

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
Case Type: Other Civil

Northeastern Minnesotans for Wilderness,
Plaintiff,

Court File No. 62-CV-20-3838
The Honorable Laura Nelson

v.

Minnesota Department of Natural Resources
and Sarah Strommen, in her capacity as
Commissioner of the Minnesota Department
of Natural Resources,

DNR'S PROCEDURAL ORDER
ON REMAND

Defendants,

Twin Metals Minnesota LLC

Intervenor.

WHEREAS, the District Court has remanded the above-captioned matter to the Department of Natural Resources ("DNR") pursuant to Minn. Stat. sec. 116B.10, subd. 3 to institute the appropriate administrative proceedings to make findings and an order on whether Minn. R. 6132.2000 is adequate to protect the Boundary Waters Canoe Area Wilderness ("BWCAW") from pollution, impairment or destruction; and

WHEREAS, the District Court's remand order dated September 13, 2021, which was issued pursuant to stipulation of the parties, requires DNR to issue a Procedural Order to establish a public comment period on the adequacy of Minn. R. 6132.2000;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. DNR will accept public comments beginning on November 9, 2021, and continuing for a

period of thirty (30) days thereafter through December 8, 2021, on the following issue:

With express consideration of how Minn. R. 6132.2000, subp. 2A and subp. 3A fit within the broader context of all applicable environmental protection in state and federal law regulating nonferrous mining, are:

- the exclusion of mining in the Boundary Waters Canoe Area Wilderness (BWCAW) set forth in Minn. R. 6132.2000 subp. 2A, and
- the prohibition of surface disturbance in the Boundary Waters Canoe Area Wilderness Mineral Management Corridor as set forth in Minn. R. 6132.2000, subp. 3A

adequate to protect the BWCAW from pollution, impairment, or destruction or should further restrictions on mining be extended to all or part of the Rainy River-Headwaters defined as HUC 09030001?

Maps of the BWCAW, the Boundary Waters Canoe Area Wilderness Mineral Management Corridor, and the Rainy River-Headwaters HUC 09030001 are attached. Mining is defined in Minn. R. 6132.0100, subp. 18.

2. DNR will publish a notice about the public comment period on its website, in the State Register, and through its GovDelivery service. DNR will accept public comments by mail and through the DNR website. DNR is seeking additional information that will assist it in deciding the above issue; comments that merely support or oppose the Twin Metals Minnesota project or other proposed projects in the Rainy River-Headwaters are not responsive.
3. DNR will analyze the public comments and other documents included in the administrative record and issue an Initial Order (as defined in the remand order) within one year of the date of the District Court's remand order. DNR's Initial Order will determine whether Minn. R. 6132.2000 is adequate to protect the BWCAW from pollution, impairment, or destruction.
4. The Plaintiff or Intervenor may demand a contested case hearing within thirty (30) days of the date of DNR's Initial Order. DNR's final decision in the contested case is subject to review in district court pursuant to Minn. Stat. sec. 116B.10.

Dated: 10/4/2021

/s/ Sarah Strommen
SARAH STROMMEN
Commissioner
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155