

**Written Statement of Jason Zabokrtsky
Owner of Ely Outfitting Company and Boundary Waters Guide Service**

**Hearing on HR 5598, The Boundary Waters Wilderness Protection and Pollution
Prevention Act**

**Before the Subcommittee on Energy and Mineral Resources
Natural Resources Committee
U.S. House of Representatives**

February 5, 2020

Chairman Lowenthal, Ranking Member Gosar, and Members of the Subcommittee,

I live and work near the Boundary Waters Canoe Area Wilderness (Boundary Waters) in northern Minnesota. I own and operate Ely Outfitting Company and Boundary Waters Guide Service on Ely's main street. Virtually one hundred percent of my business is outfitting guests who canoe, camp, fish, and explore the Boundary Waters.

As a wilderness guide and outfitter, I have spent most of my adult life exploring the boreal forests and clean lakes of the Boundary Waters, and sharing it with guests from around the United States and the world. I have been blessed to travel in the million-acre Wilderness by canoe and portage trail, with dog teams on 40 below winter nights, and by bushwhacking to the most remote sections on foot and by swimming. I have developed a deep love and respect for this special place. And I see the Boundary Waters have the same effect on others.

The Boundary Waters is a beloved place. It is the most-visited national Wilderness Area in the nation. It is the largest Wilderness Area east of the Rockies and north of the Everglades, and geographically accessible to a vast swath of America. It is within a day's drive of many major cities in the Midwest – from St. Louis to Detroit to Milwaukee to Des Moines to Minneapolis-St. Paul. While Midwesterners especially prize the Boundary Waters, I am constantly amazed by how far people travel to experience our canoe country Wilderness. In 2019 my business outfitted several thousand wilderness travelers who arrived from 48 states, the District of Columbia, and 13 foreign countries. They come to northern Minnesota to spend their vacation time because the Boundary Waters is special and unique.

The Boundary Waters is a global treasure, too valuable and too vulnerable to risk to sulfide-ore copper mining on public lands immediately upstream of the Wilderness.

The Wilderness is a water-intensive ecosystem characterized by a massively interconnected network of lakes, rivers, streams, and wetlands set within a boreal forest. It stretches for over 150 miles and is relatively long and narrow in shape. That allows for myriad route options from 72 designated entry points that range from simple, relaxing stays to ambitious, rugged routes that cover long stretches of this vast spectacular Wilderness. From atop a towering promontory like Thunder Point or Warrior Hill one sees a vast shared land - public space - to be protected and preserved for everyone.

The Boundary Waters is unequalled in accessibility and value for people of all backgrounds and abilities who desire a wilderness experience. Anyone of just about any means can venture into the Boundary Waters and enjoy a world class outdoor experience. Children, elderly, disabled, and people of limited economic means are all able to have a Boundary Waters experience. You don't have to be rich; you don't have to be in super great shape – but you have to be curious and adventuresome.

In the Boundary Waters is the enduring spirit of a time immemorial and a connection with the ages. Traveling by canoe and camping on remote spits of glaciated rock, we live the history of those who were here before us. We share a crackling campfire, a star-spangled night sky, and a long, refreshing drink of pure water – straight out of the lake. The silence is broken only by the ethereal sounds of the wind whispering through pines, the waves gently lapping the shoreline, a loon's plaintive call, or a wolf's mournful howl.

What value do people find in the Wilderness? In the Boundary Waters people find world-class freshwater fishing in waters teeming with walleye, bass, northern pike, lake trout, and panfish. But, even more important, in the Boundary Waters people find their best selves. We discover previously unknown courage overcoming emotional and physical challenges. We find peace and healing from cancers and trauma. We check out of a frenetic social media world. We find especially deep connections with those closest to us. And, on the trail we learn important values like teamwork, persistence, and grit. This all makes us better friends, families, and citizens.

The Boundary Waters is our country's greatest lakeland Wilderness. For more than 100 years, national leaders have recognized the vital importance of protecting the Boundary Waters. We are the beneficiaries of policies to prevent intrusive road development, hydroelectric dams, the drone of float planes, and logging and mining within the Wilderness boundaries. These battles were worth it because the Boundary Waters is so special and unique.

Sulfide-ore copper mining on the very edge of the Wilderness puts the Boundary Waters at dire risk and must not be allowed. This is absolutely the worst place for America's most toxic industry.

Sulfide-ore copper mines always degrade water with acid mine drainage, and cause air, noise, and light pollution, and forest fragmentation. It is unrealistic to think that this pollution and damage won't significantly and permanently harm the Boundary Waters and surrounding Superior National Forest.

The Boundary Waters economy supports a diverse and growing business environment and in-migration of new residents seeking to live near the Boundary Waters and in the Superior National Forest region. Sulfide-ore copper mining in the Boundary Waters watershed would harm our local economy and cause the loss of businesses, jobs, residents and visitors.

I, like many others, chose Ely as my home because of the Boundary Waters and because it is a dynamic town. The Ely area enjoys businesses and amenities that are the envy of other small towns. The Ely Chamber of Commerce, which I have served on the board of, markets Ely as “the

last great pure experience.” Approximately 250 businesses belong to the Ely Chamber, which attests to the strength and diversity of our small business economy.

In the Ely area, you will find dozens of outfitters, guides, restaurants, retailers, and lodging establishments catering to visitors. But, you will also find a full hospital and medical clinic, a community college, two large grocery stores, two impressive hardware stores, two world-renowned wildlife research centers, several small-batch manufacturing facilities, an independent school district, a major Forest Service administrative complex, a recently restored grand historic theater, museums, the Ely Folk School, a vibrant community education program, a thriving arts community, one of only four Boy Scout High Adventure Bases in the U.S., the Girl Scout Canoe Base, and three very popular YMCA family and youth camps. These all constitute a community thriving at the edge of the Boundary Waters.

And there is more in the planning stage: a major hospital expansion, a YMCA-type wellness facility, a school district facility expansion, and a new multi-million-dollar trailhead welcoming visitors to town.

Proposed sulfide-ore copper mining in the watershed of the Boundary Waters puts all this at risk and would be a huge blow to our sustainable economy.

The economic harm of sulfide-ore copper mining in the Boundary Waters watershed to the three-county northeastern Minnesota region would be significant. A report by Key Log Economics, prepared for a proposed administrative mineral withdrawal of the area covered by HR 5598, shows that sulfide-ore copper mining would result in an annual loss of \$288 million in visitor spending that would otherwise support 4,490 local jobs, \$76 million in residents’ income, \$31 million in state and local taxes, and \$181 million in proprietor’s income and business-to-business transactions. The suppression or reversal of the amenity-based economic growth in northeastern Minnesota as a result of sulfide-ore copper mining in the Boundary Waters watershed would result in the long-term loss of an additional 5,000+ to 22,000+ jobs, and between \$402 million and \$1.6 billion in annual income. A one-time drop of \$509 million in property values would result in ongoing annual reductions in local property tax revenue throughout the three-county northeastern Minnesota region.

Another economic analysis of employment and income costs and benefits of a mineral withdrawal to the Boundary Waters region was released by two Harvard economists on August 6th, 2018. This is the only economic analysis that compares the impacts of copper mining in the Boundary Waters watershed over a twenty-year period versus a mineral withdrawal. The authors determined, *“Over time, the economic benefits of mining would be outweighed by the negative impact of mining on the recreational industry and on in-migration. This leads to a boom-bust cycle in all the scenarios we examine, in which the region is left worse off economically than it would be under the withdrawal.”* They further concluded, *“We find that, over the 20-year time horizon of the proposed withdrawal, introducing mining in the Superior National Forest is very likely to have a negative effect on the regional economy. Our calculations omit some factors, notably the negative effect of mining on real estate values, that would strengthen this conclusion.”*

In summary, this study shows that over a 20-year period, an economy based on copper mining would significantly underperform the growing, sustainable economy already in place. Compared to a Twin Metals mining economy, the proposed 20-year mining ban would result in:

- 1,500 to 4,600 more jobs
- \$100 million to \$900 million more income

The Key Log Economics report and the Harvard study are included as supplemental materials.

Proposed sulfide-ore copper mining would be a recipe for depopulation of our area. The University of Minnesota - Morris surveyed property owners in the four townships near the proposed Twin Metals mine. Twenty-three percent of respondents said they would consider moving away if sulfide-ore copper mining happened. These are my neighbors. This statistic reflects the deep concern over this incompatible and risky industry. We do not want sulfide-ore copper mining in the headwaters of the Boundary Waters. It is simply not worth the risk.

Studies by Headwaters Economics, a non-partisan land management research organization, show that Wilderness and public lands contribute to booming populations, employment, and personal income in local communities, and attract investment and businesses to rural areas.

Moreover, even job gains advanced by supporters of copper mining are likely over-stated. Modern developments in mining, including robotics and the replacement of workers with autonomous mining equipment, mean that any mine developed a decade or more from now will have far fewer human workers than would be required to mine ten years ago or today.

Businesspeople like me see sulfide-ore copper mining as a threat to the Boundary Waters, our way of life, and our business.

Nine Boundary Waters businesses filed a lawsuit challenging the Department of Interior and Bureau of Land Management's unlawful decision to reinstate expired federal mineral leases for Twin Metals – leases that had been rejected in 2016 by the Forest Service and the BLM because of the grave risk of harm to the Boundary Waters and other parts of the Superior National Forest. The nine businesses - seven outdoor recreation companies near Boundary Waters gateway areas of Ely, the Sawbill Trail, and the Gunflint Trail, and two canoe manufacturers in central and southern Minnesota - would be harmed in a copper mining economy. I own one of the businesses that is a plaintiff in the lawsuit.

Representatives of four Wilderness-edge businesses are present at this hearing today in support of HR 5598. I would like to share their stories.

One of these businesses, Voyageur Outward Bound School, is located at ground zero of the proposed Twin Metals mine. This wilderness-based business - like other businesses in the area - are in settings that are now dominated by the natural world, with clean air, clean water, quietude, and birds and other wildlife. Yet they are threatened by one of the most destructive activities man can design – a large sulfide-ore mining operation with a processing facility and mammoth waste storage on the very shores of the South Kawishiwi River and Birch Lake.

Jack Lee is the executive director of Voyageur Outward Bound School, which we call VOBS. VOBS is an international education nonprofit that has been operating at its base camp, called Homeplace, on the shores of the South Kawishiwi River since 1964. From Homeplace, more than 30,000 men, women, and children have learned and grown through challenge and discovery, both from activities at Homeplace and through wilderness trips in the Boundary Waters. VOBS runs more than 90 expeditions each year and employs approximately 25 people year-round, all of whom live in and around Ely, and an additional 75 persons in the summer. VOBS staff are active in the community, and many are long-time residents, primarily because of proximity to the Boundary Waters. VOBS brings more than 600 people a year into the Boundary Waters from all 50 states and from countries throughout the world. Many of these people make repeat visits to the area on their own. Homeplace is also an important training center for all of Outward Bound USA, and the loss of Homeplace and VOBS would have significant, adverse ramifications on Outward Bound nationally as well as in our Ely area community.

Among the most powerful courses at VOBS are those serving military veterans, including the Forgotten Battalion of Afghanistan veterans who have endured trauma and high suicide rates since their return to the United States. These veterans were specifically directed to the Boundary Waters because of the Boundary Waters' unique, calming environment.

VOBS is a longstanding Ely institution and it is hard to imagine Ely without it. But if copper mining is allowed at the Twin Metals site, VOBS would be unable to continue to operate and would be forced to close and leave the area.

Sue Schurke is present. Sue and her husband Paul own and operate two longstanding Ely-area businesses, Wintergreen Northern Wear and Wintergreen Dogsled Lodge. Wintergreen Northern Wear is a high-quality manufacturer of outdoor clothing and is located on the main street of Ely. Wintergreen Dogsled Lodge has been providing dogsled trips into the Boundary Waters for four decades, and has been featured in National Geographic Magazine, Outside Magazine, the NBC Today Show, the Smithsonian Magazine, and the History Channel. Sue Schurke and Wintergreen Northern Wear were featured at the White House for its 'Made in America' product showcase in 2018. Sulfide-ore copper mining in the Boundary Waters watershed is a threat to their businesses, including because many of their dogsled routes are in the area of proposed mining.

Steve Piragis is present. Steve and his wife Nancy own and operate Piragis Northwoods Company which is located on Ely's main street. Today Piragis Northwoods employs 18 full-time year-round staff. In the summer months, this number rises to 55 employees. The annual payroll exceeds one million dollars. Steve says that the threat of sulfide-ore copper mining hits his business at its core of existence. Thousands of paddlers, local residents and summer cabin people pass through his doors each summer and tell him how important this Wilderness is to their lives and psyches.

Steve believes that unless stopped, copper mining in the Boundary Waters watershed will lead to permanent and irreparable harm to his interests and those of his clients. He questions whether his business of 40 years will survive.

We are not alone. Minnesotans and Americans don't want risky sulfide-ore copper mines in the watershed of the Boundary Waters.

Polling results and analysis of scoping comments received by the Forest Service during an administrative withdrawal study of the Boundary Waters watershed shows overwhelming support for protecting the Boundary Waters from sulfide-ore copper mining.

February 2018 polling by conservative pollster Fabrizio Ward documents that Minnesotans oppose sulfide-ore copper mining near the Boundary Waters and opposition is growing. Seventy percent (70%) of Minnesotans oppose copper mining near the Boundary Waters as opposed to only 22% in support. Fifty-six percent (56%) of Minnesotans who live in the 8th Congressional District (location of the Boundary Waters) oppose copper mining near the Boundary Waters.

An analysis of the scoping comments on the Forest Service's proposed mineral withdrawal submitted to the Forest Service through February 28, 2018 found that 98% of more than 181,000 people who submitted comments or petitions supported the proposed 20-year administrative withdrawal.

And there is much more strong support for protecting the Boundary Waters, and for HR 5598.

- In a February 2020 sign-on letter, businesses voiced their strong support for HR 5598.
- In a February 2020 sign-on letter, Kids for the Boundary Waters, conservation groups, and six Boundary Waters camps voiced their strong support for HR 5598.
- In a February 2020 sign-on letter, conservation groups voiced their strong support for HR 5598.
- In a letter dated January 31, 2020, the Minnesota Chippewa Tribe voiced its strong support for HR 5598 and opposition to sulfide-ore copper mining in the Rainy River Headwaters.
- Media stories and opinion pieces continue to show broad support for protection of the Boundary Waters.
 - A November 24, 2019 editorial by the editorial board of Minnesota's largest newspaper, the Star Tribune, *Not this mine. Not this location.* vehemently opposed copper mining in the Boundary Waters watershed.
 - A January 17, 2020 editorial by the editorial board of the Star Tribune, *Federal Bill Offers Critical BWCA Protection from Mining*, opined on HR 5598, "McCollum's bill isn't just about trying to stop or limit Twin Metals. Instead, the legislation is desperately needed to prevent the federal forest lands in the BWCA's watershed from becoming a mining industrial district."
 - An August 31, 2019 editorial by the New York Times editorial board published *Trump to Loggers, Miners, and Drillers: This is Your Land* expressed alarm at the Trump administration reversal of decisions to protect the Boundary Waters from copper mining.
 - In Vice President Walter Mondale's January 14, 2020 opinion piece in the Minnesota Reformer, *Vice President Walter Mondale: Protect the Boundary Waters*, the Vice President wrote "But this sacred place is now under attack like never before. Donald Trump and his administration have launched an all-out assault by fast-tracking a risky sulfide-ore copper mining project proposed

by Chilean conglomerate Antofagasta. This Twin Metals mine would sit on the doorstep of the Boundary Waters, dumping toxic pollution into waters that flow directly into the Wilderness. The mine would transform the Wilderness watershed into an industrial mining zone, tearing up the landscape, excavating huge quantities of rock, destroying wetlands, and spewing pollution into the air and water.”

- Tom Tidwell, former Forest Service Chief for Presidents Obama and Trump, stated in his opinion editorial in the January 17, 2020 edition of The Hill, “The nation’s most-visited wilderness area, the Boundary Waters Canoe Area Wilderness in northern Minnesota, faces the certain threat of toxic pollution from proposed copper sulfide mining in the headwaters of this popular paradise. But thanks to a new bill introduced by Minnesota’s Congresswoman Betty McCollum, Congress has the opportunity to prevent that from happening...During my 41-year career with the US Forest Service, we permitted sulfide-ore mines in some arid locations in other parts of the United States where the risks are far lower. We also protected special places. Our nation needs metals, but there are enough places to get those metals without forever damaging precious lands and waters like the Boundary Waters Wilderness.”

Let me be clear. We don’t want copper mines in the watershed of the Boundary Waters. Minnesotans don’t. People in the Boundary Waters region don’t. Copper mining in the headwaters of the Boundary Waters is wrong for our community and the nation. In addition to inevitable permanent damage to the Boundary Waters and downstream waters and landscapes, copper mining would harm our health, hurt our jobs and businesses, damage our property values, and forever and negatively alter our way of life.

In conclusion, the withdrawal of federal lands on the Superior National Forest within the Rainy River Headwaters is necessary, and indeed the only way to protect and preserve the Boundary Waters and other parts of the Superior National Forest, as well as Voyageurs National Park, Quetico Provincial Park, and local communities. I urge the Members of the Subcommittee to pass HR 5598.