

118TH CONGRESS  
1ST SESSION

# H. R. 668

To provide for the protection of the Boundary Waters Canoe Area Wilderness and interconnected Federal lands and waters, including Voyageurs National Park, within the Rainy River Watershed in the State of Minnesota, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2023

Ms. MCCOLLUM (for herself, Mr. GRIJALVA, Ms. PINGREE, Mr. PHILLIPS, Ms. OMAR, Mr. HUFFMAN, Mr. BLUMENAUER, Mr. GALLEGO, Mr. KILDEE, Ms. SCHAKOWSKY, Ms. BARRAGÁN, Mr. COHEN, Mr. CASTEN, Ms. ESHOO, Mr. RASKIN, Ms. NORTON, Mr. KILMER, Mr. CONNOLLY, Ms. CHU, Ms. LEE of California, Ms. BUSH, Ms. TLAIB, Ms. MOORE of Wisconsin, Mr. CASE, Ms. SLOTKIN, Mr. NADLER, Ms. DELBENE, Mr. GARCÍA of Illinois, Ms. JACKSON LEE, Mr. CARSON, Ms. BROWNLEY, Mr. POCAN, Mr. LEVIN, Ms. STANSBURY, Mr. CARTWRIGHT, Mr. MCGOVERN, Mr. TONKO, Mr. LIEU, Mr. LARSON of Connecticut, Mr. COURTNEY, Ms. ROSS, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for the protection of the Boundary Waters Canoe Area Wilderness and interconnected Federal lands and waters, including Voyageurs National Park, within the Rainy River Watershed in the State of Minnesota, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Boundary Waters Wil-  
3 derness Protection and Pollution Prevention Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Boundary Waters Canoe Area Wilder-  
7 ness is a 1,090,000-acre Federal wilderness area, lo-  
8 cated within the Superior National Forest, that was  
9 originally designated in the Wilderness Act of 1964  
10 (Public Law 88–577).

11 (2) The Forest Service manages the Boundary  
12 Waters Canoe Area Wilderness, which includes—

13 (A) nearly 2,000 pristine lakes ranging in  
14 size from 10 acres to 10,000 acres, and more  
15 than 1,200 miles of canoe routes;

16 (B) 1,500 cultural resource sites including  
17 historic Ojibwe village sites and Native Amer-  
18 ican pictograph panel sites; and

19 (C) 150 miles of land and water on the  
20 international border with the Government of  
21 Canada.

22 (3) In 1978, Congress passed the Boundary  
23 Waters Canoe Area Wilderness Act (Public Law 95–  
24 495) to remove incompatible uses, prohibit mining  
25 within the Boundary Waters Canoe Area Wilderness  
26 and on 220,000 acres of the Superior National For-

1 est, and to provide management guidance to protect,  
2 preserve, and enhance the lakes, waterways, and for-  
3 ested areas of the Boundary Waters Canoe Area  
4 Wilderness to enhance public enjoyment of the  
5 unique landscape and wildlife.

6 (4) The federally recognized Grand Portage  
7 Band of Lake Superior Chippewa, the Fond du Lac  
8 Band of Lake Superior Chippewa, and the Bois  
9 Forte Band of Chippewa retain hunting, fishing, and  
10 other usufructuary rights throughout the entire  
11 northeast portion of Minnesota, including the  
12 Boundary Waters Canoe Area Wilderness, under the  
13 1854 Treaty of LaPointe. All Bands have a legal in-  
14 terest in protecting natural resources and the Forest  
15 Service shares in the Federal trust responsibility to  
16 maintain treaty resources.

17 (5) The Rainy River Watershed lies within the  
18 Superior National Forest, which contains 20 percent  
19 of the fresh water supply in the entire National For-  
20 est System.

21 (6) The Rainy River Watershed headwaters  
22 begin in northeastern Minnesota and flow north  
23 through the Boundary Waters Canoe Area Wilder-  
24 ness and Voyageurs National Park and into Canada  
25 along the shared international border. These inter-

1 national waters are governed by the 1909 Boundary  
2 Waters Treaty, which states that “boundary waters  
3 and the waters flowing across the boundary shall not  
4 be polluted on either side to the injury of health or  
5 property on the other”.

6 (7) The waters of the Boundary Waters Canoe  
7 Area Wilderness and Voyageurs National Park are  
8 classified as Outstanding Resource Value Waters  
9 under Federal and State law, and degradation of  
10 water quality is prohibited. A risk of mining develop-  
11 ment is acid mine drainage which generally occurs  
12 when sulfide minerals are exposed to air and water  
13 creating sulfuric acid, which decreases water pH and  
14 leaches harmful metals such as copper, zinc, lead,  
15 cadmium, iron, and nickel.

16 (8) Acid mine runoff from sulfide-ore copper  
17 mining entering groundwater, rivers, streams, and  
18 lakes harms aquatic life, degrades water quality, and  
19 results in potential severe environmental impacts.

20 (9) A peer-reviewed study of water quality im-  
21 pacts from 14 operating United States copper sul-  
22 fide mines found 100 percent of the mines experi-  
23 enced pipeline spills or accidental releases: 13 mines  
24 experienced failures of water collection and treat-  
25 ment systems to control contaminated mine seepage

1 resulting in significant negative water quality im-  
2 pacts.

3 (10) The mining of copper and other metals in  
4 sulfide bearing ore on Federal lands in the Superior  
5 National Forest, within the Rainy River Watershed,  
6 poses a direct and long-term threat from sulfide-ore  
7 mining contamination to the pristine water and air  
8 quality and healthy forested habitat of the Boundary  
9 Waters Canoe Area Wilderness and Voyageurs Na-  
10 tional Park.

11 (11) The likely contamination of the air, water,  
12 and forested habitat of the Boundary Waters Canoe  
13 Area Wilderness and Voyageurs National Park from  
14 the mining of copper, nickel, platinum, palladium,  
15 gold, and silver on Federal lands within the Rainy  
16 River Watershed puts at risk—

17 (A) the nationally recognized natural re-  
18 sources of the area; and

19 (B) the region's amenity-based and tour-  
20 ism industry, which if protected by a mineral  
21 withdrawal, would grow by 1,500 to 4,600 more  
22 jobs and \$100,000,000 to \$900,000,000 more  
23 income over the next 20 years than if such min-  
24 ing were not banned.

1           (12) In 2016, the Forest Service issued a  
2           Record of Decision which found “unacceptable the  
3           inherent potential risk that development of a region-  
4           ally untested copper-nickel sulfide ore mine within  
5           the same watershed as the Boundary Waters Canoe  
6           Area Wilderness might cause serious and irreplace-  
7           able harm to this unique, iconic, and irreplaceable  
8           wilderness area”. The Forest Service subsequently  
9           proposed a 20-year mineral withdrawal of 234,328  
10          acres of Federal lands and waters in the Rainy  
11          River Watershed.

12          (13) In 2018, approximately 20 months into a  
13          24-month review period of the Rainy River Water-  
14          shed mineral withdrawal proposal, the Department  
15          of Agriculture abruptly canceled the withdrawal ap-  
16          plication and abandoned the Environmental Assess-  
17          ment.

18 **SEC. 3. WITHDRAWAL OF CERTAIN FEDERAL LANDS AND**  
19 **WATERS IN THE STATE OF MINNESOTA.**

20          (a) **DEFINITION OF MAP.**—In this Act, the term  
21 “Map” means the map prepared by the Forest Service en-  
22 titled “Superior National Forest Mineral Withdrawal Ap-  
23 plication Map” and dated December 5, 2016.

24          (b) **WITHDRAWAL.**—Except as provided in subsection  
25 (d) and subject to valid existing rights, the approximately

1 234,328 acres of Federal land and waters in the Rainy  
2 River Watershed of the Superior National Forest in the  
3 State of Minnesota, as located on the Map and described  
4 in the Federal Register Notice of Application for With-  
5 drawal, dated January 19, 2017 (82 Fed. Reg. 6639), are  
6 hereby withdrawn from—

7           (1) all forms of entry, appropriation, and dis-  
8           posal under the public land laws;

9           (2) location, entry, and patent under the mining  
10          laws; and

11          (3) operation of the mineral leasing, mineral  
12          materials, and geothermal leasing laws.

13          (c) ACQUIRED LAND.—Any land or interest in land  
14 within the area depicted on the Map that is acquired by  
15 the United States after the date of enactment of this Act  
16 shall, on acquisition, be immediately withdrawn in accord-  
17 ance with this section.

18          (d) REMOVAL OF SAND, GRAVEL, GRANITE, IRON  
19 ORE, AND TACONITE.—The Chief of the Forest Service  
20 is authorized to permit the removal of sand, gravel, gran-  
21 ite, iron ore, and taconite from national forest system  
22 lands within the area depicted on the Map if the Chief  
23 determines that the removal is not detrimental to the  
24 water quality, air quality, and health of the forest habitat  
25 within the Rainy River Watershed.

1           (e) AVAILABILITY OF MAP.—The Map shall be kept  
2 on file and made available for public inspection in the ap-  
3 propriate offices of the Forest Service and the Bureau of  
4 Land Management.

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