity and recreational value. The Forest Service must consult with the U.S. Fish and Wildlife Service as required by the Endangered Species Act. The Forest Service must also properly consult with Tribes in the region.

Please continue to keep NMW informed of developments relating to the School Trust Land Exchange using the contact information below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Garwin', written over a horizontal line.

Rachel Garwin
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