United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, DC 20240

IN REPLY REFER TO:
7202.4-OS-2019-00546
7202.4-OS-2019-00777

October 8, 2019

Hart W. Wood, Esq.
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: American Oversight v. U.S. Dep't of the Interior, 1:19-cv-01857-JEB (D.D.C.)

Dear Mr. Wood:

This communication concerns the FOIA lawsuit captioned *American Oversight v. U.S Dep't of the Interior*, No. 19-cv-01857-JEB (D.D.C.). As we understand matters, at issue in the lawsuit are FOIA requests tracked as OS-2019-00546 (regarding communications between Department of the Interior political appointees and multiple entities concerning Twin Metals) and OS-2019-00777 (regarding communications between specific Department of the Interior employees and members of Congress along with Congressional staff concerning mining leases of Twin Metals in Minnesota). At this time, enclosed please find a partial release consisting of one (1) file and consisting of four hundred forty three (443) pages. This release is being made from four hundred forty five (445) pages that were initially reviewed in this period. Two (2) pages were found to be non-responsive. All pages of released records relate to OS-2019-00546.

In reviewing the released records, the government has also made certain redactions pursuant to FOIA Exemption 6, found at 5 U.S.C. § 552(b)(6), to preclude the public release of personal telephone numbers. The information that we are withholding consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat'l Ass'n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989). In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6. Moreover, we reasonably foresee that disclosure would harm an interested protected by Exemption 6.

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Finally, please be assured that the Office of the Secretary is working to release all responsive records at issue in this lawsuit consistent with the contours of the Freedom of Information Act, 5 U.S.C. § 552. Should you have concerns about our production, we will timely communicate through our attorney of record, Marsha W. Yee of the U.S. Attorney's Office.

Sincerely,

Justin Davis
Office of the Secretary

Enclosure

cc: Marsha W. Yee Assistant U.S. Attorney
marsha.yee@usdoj.gov

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From:	Martin, Timothy
To:	taylor_playforth@ios.doi.gov
Subject:	[EXTERNAL] Good Chatting with You
Date:	Friday, March 1, 2019 4:08:15 PM
Attachments:	Document Request.pdf November 5 Request.pdf

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

ROB BISHOP OF UTAH
RANKING REPUBLICAN

PARISH BRADEN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 1, 2019

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave SW
Washington, D.C. 20250

The Honorable David Bernhardt
Acting Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Perdue and Acting Secretary Bernhardt,

We continue to be extremely concerned about the actions taken by your agencies to advance the construction of a copper sulfide mine on the edge of the Boundary Waters Canoe Area Wilderness (BWCAW). Such a mine would severely threaten the pristine nature of the BWCAW, the most visited wilderness area in the United States, and is entirely inconsistent with the goal of good stewardship of our most special natural places.

In 2016, the U.S. Forest Service (USFS) found that building a copper sulfide mine in the Rainy River Watershed near the Boundary Waters Canoe Area Wilderness in Northern Minnesota could result in "extreme" and irreparable environmental harm in the region. The mining leases – which sit right on the border of the Boundary Waters wilderness area – were appropriately not renewed and allowed to expire. Unfortunately, in 2018, under your governance, the Bureau of Land Management (BLM) reinstated the leases and Twin Metals' lease renewal application, the USFS cancelled its application to withdraw 234,328 acres of the watershed from mineral leasing and the associated environmental assessment, and in December 2018 the BLM proposed to renew the two leases.

As we detailed in our November 5th, 2018, letter expressing disapproval with your cancellation of the environmental review, the preponderance of evidence from past research clearly links copper sulfide mining to environmental catastrophe, and there are multitudes of scientific studies detailing the toxic impacts of sulfide-ore mining to plants, animals, watersheds, and human health. You cited a lack of new scientific information as the reason for cancellation of the mineral withdrawal application. We reject your assertion that no new scientific information was found during the nearly 20-month period the Superior National Forest held public meetings, solicited comments, and worked to prepare the withdrawal package. Rather, the abrupt cancellation implies that the mounting evidence against mining that emerged did not support your position, and so, you instead chose to waste taxpayer funds, ignore public comments, and suppress scientific information rather than have this evidence revealed to the public.

This decision to cancel the withdrawal is not only dubious from an environmental perspective, but it also fails to be justified by an economic analysis. According to the Department of the Interior's (DOI) own records, Twin Metals and its predecessors sat on the leases for 50 years without producing because they knew that this mine would not be profitable. Returns were predicted to be so small that

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DOI-19-0291, 19-0538-C-000002

Interior officials offered the original lessee extremely low royalty rates and limited the leases to 20 years, conditioning the right to three ten-year renewals on the company starting production during those 20 years. The terms of the original 1966 lease language spelled this out explicitly, providing a right to three lease extensions on the same terms only if the lessee began production before the end of the primary term. Despite a low royalty rate, two renewals, and royalty waivers, Twin Metals produced nothing. Even the Reagan administration was skeptical these leases were worthy of a first discretionary renewal, questioning whether a lease should be renewed when production had yet to occur. Though the Obama administration denied a third renewal in 2016, Twin Metals still held these leases, without producing, for the maximum time the original lease terms would have allowed even with timely production: 50 years.

The bottom line is this: for more than half a century, Twin Metals and administrations from both parties have questioned the economic and environmental feasibility of hardrock mining leases in the Rainy River Watershed. Which begs the question: why push this operation now? Copper and nickel are not in short supply; they did not even make it on to your own administration's overly broad critical minerals list. During the same period in which you made the unsupported decisions to reinstate Twin Metals leases and cancel the Superior National Forest mineral withdrawal, your agencies completed and approved other mineral withdrawal applications without interference, including one in former Secretary Zinke's home state of Montana. These inconsistencies reinforce the perception that the driving motivation of your administration is to give away as many public lands and resources to corporate interests as possible.

The background of DOI's Principal Deputy Solicitor, Daniel Jorjani, is also a concern. Prior to issuing his convoluted and legally questionable Solicitor opinion reversing the expiration of Twin Metals' mining leases near the Boundary Waters, Jorjani made a career helping companies acquire energy investments in foreign countries. This is strikingly similar to what he is doing now: handing U.S. resources to Antofagasta, the Chilean owner of Twin Metals. Antofagasta met with Jorjani three times in the months leading up to the issuance of his Solicitor opinion in December 2017. Lastly, and in an interesting coincidence, this international mining giant is owned by the family of Andrónico Luksic: Ivanka Trump and Jared Kushner's Washington D.C. landlord.

In sum, your actions regarding Twin Metals' copper sulfide mineral leases near the BWCAW appear to meet the definition of arbitrary and capricious. By halting the environmental review and reinstating Twin Metals' leases, your administration blatantly ignored scientific and economic evidence, the public record dating back fifty years, and overwhelming public opposition to mining in the watershed, and reneged on public pledges to Members of Congress. Finally, while we thank you for your minimal efforts in responding to our last letter, we ask that your response to this one be more comprehensive. To this end, please provide the following as soon as possible, but no later than April 1, 2019:

1. All documents and communications within and between employees and persons in the U.S. Department of Agriculture (USDA), USFS, DOI, BLM, and the White House regarding:
   (a) the May 2018 decision to reinstate Twin Metals' leases and renewal application;
   (b) the September 2018 decision to cancel the withdrawal application and associated environmental assessment; and
   (c) the December 2018 decision to propose renewal of Twin Metals' leases.

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2. All documents and communications forming the basis for the cancellation of the withdrawal application and the associated environmental assessment, including documents mentioned in the September 6, 2018, USDA press release announcing the cancellation, including:
   (a) "A mineral resources report;"
   (b) "An economic impact assessment;"
   (c) "A biological impact assessment;"
   (d) Assessments of the "potential impacts to water resources, wilderness areas, and cultural resources";
   (e) A detailed list of all contracted work, including the scope and anticipated end date, that was part of the environmental assessment study;
   (f) Any deliverables that the USDA, USFS, BLM, or DOI received as a part of the contracted environmental assessment work;
   (g) All scientific reports or letters received by the USFS as part of the public feedback; and
   (h) The dates and participants of all meetings taken by employees and persons at the USDA, USFS, BLM, DOI, or the White House on the topic of the Rainy River Watershed withdrawal proposal since January 20, 2017.
3. All documents and communications regarding additional pending or potential mineral actions in the Superior National Forest.

Please refer to the attached instructions on how to respond to this document request. As specified therein, upon completion of the document production, please submit a written certification that a diligent search has been completed and all responsive documents have been produced to the Committee. If you have any questions about this request, please contact Committee staff at (202) 225-6065.

Sincerely,

Raúl M. Grijalva
Chair
House Natural Resources Committee

Betty McCollum
Chair
House Interior-Environment
Appropriations Subcommittee

Alan S. Lowenthal
Chair
Subcommittee on
Energy and Mineral Resources

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Responding to Committee Document Requests

In responding to document requests from the Committee on Natural Resources, please apply the instructions and definitions set forth below:

Instructions

1. In complying with the request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or individual denoted in this request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., memory stick or thumb drive) in lieu of paper productions. Documents produced in electronic format should also be organized, identified, and indexed electronically. Consult with the Committee to determine the appropriate format in which to produce the information.

4. Each document produced should be produced in a form that renders the document capable of being copied.

5. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents.

6. Documents produced in response to this request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.

7. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

8. It shall not be a basis for refusal to produce documents that any other person or entity also possesses a non-identical or identical copy of the same documents.

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9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.

10. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.

12. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

13. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

14. All documents should be Bates-stamped sequentially and produced sequentially.

15. Documents produced to the Committee in response to this request should be delivered to majority staff in Room 1324 of the Longworth House Office Building.

Definitions

1. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, text messages, MMS or SMS messages, other mobile-to-mobile messages, instant messages or online chat messages, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without

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limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term **"documents in your possession, custody, or control"** means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.

3. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, fascimile, mail, e-mail (desktop or mobile device), text message, MMS or SMS message, other mobile-to-mobile message, instant message or online chat, telexes, releases, personal delivery, or otherwise.

4. The terms **"and"** and **"or"** shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

5. The terms **"person"** or **"persons"** means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The term **"identify,"** when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

7. The terms **"referring or relating,"** with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

8. The term **"employee"** means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

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Congress of the United States
Washington, DC 20515

November 5, 2018

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

The Honorable Ryan Zinke
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretaries Perdue and Zinke,

We write to express our strong disapproval of the September 6, 2018 decision by the U.S. Department of Agriculture (USDA) to abruptly cancel the environmental assessment evaluating the U.S. Forest Service's proposal to withdraw federal minerals on 234,328 acres of Superior National Forest (SNF) lands from the federal mineral leasing program (including sulfide-ore copper mining) for the maximum period of twenty years. USDA discontinued the environmental review, which had been underway for 20 months, without releasing any findings or addressing the substantive public commentary. This action and the Bureau of Land Management's subsequent decision to cancel the withdrawal application ignored the science-based decision-making and conservation-based management standards to which your agencies are legally bound.

With this action, the USDA and the Department of the Interior (DOI) have neglected the established process for finalizing mineral withdrawal decisions provided by law under the *Federal Land Policy and Management Act* (FLPMA; P.L. 94–579). Furthermore, your actions undermine the obligations of the DOI and USDA to sustainably manage the SNF and to preserve the national treasures located within this watershed, including the Boundary Waters Canoe Area Wilderness and Voyageurs National Park.

There are numerous examples of new scientific reports detailing the risk of sulfide-ore mining that were brought to the attention of the Forest Service during the review period, however, USDA stated in a press release that the decision to cancel the application for a mineral withdrawal was made as a result of the environmental review and that public feedback "did not reveal new scientific information".

USDA has not provided any information about its analysis and appears to have disregarded scientific information, such as four peer-reviewed and published reports from the Minnesota Pollution Control Agency Wild Rice Sulfate Study[1,2,3,4], comments submitted by one of the lead scientists in Minnesota's state study[5], and numerous other expert analyses including: the likelihood of acid mine drainage

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[1] "Increase in Nutrients, Mercury, and Methylmercury as a Consequence of Elevated Sulfate Reduction to Sulfide in Experimental Wetland Mesocosms"; A. Myrbo, et al (Journal of Geophysical Research: Biogeosciences, 2017)
[2] "Sulfide Generated by Sulfate Reduction is a Primary Controller of the Occurrence of Wild Rice (Zizania palustris) in Shallow Aquatic Ecosystems"; A. Myrbo, et al (Journal of Geophysical Research: Biogeosciences, 2017)
[3] "Effects of sulfate and sulfide on the life cycle of Zizania palustris in hydroponic and mesocosm experiments"; J. Pastor, et al (Ecological Applications 2017)
[4] "The Evolution of Sulfide in Shallow Aquatic Ecosystem Sediments: An Analysis of the Roles of Sulfate, Organic Carbon, and Iron and Feedback Constraints Using Structural Equation Modeling"; Curtis C. Pollman, et al (Journal of Geophysical Research: Biogeosciences, 2017)
[5] Comment letter submitted to the U.S. Forest Service; Daniel Engstrom, Ph.D. (2017)

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contaminating the watershed[6]; the toxic impact on fisheries[7], birds[8], and other wildlife[9]; the substantial risks to human health[10]; and economic cost-benefit analysis demonstrating that a withdrawal is significantly more likely to lead to greater economic prosperity in the region comparted to opening the area to mining leases [11].

However, even absent these new reports, a decision based on the claim that there is no "new scientific information" should have supported the mineral withdrawal, not its cancelation. The record of decision at the time that the withdrawal was proposed contains extensive scientific evidence of the harmful consequences of regionally-untested copper-nickel sulfide ore mining.

Former U.S. Forest Service Chief Thomas L. Tidwell issued a denial of consent to renew to two leases in the withdrawal area in December 2016, which concluded that the "inherent potential risk" of mining near the BWCA "might cause serious and irreplaceable harm to this unique, iconic, and irreplaceable wilderness area". The application for withdrawal reiterated that conclusion, stating that "the purpose of this withdrawal request is to protect National Forest System lands (and waters) located in the Rainy River Watershed, the BWCAW, and the MPA from the adverse environmental impacts arising from exploration and development of fully Federally-owned minerals conducted pursuant to the mineral leasing laws. This will result in more efficient and effective Forest Service administration of such NFS lands (and waters) in accord with applicable Federal law."

Your decision to abandon the environmental assessment is a rejection of the clear scientific record that prompted the application for withdrawal and the mounting evidence since then in support of withdrawal. By abruptly cancelling the withdrawal study, this administration has ignored the explicit encouragement from Congress "to complete a thorough environmental impact statement... considering the economic, environmental, public health, and other related issues raised during the scoping process"[12]. It is also a rejection of the thorough and comprehensive process established by FLPMA for mineral withdrawal applications that ensures that decisions are transparent, science-based, and provide opportunities for input from the public.

The USDA and DOI has faithfully followed the established process while assessing two other applications for mineral withdrawal that were also proposed in the final months of 2016: the Emigrant Crevice Mineral Withdrawal and the Methow Headwaters Mineral Withdrawal. In both instances, the Forest

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[6] "Follow-up Report: Acid Mine Drainage and other Water Quality Problems at Modern Copper Mines Using State-of-the-Art Prevention, Treatment, and Mitigation Methods"; Stu Levit (February 2018),

[7] "The Fish and Fisheries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park, and Their Vulnerability to Copper Sulfide Mining"; Paul Venturelli, Ph.D., & Bruce Vondracek, Ph.D. (2017).

[8] "Birds of Minnesota's Boundary Waters Canoe Area and Adjacent Upstream Regions, with Comments on Conservation Implications of New Copper Mining Under Consideration,"; John W. Fitzpatrick, Ph.D., Executive Director, Cornell Lab of Ornithology (2017).

[9], "Mammals and Mining for Minerals in Sulfur-Bearing Rock Formations in Northeastern Minnesota"; Roger A Powell, Ph.D. (2017)

[10] Comment Letter to the U.S. Forest Service and BLM from health professionals and health professional organizations expressing concerns about impacts to human health posed by sulfide-ore copper mining. (May 8, 2017)

[11] Analysis submitted to the U.S. Forest Service on Economic Impact of Superior National Forest Withdrawal; James H. Stock, Ph.D. & Jacob T. Brandt; (August 6, 2018)

[12] Language from H.Rept. 115-238, accompanying the Consolidated Appropriations Act, 2018 (P.L. 115-141)

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Service completed and released full environmental assessments of the proposed withdrawals. These environmental assessments were submitted to the Bureau of Land Management as part of the complete application package to clearly support the actions recommended by the Forest Service. In the case of Emigrant Crevice, a draft environmental assessment was released in May 2018, a complete withdrawal application package was transmitted to the BLM in September 2018 recommending withdrawal, and the BLM noticed a 20-year withdrawal from mining laws on October 12, 2018. In the case of Methow Headwaters, an environmental assessment was published in August 2018, a complete application package was sent to the BLM in September 2018, and the BLM is conducting a public meeting and public comment period during November 2018.

It is unclear why the Forest Service deviated from the established process when considering the Rainy River Watershed withdrawal application. A press release is not an adequate substitute for the completion and release of a full environmental assessment and the submission of a complete withdrawal application package to the BLM. Therefore, as part of the oversight responsibility of the House Committee on Natural Resources and the House Appropriations Subcommittee on Interior and Environment, we request the following documentation be provided within 14 days of the receipt of this letter:

1. The review materials referred to in the press release as forming the basis for the USDA decision, including but not limited to:
   a. "a mineral resources report"
   b. "a biological and economic impact assessment"
   c. "potential impacts to water resources, wilderness areas, and cultural resources;"
2. A detailed list of all contracted work, including the scope and the anticipated end date, that was a part of the withdrawal study;
3. Any deliverables that the USDA or DOI received as part of the contracted work;
4. All scientific reports or substantive letters received by the USFS as part of the public feedback; and
5. The dates and participants of all meetings taken by officials at the USDA or DOI on the topic of the Rainy River Watershed mineral withdrawal proposal.

Due to the abrupt and unsupported decision to cancel the withdrawal application, we also request that the BLM immediately suspend all mineral development authorizations within the Rainy River Watershed on Superior National Forest Lands.

We look forward to reviewing the requested materials and working with DOI and USDA to ensure that the natural treasures and pristine waters in the Rainy River Watershed receive the same consideration that has been afforded to other applications for withdrawal in places that are too precious to mine.

Sincerely,

Betty McCollum
Ranking Member
Appropriations Subcommittee on Interior, Environment, and Related Agencies

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Kaster, Amanda
Subject:	[EXTERNAL] Heli-Ski Letter
Date:	Thursday, September 13, 2018 12:41:46 PM
Attachments:	2326_Sharp@mail.house.gov_20180912_172321.pdf

Hi Amanda,

I wanted to make sure you saw this letter that went out this week. Martha Newell in Rep. Young's office is handling the issue.

Thanks,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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DON YOUNG
CONGRESSMAN FOR ALL ALASKA
WASHINGTON OFFICE:
2314 RAYBURN BUILDING
WASHINGTON, DC 20515
202-225-5765



Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN EMERITUS

COMMITTEE ON
TRANSPORTATION & INFRASTRUCTURE

REPUBLICAN
POLICY COMMITTEE

CANADA-U.S.
INTER-PARLIAMENTARY GROUP

12 September 2018

Mr. David Bernhardt
Deputy Secretary
U.S. Department of the Interior
1859 C Street, NW
Washington D.C. 20240

Dear. Mr. Bernhardt,

I am writing because of growing concerns regarding activities that could negatively impact the possible safety and economic wellbeing of heli-ski operations in the Necola and Tordrillo Mountains.

In 2014, after a nearly two-year process, the Bureau of Land Management (BLM) issued Triumvirate LLC d/b/a Tordrillo Mountain Lodge (TML) near Judd Lake, Alaska a 10-year permit to conduct heli-skiing operations in the Neacola and Tordrillo Mountains.

Before TML received the permit, the BLM gave public notice, asked for comments and required that TML pay the BLM to prepare an environmental assessment (EA). The BLM explained that the purpose of the EA was to determine the direct, indirect, and cumulative impacts to the environment from commercial helicopter skiing in the areas. This EA only analyzed the impact of one operator on this terrain.

At that time, TML was the only permitted commercial heli-skiing operator in the area. BLM committed that TML would receive notice and have an opportunity to provide input if BLM was considering issuing any additional permits for heli-skiing in the same area.

However, BLM subsequently issued permits to two other heli-skiing operators in 2017 and 2018 to conduct operations in the same area without any notification. Despite the fact that heli-ski operations require substantial coordination and collaboration to ensure operator and ski safety, the BLM decision did not consider any environmental or public safety impacts of authorizing multiple operators on the same terrain. Currently, three operators are now authorized to fly helicopters and guide skiers in the same terrain at the same time. As a result, in the space of two seasons and without any additional analysis, upwards of ten helicopters are operating in this tight space and the third operator is still expanding their fleet of aircraft.

VISIT OUR WEBSITE
HTTP://DONYOUNG.HOUSE.GOV

471 W 36TH AVENUE
SUITE 201
ANCHORAGE, ALASKA 99503
907-271-5978

100 CUSHMAN STREET, SUITE 307
P.O. BOX 73110
FAIRBANKS, ALASKA 99707
907-456-0210

CALL TOLL-FREE
1-866-990-5979

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In regards to oversight of heli-skiing, the BLM is the only agency which stacks heli-skiing operators in this manner; both the U.S. Forest Service and the Canadian government separate operators by area and terrain.

Stacking three operators on top each other creates major safety issues and significantly increases the risk of an accident in the area. In this specific area, 10% or less of the total geographic area is suitable and available for helicopter skiing on any given day as a result of terrain, avalanche risks, weather, snow conditions, and the need for adequate buffers between multiple helicopters.

Too many operators and skiers in one area results in a race to access the terrain, and forces operators to choose between (1) spending the time necessary to adequately consider risks and, therefore, losing out on that prime terrain or (2) not conducting adequate risk assessment and being the first to access prime terrain.

Due to the limited the amount of available and accessible terrain, operators now must fly helicopters and ski in similar areas, and the risk of catastrophic accident and loss of life is higher if adequate procedures are not followed.

To manage that risk, operators must continuously monitor the locations of their helicopters and ensure that adequate geographic buffers exist between them. Unfortunately, to my knowledge, there is no adequate communication and strategy for avoidance in the Neacola and Tordrillo Mountains.

The current EA covers a single operator in the region. I would request the BLM assess the safety and environmental impacts of adding a third heli-ski operator in the Necola and Tordrillo Mountains.

Sincerely,

DON YOUNG
Congressman for All Alaska

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Micah Chambers
Subject: [EXTERNAL] Heli-Ski Letter
Date: Thursday, September 13, 2018 12:45:40 PM
Attachments: 2326_Sharp@mail.house.gov_20180912_172321.pdf

Hi Micah,

I wanted to make sure you saw this letter that went out this week. Martha Newell in Rep. Young's office is handling the issue.

Thanks,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

DON YOUNG
CONGRESSMAN FOR ALL ALASKA
WASHINGTON OFFICE:
2314 RAYBURN BUILDING
WASHINGTON, DC 20515
202-225-5765



Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN EMERITUS

COMMITTEE ON
TRANSPORTATION & INFRASTRUCTURE

REPUBLICAN
POLICY COMMITTEE

CANADA-U.S.
INTER-PARLIAMENTARY GROUP

12 September 2018

Mr. David Bernhardt
Deputy Secretary
U.S. Department of the Interior
1859 C Street, NW
Washington D.C. 20240

Dear. Mr. Bernhardt,

I am writing because of growing concerns regarding activities that could negatively impact the possible safety and economic wellbeing of heli-ski operations in the Necola and Tordrillo Mountains.

In 2014, after a nearly two-year process, the Bureau of Land Management (BLM) issued Triumvirate LLC d/b/a Tordrillo Mountain Lodge (TML) near Judd Lake, Alaska a 10-year permit to conduct heli-skiing operations in the Neacola and Tordrillo Mountains.

Before TML received the permit, the BLM gave public notice, asked for comments and required that TML pay the BLM to prepare an environmental assessment (EA). The BLM explained that the purpose of the EA was to determine the direct, indirect, and cumulative impacts to the environment from commercial helicopter skiing in the areas. This EA only analyzed the impact of one operator on this terrain.

At that time, TML was the only permitted commercial heli-skiing operator in the area. BLM committed that TML would receive notice and have an opportunity to provide input if BLM was considering issuing any additional permits for heli-skiing in the same area.

However, BLM subsequently issued permits to two other heli-skiing operators in 2017 and 2018 to conduct operations in the same area without any notification. Despite the fact that heli-ski operations require substantial coordination and collaboration to ensure operator and ski safety, the BLM decision did not consider any environmental or public safety impacts of authorizing multiple operators on the same terrain. Currently, three operators are now authorized to fly helicopters and guide skiers in the same terrain at the same time. As a result, in the space of two seasons and without any additional analysis, upwards of ten helicopters are operating in this tight space and the third operator is still expanding their fleet of aircraft.

VISIT OUR WEBSITE
HTTP://DONYOUNG.HOUSE.GOV

471 W 36TH AVENUE
SUITE 201
ANCHORAGE, ALASKA 99503
907-271-5978

100 CUSHMAN STREET, SUITE 307
P.O. BOX 73110
FAIRBANKS, ALASKA 99707
907-456-0210

CALL TOLL-FREE
1-866-990-5979

AMERICAN OVERSIGHT

DOI-19-0291, 19-0538-C-000015

In regards to oversight of heli-skiing, the BLM is the only agency which stacks heli-skiing operators in this manner; both the U.S. Forest Service and the Canadian government separate operators by area and terrain.

Stacking three operators on top each other creates major safety issues and significantly increases the risk of an accident in the area. In this specific area, 10% or less of the total geographic area is suitable and available for helicopter skiing on any given day as a result of terrain, avalanche risks, weather, snow conditions, and the need for adequate buffers between multiple helicopters.

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Sincerely,

DON YOUNG
Congressman for All Alaska

AMERICAN OVERSIGHT

From:	Lehman, Rob
To:	"joseph_balash@ios.doi.gov"
Cc:	joseph.hayes@boem.gov; Goncalves, Monica
Subject:	[EXTERNAL] Here are the bios for the 4 pm meeting on Monday
Date:	Wednesday, May 2, 2018 4:03:10 PM
Attachments:	TMM Bios.pdf Rob_Lehman.pdf Andy_Spielman.pdf

Joe,

Thank you again for making time for us next Monday, we greatly appreciate it. I have attached bios and names of those attending. Please let us know if there is any other information that you think might be helpful.

Robert Mayne-Nicholls, CEO of Twin Metals
Daniel Altikes, Vice President at Antofagasta
Kevin Baker, General Counsel for Twin Metals
Rob Lehman, WilmerHale
Andy Spielman, WilmerHale

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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Robert Mayne-Nicholls

- CEO of Twin Metals (April 2017-Present)
- CEO of Los Pelambres Mine (April 2014-March 2017)
- Director of Projects at Antofagasta Minerals (December 2013-March 2014)



Daniel Altikes

- Vice President at Antofagasta Minerals (March 2018-Present)
- Executive Director/Director of Legal Services at Antofagasta Minerals (October 2015-March 2018)
- Director of Legal Services at Antofagasta Minerals (November 2013-October 2015)
- Corporate Counsel at Antofagasta PLC (June 2006-October 2013)
- Legal Counsel at Los Pelambres Mine (May 2004-May 2006)
- University of Denver: Master of Laws (LL.M.), Natural Resources and Environmental Law in 2002



Kevin Baker

- Vice President of Legal Affairs at Twin Metals Minnesota LLC (May 2017-Present)
- Director of Legal Affairs at Twin Metals Minnesota LLC (June 2015-April 2017)
- Senior Attorney at Twin Metals Minnesota LLC (May 2013-June 2015)
- Corporate Counsel, Mergers and Acquisitions at Rio Tinto (January 2010-October 2012)
- Director/Chief Legal Officer at Rio Tinto (January 2004-January 2010)
- B.A. from Brigham Young University; J.D. from University of Oregon School of Law; M.B.A. from University of Oregon Charles Lundquist College of Business

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Rob Lehman

Senior Public Policy Advisor

Co-Chair, Public Policy and Legislative Affairs Practice

rob lehman@wilmerhale.com

1875 Pennsylvania Avenue, NW
Washington, DC 20006
+1 202 663 6907 (t)
+1 202 663 6363 (f)

WILMERHALE

Biography

Rob Lehman focuses on government relations and developing and implementing strategies to help clients achieve their objectives in Congress and in Federal agencies. With more than 20 years of experience on Capitol Hill, he is well-equipped to address critical issues ranging from trade, tax, energy, homeland security, transportation and financial services to healthcare, competition and intellectual property. Mr. Lehman is co-chair of the firm's Public Policy and Legislative Affairs Practice.

Prior to joining the firm, Mr. Lehman served as Chief of Staff to Senator Rob Portman (R-OH). As Chief of Staff, he led policy and strategic development and implementation of Senator Portman's legislative priorities, including the introduction of 65 bipartisan bills. Mr. Lehman also previously served as Chief of Staff for the Office of Management and Budget (OMB), Chief of Staff for the United States Trade Representative (USTR) and senior leadership aide to a member in the US House of Representatives.

In addition, Mr. Lehman previously managed federal and state government relations for a top international law firm, where he represented Fortune 100 companies, trade associations and non-profit organizations before the executive and legislative branches of government.

As Senior Public Policy Advisor, Mr. Lehman's practice is limited to US legislative and executive branch lobbying matters.

PRACTICE

Regulatory and Government Affairs

- Public Policy and Legislative Affairs
- Strategic Response
- International Trade, Investment and Market Access

EDUCATION

BA, Government and Politics, University of Maryland at College Park, 1987

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DOI-19-0291, 19-0538-C-000019



Andrew L. Spielman

Partner

Co-Partner-in-Charge, Denver Office

andy.spielman@wilmerhale.com

1225 17th Street, Suite 2600
Denver, Colorado 80202
+1 720 274 3161 (t)
+1 720 274 3133 (f)

1875 Pennsylvania Avenue, NW
Washington, DC 20006
+1 202 663 6702 (t)
+1 202 663 6363 (f)

WILMERHALE

Biography

Andrew (Andy) Spielman is a widely regarded leading preeminent public lands, environmental and natural resources lawyer whose practice involves administrative and regulatory proceedings and government relations, and centers around assisting energy clients with policy and regulatory issues involved in developing new facilities, as well as representing ski areas, mining, oil and gas companies, and tribal governments in the public land use and environmental permitting process. Mr. Spielman serves as chair of WilmerHale's Energy, Environment and Natural Resources Practice, and is a partner-in-charge of the Denver office.

Mr. Spielman combines federal, state and local government experience with natural resources, land use and Western public lands law to assist energy developers, mining companies, ranchers, ski areas, water suppliers and others with obtaining regulatory approvals and permits from governments across the United States.

Mr. Spielman is admitted to practice in Colorado, District of Columbia and Hawai'i. He is also admitted to practice before the US Supreme Court and the US Court of Appeals for the Ninth and Tenth Circuits. He's also admitted before the US District Court for the District of Colorado and the US District Court for the District of Columbia.

Mr. Spielman is a frequent lecturer on public lands law and policy and speaks on the subjects of natural resource, environmental and land use law, and wind energy and resort development across the country.

Past Experience

Prior to joining WilmerHale, Mr. Spielman was global co-head of Hogan Lovells' Energy and Natural Resources Group.

Following completion of graduate work in governmental administration, Mr. Spielman earned a Presidential Management Fellowship and later served in senior positions at the US Environmental Protection Agency in Washington DC, including acting Associate Director of the Office of Sustainable Ecosystems and Communities and Special Assistant to EPA's Administrator. Mr. Spielman's bi-partisan governmental experience also includes positions in the Executive Office of the President, Office of Management and Budget, and the US Senate, as well as with local government in parks, open space, utilities, and housing and economic development. He has also served on campaign committees for Senator Mark Udall, Senator Michael Bennet and Governor John Hickenlooper, and has served on the natural resources transition teams for Colorado's two most-recently elected governors.

While in federal service, Mr. Spielman taught environmental policy in Central and Eastern Europe on behalf of the US Agency for International Development, and was recognized by Vice President Al Gore for his contributions to Reinventing

PRACTICE

Regulatory and Government Affairs

- Energy, Environment and Natural Resources
- Public Policy and Legislative Affairs
- Strategic Response

EDUCATION

Executive Training (non-degree), Oxford University, Said Business School

JD, Georgetown University Law Center, 1997

MGA, University of Pennsylvania, 1990

BA, University of Pennsylvania, 1988

BAR ADMISSIONS

Colorado

District of Columbia

Hawai'i

LANGUAGES

Spanish

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Andrew L. Spielman
Partner
Co-Partner-in-Charge, Denver Office
andy.spielman@wilmerhale.com | +1 720 274 3161 (t) | +1 720 274 3133 (f)

WILMERHALE

Government (environment and natural resources).

Recent Highlights

In recent years, Mr. Spielman's work has included:

- representing Newmont Mining in a historic 1.5-million-acre voluntary, landscape-level conservation agreement with the Department of the Interior, among other stakeholders, to promote the conservation of sagebrush habitat and species in exchange for the potential to earn credits to offset the impact of future mining operations in the state of Nevada;
- securing federal, state and county land use approvals for nearly 4,000 megawatts of wind energy, including more than 1,000 megawatts in Eastern Colorado;
- representing 25 ski areas nationwide as public lands, NEPA, forest service and land use counsel, securing approvals for a new ski area and year-round facilities expansions;
- assisting with siting of interstate renewable energy transmission facilities serving solar and wind resource projects nationwide;
- assisting with development approvals of interstate pipelines for natural gas transmission;
- representing mining companies before the US Department of the Interior;
- on a pro bono basis, representing seven national, state and Western Slope environmental and conservation groups as parties to the successful mediation and settlement of the 30-year long Black Canyon of the Gunnison water rights litigation;
- representing numerous public utilities before the US Forest Service and Department of the Interior;
- successfully defending a Forest Service permittee's lands approval in appeals to the Ninth Circuit and before the United States Supreme Court;
- representing major Independent Power Producers (IPPs) with ensuring compliance with federal and state wildlife laws; and
- representing ranchers and institutional landowners in Colorado and Hawai'i with resource-based energy and economic development.

Professional Activities

Mr. Spielman's government experience is extensive. He currently serves as chair of Colorado's Regional Air Quality Council, treasurer and a board member of the National Parks Action Fund, a member of the Advisory Council of the University of Colorado Denver Business School's Global Energy Management program, and a member of the Public Lands Committee of the National Ski Areas Association.

He previously served as chair of the Colorado Oil and Gas Conservation Commission, chair of the National Parks Conservation Association's Southwest Advisory Council, president of the Colorado Coalition of Land Trusts, a member of the Board of Governors for the Metro Denver Economic Development Council, and on the Governor's Task Force on Cooperative Strategies Regarding State and Local Regulation of Oil and Gas Development.

Honors & Awards

- Recognized in the 2016, 2017 and 2018 editions of *The Best Lawyers in America* for natural resources law
- Named to *The National Law Journal*'s 2017 list of Energy & Environmental Trailblazers
- Ranked in the 2008-2017 editions of *Chambers USA: America's Leading Lawyers for Business* in the category of natural resources and environment, with sources saying he is one of the "top attorneys" in the sector, with a "unique ability to work with a variety of stakeholders from local government to private clients to federal government." Others note he is "amiable, knowledgeable and extremely good at building relationships," "an important player in the field" and a "'skilled counselor and negotiator' who is commended for his work on renewable energy"
- Recommended in the 2016 and 2017 editions of *The Legal 500 United States* for energy: regulatory
- Named a Top Rated Energy & Natural Resources Attorney by *Colorado Super Lawyers* in 2017
- Named by *Law Week Colorado* as the 2016 Best Environmental Lawyer and 2017 Best Renewable Energy Lawyer in its Barrister's Best lists. In 2017, *Law Week* said: "It is safe to say that Andy Spielman has his ear to the ground. In

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Andrew L. Spielman
Partner
Co-Partner-in-Charge, Denver Office
andy.spielman@wilmerhale.com | +1 720 274 3161 (t) | +1 720 274 3133 (f)

addition to his successful practice that is centered around assisting energy clients, Spielman represents ski areas, oil and gas companies, and tribal governments."

- Named to the *Denver Business Journal*'s 2012-2017 lists of Who's Who in Energy
- Named by *5280 Magazine* as a 2015, 2016, 2017 and 2018 Denver Top Lawyer for Environmental Law
- Named the Best Renewable Energy Lawyer - Barrister's Best/People's Court in 2009 and 2012-2014 by *Law Week Colorado*
- Selected by clients and peers as being among the world's leading energy lawyers in the 2012-2014 editions of *Who's Who Legal*
- Named "50 for the Future" by the Colorado Statesman in 2007
- Named to the *Denver Business Journal*'s 2006 "Forty Under 40" list
- Recipient of the 1994 Reinvention Award by the Vice President's National Performance Review
- Selected as a 1990 Presidential Management Fellow

Publications

- "Energy and natural resources practice contracts for some sectors, but grows for others," *Law Week Colorado*, August 21, 2017
- "Between a Hardrock and a Hard Place: Key Deal Points for the Foreign Investor in U.S. Mining Projects," Rocky Mountain Mineral Law Foundation, July 17, 2015
- "Big Federal Push For Expediting Infrastructure Projects," *Law360*, May 30, 2014
- "Industry Awaits FWS Decision On First Eagle Take Permit," *North American Windpower*, April 2012
- "This Land Is Your Land: BLM Seeking Input On Solar Project Development," *Solar Industry Magazine*, February 9, 2012
- "Change is in the wind: The Forest Service is looking at allowing wind power on its lands," *Ski Area Management*, January 2012
- "The Antiquities Act," *The Denver Post*, June 9, 2011
- "Development on Public Lands Is a Federal Priority – Or Is It?" *North American Windpower*, May 2011
- "Denver Benefits from Sustainable Recreation Industry," *Denver Business Journal*, December 3, 2010
- "Renewable Energy Siting and Non-Renewable Public Lands–A Government Balancing Act," *Clean Energy Daily*, February 24, 2010
- "Stimulus Cash," *Ski Area Management*, Beardsley Publishing Corporation, July 1, 2009
- "Community Environmental Compliance Flexibility," *EPA* 230-R-95-001, US Environmental Protection Agency, January 1995
- "Local Government Implementation of Environmental Mandates," *EPA* 230-R-93-007, US Environmental Protection Agency, August 1993

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AMERICAN OVERBURDEN

DOI-19-0291, 19-0538-C-000022

Fact Sheet

Issue: In the final hours of the Obama Administration, the U.S. Forest Service (Forest Service) and the Bureau of Land Management (BLM) took a number of actions to stop future exploration and development of strategic minerals in northeast Minnesota. These actions would block the creation of thousands of jobs and billions of dollars of investment in U.S. economic growth.

Background: The minerals in question are located in the Iron Range in northeast Minnesota, in an area of the Superior National Forest historically designated for mineral development that holds the largest known deposit of strategic minerals in the world. BLM, with the consent of the Forest Service, issued mineral leases for these minerals to a private investor in 1966. On two separate occasions, in 1989 and again in 2004, BLM approved, and USFS consented to, the renewal of the leases. In reliance on the stability of its mineral tenure, the current owner of the leases, Twin Metals Minnesota (Twin Metals), has invested upward of $400 million in exploration and preparation of a detailed mining plan, which is yet to be completed. Then, just before the turnover of Administrations, the federal government changed course and took a number of actions intended to strip Twin Metals of its property rights.

Current Status: On March 8, 2016, then-Interior Solicitor Hilary Tompkins issued an Opinion that concluded—based on flawed legal analysis—that BLM has discretion to deny renewal of Twin Metals' leases. Then, on December 14, the Forest Service denied consent for the renewal of Twin Metals' leases. The following day, BLM denied the renewal of the leases. Simultaneously, the agencies launched a process to withdraw 235,000 acres (including the area where the Twin Metals project would have been located) from future mineral exploration and development. The Forest Service is now conducting an extensive environmental review of the impacts of the proposed withdrawal.

Action: These actions should be suspended and reviewed by the new Secretaries of the Interior and Agriculture, because they involve expenditure of significant Department resources in the near term and have broad policy impacts on jobs, the economy, and the recovery of strategic national resources. We ask that you to consider in particular the following actions:

1. Immediately suspending and withdrawing the M-Opinion pending review by the Department's new Solicitor;

2. Reinstating Twin Metals' leases; and

3. Suspending the withdrawal process and any related public meetings or analysis pending further review by the new officials at the Department of the Interior and Department of Agriculture.

AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	taylor_playforth@ios.doi.gov
Subject:	Good Chatting with You
Date:	Friday, March 1, 2019 4:06:09 PM
Attachments:	Document Request.pdf November 5 Request.pdf

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

ROB BISHOP OF UTAH
RANKING REPUBLICAN

PARISH BRADEN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 1, 2019

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave SW
Washington, D.C. 20250

The Honorable David Bernhardt
Acting Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Perdue and Acting Secretary Bernhardt,

We continue to be extremely concerned about the actions taken by your agencies to advance the construction of a copper sulfide mine on the edge of the Boundary Waters Canoe Area Wilderness (BWCAW). Such a mine would severely threaten the pristine nature of the BWCAW, the most visited wilderness area in the United States, and is entirely inconsistent with the goal of good stewardship of our most special natural places.

In 2016, the U.S. Forest Service (USFS) found that building a copper sulfide mine in the Rainy River Watershed near the Boundary Waters Canoe Area Wilderness in Northern Minnesota could result in "extreme" and irreparable environmental harm in the region. The mining leases – which sit right on the border of the Boundary Waters wilderness area – were appropriately not renewed and allowed to expire. Unfortunately, in 2018, under your governance, the Bureau of Land Management (BLM) reinstated the leases and Twin Metals' lease renewal application, the USFS cancelled its application to withdraw 234,328 acres of the watershed from mineral leasing and the associated environmental assessment, and in December 2018 the BLM proposed to renew the two leases.

As we detailed in our November 5th, 2018, letter expressing disapproval with your cancellation of the environmental review, the preponderance of evidence from past research clearly links copper sulfide mining to environmental catastrophe, and there are multitudes of scientific studies detailing the toxic impacts of sulfide-ore mining to plants, animals, watersheds, and human health. You cited a lack of new scientific information as the reason for cancellation of the mineral withdrawal application. We reject your assertion that no new scientific information was found during the nearly 20-month period the Superior National Forest held public meetings, solicited comments, and worked to prepare the withdrawal package. Rather, the abrupt cancellation implies that the mounting evidence against mining that emerged did not support your position, and so, you instead chose to waste taxpayer funds, ignore public comments, and suppress scientific information rather than have this evidence revealed to the public.

This decision to cancel the withdrawal is not only dubious from an environmental perspective, but it also fails to be justified by an economic analysis. According to the Department of the Interior's (DOI) own records, Twin Metals and its predecessors sat on the leases for 50 years without producing because they knew that this mine would not be profitable. Returns were predicted to be so small that

AMERICAN OVERSIGHT

DOI-19-0291, 19-0538-C-000025

Interior officials offered the original lessee extremely low royalty rates and limited the leases to 20 years, conditioning the right to three ten-year renewals on the company starting production during those 20 years. The terms of the original 1966 lease language spelled this out explicitly, providing a right to three lease extensions on the same terms only if the lessee began production before the end of the primary term. Despite a low royalty rate, two renewals, and royalty waivers, Twin Metals produced nothing. Even the Reagan administration was skeptical these leases were worthy of a first discretionary renewal, questioning whether a lease should be renewed when production had yet to occur. Though the Obama administration denied a third renewal in 2016, Twin Metals still held these leases, without producing, for the maximum time the original lease terms would have allowed even with timely production: 50 years.

The bottom line is this: for more than half a century, Twin Metals and administrations from both parties have questioned the economic and environmental feasibility of hardrock mining leases in the Rainy River Watershed. Which begs the question: why push this operation now? Copper and nickel are not in short supply; they did not even make it on to your own administration's overly broad critical minerals list. During the same period in which you made the unsupported decisions to reinstate Twin Metals leases and cancel the Superior National Forest mineral withdrawal, your agencies completed and approved other mineral withdrawal applications without interference, including one in former Secretary Zinke's home state of Montana. These inconsistencies reinforce the perception that the driving motivation of your administration is to give away as many public lands and resources to corporate interests as possible.

The background of DOI's Principal Deputy Solicitor, Daniel Jorjani, is also a concern. Prior to issuing his convoluted and legally questionable Solicitor opinion reversing the expiration of Twin Metals' mining leases near the Boundary Waters, Jorjani made a career helping companies acquire energy investments in foreign countries. This is strikingly similar to what he is doing now: handing U.S. resources to Antofagasta, the Chilean owner of Twin Metals. Antofagasta met with Jorjani three times in the months leading up to the issuance of his Solicitor opinion in December 2017. Lastly, and in an interesting coincidence, this international mining giant is owned by the family of Andrónico Luksic: Ivanka Trump and Jared Kushner's Washington D.C. landlord.

In sum, your actions regarding Twin Metals' copper sulfide mineral leases near the BWCAW appear to meet the definition of arbitrary and capricious. By halting the environmental review and reinstating Twin Metals' leases, your administration blatantly ignored scientific and economic evidence, the public record dating back fifty years, and overwhelming public opposition to mining in the watershed, and reneged on public pledges to Members of Congress. Finally, while we thank you for your minimal efforts in responding to our last letter, we ask that your response to this one be more comprehensive. To this end, please provide the following as soon as possible, but no later than April 1, 2019:

1. All documents and communications within and between employees and persons in the U.S. Department of Agriculture (USDA), USFS, DOI, BLM, and the White House regarding:
   (a) the May 2018 decision to reinstate Twin Metals' leases and renewal application;
   (b) the September 2018 decision to cancel the withdrawal application and associated environmental assessment; and
   (c) the December 2018 decision to propose renewal of Twin Metals' leases.

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2. All documents and communications forming the basis for the cancellation of the withdrawal application and the associated environmental assessment, including documents mentioned in the September 6, 2018, USDA press release announcing the cancellation, including:
   (a) "A mineral resources report;"
   (b) "An economic impact assessment;"
   (c) "A biological impact assessment;"
   (d) Assessments of the "potential impacts to water resources, wilderness areas, and cultural resources";
   (e) A detailed list of all contracted work, including the scope and anticipated end date, that was part of the environmental assessment study;
   (f) Any deliverables that the USDA, USFS, BLM, or DOI received as a part of the contracted environmental assessment work;
   (g) All scientific reports or letters received by the USFS as part of the public feedback; and
   (h) The dates and participants of all meetings taken by employees and persons at the USDA, USFS, BLM, DOI, or the White House on the topic of the Rainy River Watershed withdrawal proposal since January 20, 2017.
3. All documents and communications regarding additional pending or potential mineral actions in the Superior National Forest.

Please refer to the attached instructions on how to respond to this document request. As specified therein, upon completion of the document production, please submit a written certification that a diligent search has been completed and all responsive documents have been produced to the Committee. If you have any questions about this request, please contact Committee staff at (202) 225-6065.

Sincerely,

Raúl M. Grijalva
Chair
House Natural Resources Committee

Betty McCollum
Chair
House Interior-Environment
Appropriations Subcommittee

Alan S. Lowenthal
Chair
Subcommittee on
Energy and Mineral Resources

AMERICAN OVERSIGHT

Responding to Committee Document Requests

In responding to document requests from the Committee on Natural Resources, please apply the instructions and definitions set forth below:

Instructions

1. In complying with the request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or individual denoted in this request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., memory stick or thumb drive) in lieu of paper productions. Documents produced in electronic format should also be organized, identified, and indexed electronically. Consult with the Committee to determine the appropriate format in which to produce the information.

4. Each document produced should be produced in a form that renders the document capable of being copied.

5. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents.

6. Documents produced in response to this request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.

7. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

8. It shall not be a basis for refusal to produce documents that any other person or entity also possesses a non-identical or identical copy of the same documents.

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9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.

10. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.

12. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

13. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

14. All documents should be Bates-stamped sequentially and produced sequentially.

15. Documents produced to the Committee in response to this request should be delivered to majority staff in Room 1324 of the Longworth House Office Building.

Definitions

1. The term **"document"** means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, text messages, MMS or SMS messages, other mobile-to-mobile messages, instant messages or online chat messages, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without

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limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term **"documents in your possession, custody, or control"** means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.

3. The term **"communication"** means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, fascimile, mail, e-mail (desktop or mobile device), text message, MMS or SMS message, other mobile-to-mobile message, instant message or online chat, telexes, releases, personal delivery, or otherwise.

4. The terms **"and"** and **"or"** shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

5. The terms **"person"** or **"persons"** means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The term **"identify,"** when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

7. The terms **"referring or relating,"** with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

8. The term **"employee"** means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

AMERICAN OVERSIGHT

Congress of the United States
Washington, DC 20515

November 5, 2018

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

The Honorable Ryan Zinke
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretaries Perdue and Zinke,

We write to express our strong disapproval of the September 6, 2018 decision by the U.S. Department of Agriculture (USDA) to abruptly cancel the environmental assessment evaluating the U.S. Forest Service's proposal to withdraw federal minerals on 234,328 acres of Superior National Forest (SNF) lands from the federal mineral leasing program (including sulfide-ore copper mining) for the maximum period of twenty years. USDA discontinued the environmental review, which had been underway for 20 months, without releasing any findings or addressing the substantive public commentary. This action and the Bureau of Land Management's subsequent decision to cancel the withdrawal application ignored the science-based decision-making and conservation-based management standards to which your agencies are legally bound.

With this action, the USDA and the Department of the Interior (DOI) have neglected the established process for finalizing mineral withdrawal decisions provided by law under the *Federal Land Policy and Management Act* (FLPMA; P.L. 94–579). Furthermore, your actions undermine the obligations of the DOI and USDA to sustainably manage the SNF and to preserve the national treasures located within this watershed, including the Boundary Waters Canoe Area Wilderness and Voyageurs National Park.

There are numerous examples of new scientific reports detailing the risk of sulfide-ore mining that were brought to the attention of the Forest Service during the review period, however, USDA stated in a press release that the decision to cancel the application for a mineral withdrawal was made as a result of the environmental review and that public feedback "did not reveal new scientific information".

USDA has not provided any information about its analysis and appears to have disregarded scientific information, such as four peer-reviewed and published reports from the Minnesota Pollution Control Agency Wild Rice Sulfate Study[1,2,3,4], comments submitted by one of the lead scientists in Minnesota's state study[5], and numerous other expert analyses including: the likelihood of acid mine drainage

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[1] "Increase in Nutrients, Mercury, and Methylmercury as a Consequence of Elevated Sulfate Reduction to Sulfide in Experimental Wetland Mesocosms"; A. Myrbo, et al (Journal of Geophysical Research: Biogeosciences, 2017)
[2] "Sulfide Generated by Sulfate Reduction is a Primary Controller of the Occurrence of Wild Rice (Zizania palustris) in Shallow Aquatic Ecosystems"; A. Myrbo, et al (Journal of Geophysical Research: Biogeosciences, 2017)
[3] "Effects of sulfate and sulfide on the life cycle of Zizania palustris in hydroponic and mesocosm experiments"; J. Pastor, et al (Ecological Applications 2017)
[4] "The Evolution of Sulfide in Shallow Aquatic Ecosystem Sediments: An Analysis of the Roles of Sulfate, Organic Carbon, and Iron and Feedback Constraints Using Structural Equation Modeling"; Curtis C. Pollman, et al (Journal of Geophysical Research: Biogeosciences, 2017)
[5] Comment letter submitted to the U.S. Forest Service; Daniel Engstrom, Ph.D. (2017)

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PRINTED ON RECYCLED PAPER

contaminating the watershed[6]; the toxic impact on fisheries[7], birds[8], and other wildlife[9]; the substantial risks to human health[10]; and economic cost-benefit analysis demonstrating that a withdrawal is significantly more likely to lead to greater economic prosperity in the region comparted to opening the area to mining leases [11].

However, even absent these new reports, a decision based on the claim that there is no "new scientific information" should have supported the mineral withdrawal, not its cancelation. The record of decision at the time that the withdrawal was proposed contains extensive scientific evidence of the harmful consequences of regionally-untested copper-nickel sulfide ore mining.

Former U.S. Forest Service Chief Thomas L. Tidwell issued a denial of consent to renew to two leases in the withdrawal area in December 2016, which concluded that the "inherent potential risk" of mining near the BWCA "might cause serious and irreplaceable harm to this unique, iconic, and irreplaceable wilderness area". The application for withdrawal reiterated that conclusion, stating that "the purpose of this withdrawal request is to protect National Forest System lands (and waters) located in the Rainy River Watershed, the BWCAW, and the MPA from the adverse environmental impacts arising from exploration and development of fully Federally-owned minerals conducted pursuant to the mineral leasing laws. This will result in more efficient and effective Forest Service administration of such NFS lands (and waters) in accord with applicable Federal law."

Your decision to abandon the environmental assessment is a rejection of the clear scientific record that prompted the application for withdrawal and the mounting evidence since then in support of withdrawal. By abruptly cancelling the withdrawal study, this administration has ignored the explicit encouragement from Congress "to complete a thorough environmental impact statement... considering the economic, environmental, public health, and other related issues raised during the scoping process"[12]. It is also a rejection of the thorough and comprehensive process established by FLPMA for mineral withdrawal applications that ensures that decisions are transparent, science-based, and provide opportunities for input from the public.

The USDA and DOI has faithfully followed the established process while assessing two other applications for mineral withdrawal that were also proposed in the final months of 2016: the Emigrant Crevice Mineral Withdrawal and the Methow Headwaters Mineral Withdrawal. In both instances, the Forest

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[6] "Follow-up Report: Acid Mine Drainage and other Water Quality Problems at Modern Copper Mines Using State-of-the-Art Prevention, Treatment, and Mitigation Methods"; Stu Levit (February 2018),

[7] "The Fish and Fisheries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park, and Their Vulnerability to Copper Sulfide Mining"; Paul Venturelli, Ph.D., & Bruce Vondracek, Ph.D. (2017).

[8] "Birds of Minnesota's Boundary Waters Canoe Area and Adjacent Upstream Regions, with Comments on Conservation Implications of New Copper Mining Under Consideration,"; John W. Fitzpatrick, Ph.D., Executive Director, Cornell Lab of Ornithology (2017).

[9], "Mammals and Mining for Minerals in Sulfur-Bearing Rock Formations in Northeastern Minnesota"; Roger A Powell, Ph.D. (2017)

[10] Comment Letter to the U.S. Forest Service and BLM from health professionals and health professional organizations expressing concerns about impacts to human health posed by sulfide-ore copper mining. (May 8, 2017)

[11] Analysis submitted to the U.S. Forest Service on Economic Impact of Superior National Forest Withdrawal; James H. Stock, Ph.D. & Jacob T. Brandt; (August 6, 2018)

[12] Language from H.Rept. 115-238, accompanying the Consolidated Appropriations Act, 2018 (P.L. 115-141)

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Service completed and released full environmental assessments of the proposed withdrawals. These environmental assessments were submitted to the Bureau of Land Management as part of the complete application package to clearly support the actions recommended by the Forest Service. In the case of Emigrant Crevice, a draft environmental assessment was released in May 2018, a complete withdrawal application package was transmitted to the BLM in September 2018 recommending withdrawal, and the BLM noticed a 20-year withdrawal from mining laws on October 12, 2018. In the case of Methow Headwaters, an environmental assessment was published in August 2018, a complete application package was sent to the BLM in September 2018, and the BLM is conducting a public meeting and public comment period during November 2018.

It is unclear why the Forest Service deviated from the established process when considering the Rainy River Watershed withdrawal application. A press release is not an adequate substitute for the completion and release of a full environmental assessment and the submission of a complete withdrawal application package to the BLM. Therefore, as part of the oversight responsibility of the House Committee on Natural Resources and the House Appropriations Subcommittee on Interior and Environment, we request the following documentation be provided within 14 days of the receipt of this letter:

1. The review materials referred to in the press release as forming the basis for the USDA decision, including but not limited to:
   a. "a mineral resources report"
   b. "a biological and economic impact assessment"
   c. "potential impacts to water resources, wilderness areas, and cultural resources;"
2. A detailed list of all contracted work, including the scope and the anticipated end date, that was a part of the withdrawal study;
3. Any deliverables that the USDA or DOI received as part of the contracted work;
4. All scientific reports or substantive letters received by the USFS as part of the public feedback; and
5. The dates and participants of all meetings taken by officials at the USDA or DOI on the topic of the Rainy River Watershed mineral withdrawal proposal.

Due to the abrupt and unsupported decision to cancel the withdrawal application, we also request that the BLM immediately suspend all mineral development authorizations within the Rainy River Watershed on Superior National Forest Lands.

We look forward to reviewing the requested materials and working with DOI and USDA to ensure that the natural treasures and pristine waters in the Rainy River Watershed receive the same consideration that has been afforded to other applications for withdrawal in places that are too precious to mine.

Sincerely,

Betty McCollum
Ranking Member
Appropriations Subcommittee on Interior, Environment, and Related Agencies

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Kaster, Amanda
Subject: Heli-Ski Letter
Date: Thursday, September 13, 2018 12:40:48 PM
Attachments: 2326_Sharp@mail.house.gov_20180912_172321.pdf

Hi Amanda,

I wanted to make sure you saw this letter that went out this week. Martha Newell in Rep. Young's office is handling the issue.

Thanks,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

DON YOUNG
CONGRESSMAN FOR ALL ALASKA
WASHINGTON OFFICE:
2314 RAYBURN BUILDING
WASHINGTON, DC 20515
202-225-5765



Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN EMERITUS

COMMITTEE ON
TRANSPORTATION & INFRASTRUCTURE

REPUBLICAN
POLICY COMMITTEE

CANADA-U.S.
INTER-PARLIAMENTARY GROUP

12 September 2018

Mr. David Bernhardt
Deputy Secretary
U.S. Department of the Interior
1859 C Street, NW
Washington D.C. 20240

Dear. Mr. Bernhardt,

I am writing because of growing concerns regarding activities that could negatively impact the possible safety and economic wellbeing of heli-ski operations in the Necola and Tordrillo Mountains.

In 2014, after a nearly two-year process, the Bureau of Land Management (BLM) issued Triumvirate LLC d/b/a Tordrillo Mountain Lodge (TML) near Judd Lake, Alaska a 10-year permit to conduct heli-skiing operations in the Neacola and Tordrillo Mountains.

Before TML received the permit, the BLM gave public notice, asked for comments and required that TML pay the BLM to prepare an environmental assessment (EA). The BLM explained that the purpose of the EA was to determine the direct, indirect, and cumulative impacts to the environment from commercial helicopter skiing in the areas. This EA only analyzed the impact of one operator on this terrain.

At that time, TML was the only permitted commercial heli-skiing operator in the area. BLM committed that TML would receive notice and have an opportunity to provide input if BLM was considering issuing any additional permits for heli-skiing in the same area.

However, BLM subsequently issued permits to two other heli-skiing operators in 2017 and 2018 to conduct operations in the same area without any notification. Despite the fact that heli-ski operations require substantial coordination and collaboration to ensure operator and ski safety, the BLM decision did not consider any environmental or public safety impacts of authorizing multiple operators on the same terrain. Currently, three operators are now authorized to fly helicopters and guide skiers in the same terrain at the same time. As a result, in the space of two seasons and without any additional analysis, upwards of ten helicopters are operating in this tight space and the third operator is still expanding their fleet of aircraft.

VISIT OUR WEBSITE
HTTP://DONYOUNG.HOUSE.GOV

471 W 36TH AVENUE
SUITE 201
ANCHORAGE, ALASKA 99503
907-271-5978

100 CUSHMAN STREET, SUITE 307
P.O. BOX 73110
FAIRBANKS, ALASKA 99707
907-456-0210

CALL TOLL-FREE
1-866-990-5979

AMERICAN OVERSIGHT
DOI-19-0291, 19-0538-C-000035

In regards to oversight of heli-skiing, the BLM is the only agency which stacks heli-skiing operators in this manner; both the U.S. Forest Service and the Canadian government separate operators by area and terrain.

Stacking three operators on top each other creates major safety issues and significantly increases the risk of an accident in the area. In this specific area, 10% or less of the total geographic area is suitable and available for helicopter skiing on any given day as a result of terrain, avalanche risks, weather, snow conditions, and the need for adequate buffers between multiple helicopters.

Too many operators and skiers in one area results in a race to access the terrain, and forces operators to choose between (1) spending the time necessary to adequately consider risks and, therefore, losing out on that prime terrain or (2) not conducting adequate risk assessment and being the first to access prime terrain.

Due to the limited the amount of available and accessible terrain, operators now must fly helicopters and ski in similar areas, and the risk of catastrophic accident and loss of life is higher if adequate procedures are not followed.

To manage that risk, operators must continuously monitor the locations of their helicopters and ensure that adequate geographic buffers exist between them. Unfortunately, to my knowledge, there is no adequate communication and strategy for avoidance in the Neacola and Tordrillo Mountains.

The current EA covers a single operator in the region. I would request the BLM assess the safety and environmental impacts of adding a third heli-ski operator in the Necola and Tordrillo Mountains.

Sincerely,

DON YOUNG
Congressman for All Alaska

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Micah Chambers
Subject: Heli-Ski Letter
Date: Thursday, September 13, 2018 12:44:58 PM
Attachments: 2326_Sharp@mail.house.gov_20180912_172321.pdf

Hi Micah,

I wanted to make sure you saw this letter that went out this week. Martha Newell in Rep. Young's office is handling the issue.

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Washington, DC 20006 USA
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AMERICAN OVERSIGHT

DON YOUNG
CONGRESSMAN FOR ALL ALASKA
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Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE ON
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CHAIRMAN EMERITUS

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CANADA-U.S.
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Deputy Secretary
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1859 C Street, NW
Washington D.C. 20240

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However, BLM subsequently issued permits to two other heli-skiing operators in 2017 and 2018 to conduct operations in the same area without any notification. Despite the fact that heli-ski operations require substantial coordination and collaboration to ensure operator and ski safety, the BLM decision did not consider any environmental or public safety impacts of authorizing multiple operators on the same terrain. Currently, three operators are now authorized to fly helicopters and guide skiers in the same terrain at the same time. As a result, in the space of two seasons and without any additional analysis, upwards of ten helicopters are operating in this tight space and the third operator is still expanding their fleet of aircraft.

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AMERICAN OVERSIGHT

DOI-19-0291, 19-0538-C-000038

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Sincerely,

DON YOUNG
Congressman for All Alaska

AMERICAN OVERSIGHT

From: downey_magallanes@ios.doi.gov
To: rob.lehman@wilmerhale.com; monica.goncalves@wilmerha e.com
Subject: Invitation: Coffee- R.L. @ Tue Jul 10 2018 3:30pm - 4:30pm (EDT) (rob.lehman@wilmerhale.com)
Attachments: inv te.ics

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more details » <https //www.google.com/calendar/e ent?
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Coffee- R.L.
When Tue Jul 10 2018 3 30pm – 30pm Eastern Time
Where Greenberry's Coffee 1805 E St NW Washington DC 20006 USA (map <https //maps google.com/maps?q=Greenberry%E2%80%99s Coffee 1805 E St NW Washington DC 20006 USA &hl=en>)
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Calendar rob.lehman@wilmerhale.com
Who • downey_magallanes@ios.doi.go - organizer
• lacey_smethers@ios.doi.go - creator
• rob lehman@wilmerhale.com
• monica.goncal es@wilmerhale.com

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AMERICAN OVERSIGHT

From: downey_magallanes@ os.doi.gov
To: rob.lehman@wilmerhale.com; monica.goncalves@wilmerhale.com
Subject: Invitation: Coffee- R.L. @ Tue Jul 10 2018 3:30pm - 4:30pm (EDT) (monica.goncalves@wilmerhale.com)
Attachments: inv te.ics

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Calendar monica.goncal es@wilmerhale.com
Who • downey_magallanes@ios.doi.go - organizer
• lacey_smethers@ios.doi.go - creator
• rob.lehman@wilmerhale.com
• monica.goncal es@wilmerhale.com

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AMERICAN OVERSIGHT

From: joseph_balash@ios.doi.gov
To: rob.lehman@wilmerhale.com
Subject: Invitation: Twin Metal @ Mon May 7, 2018 4pm - 4:30pm (EDT) (rob.lehman@wilmerhale.com)
Attachments: invite.ics

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more details » <https://www.google.com/calendar/event?
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Twin Metal
When Mon May 7, 2018 4pm – 4:30pm Eastern Time
Where 1849 E St NW Room 6613 (map <https://maps.google.com/maps?q=1849+E+St+NW+Room+6613&hl=en>)
Video call https://hangouts.google.com/hangouts/_/doi.gov/joseph-balash-r <https://hangouts.google.com/hangouts/_/doi.gov/joseph-balash-r?hceid=am9zZXBoX2JhbGFzaEBpb3MuZG9pLmdvdg.674v2if5djpmhg0p5r3ptpds7n>
Calendar rob.lehman@wilmerhale.com
Who • joseph_balash@ios.doi.gov - organizer
• joseph.hayes@boem.gov - creator
• rob.lehman@wilmerhale.com

Joe,

I wanted to check back with you to see if you had 20 minutes on May 8th that I could introduce you to the Twin Metals folks who will be in town for meetings. They have heard me say good things about you and were hoping to meet you.

Thank you for considering this request.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW <https://maps.google.com/?q=1875+Pennsylvania+Avenue+NW+%0D%0AWashington,+DC+20006+USA&entry=gmail&source=g>
Washington, DC 20006 USA
1 202 663 6907 (t)
1 202 663 6363 (f)
rob.lehman@wilmerhale.com <mailto:rob.lehman@wilmerhale.com>
Going? Yes <https://www.google.com/calendar/event?
action=RESPOND&eid=Njc0djJpZjVkanBtaGcwcDVyM3B0cGRzN24gcm9iLmxlaG1hbkB3aWxtZXJoYWxlLmNvbQ&rst=1&tok=MjUjam9zZXBoX2JhbGFzaEBpb3MuZG9pLmdvdjViYmQyYjdmYWE0ZDkzZmVjYzU5OTZhMDkwMGI3OGIxOTkwZTk4ODk&ctz=America%2FNew_York&hl=en&es=0>
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Micah Chambers
Subject: Letter for Secretary Zinke
Date: Tuesday, May 30, 2017 5:40:00 PM
Attachments: Twin Metals Letter - May 26 2017.pdf

Hi Micah,

I hope you are well. Would you happen to know who would be best to send the attached letter at DOI? We're just looking for some direction.

Thanks,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

TWIN METALS MINNESOTA

May 26, 2017

The Honorable Ryan Zinke
Secretary of the Interior
Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Re: United States Forest Service Application for Withdrawal in the Superior National Forest

On January 13, 2017, the United States Forest Service submitted an application to the Secretary of the Interior proposing a 20-year withdrawal of approximately 234,328 acres in the Superior National Forest (the Forest).

The proposed withdrawal is illegal and outside the agencies' authority for the following reasons: 1) Congress specifically intended to develop the minerals in the Forest and passed special laws pertaining thereto; 2) the Federal Land Policy and Management Act (FLPMA) is inapplicable to leasable minerals, which are the type of minerals located in the Forest; and 3) the agencies are not authorized to modify or alter the boundaries of Congressionally designated withdrawals. The attached memorandum discusses each of these points in more detail.

Twin Metals Minnesota respectfully requests that the USFS *cancel* the proposed withdrawal, or failing that, the Bureau of Land Management *deny* the Forest Service application.

380 St. Peter St, Suite 705
St. Paul, MN 55102 USA

Tel: +1 651 842 6800
Fax: +1 651 842 6801

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I further request an opportunity to meet with you and your staff in the very near future to discuss this important issue.

Sincerely,

Ian Duckworth
Chief Operating Officer
Twin Metals Minnesota

380 St. Peter St, Suite 705
St. Paul, MN 55102 USA

Tel: +1 651 842 6800
Fax: +1 651 842 6801

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MEMORANDUM

From: Twin Metals Minnesota
Date: May 26, 2017

Re: Forest Service Application for Withdrawal in the Superior National Forest

A. Congress specifically intended for minerals in the Superior National Forest to be developed.

In 1950, Congress passed a law authorizing mineral development of public domain lands in the Superior National Forest.[1] Congress intended not just to permit mining within the Forest, but to promote it as a "highly desirable" activity—one that derives important benefits for the general public.[2]

The Wilderness Act of 1964, as well as the Boundary Waters Canoe Wilderness Act of 1978 support this mineral policy, while simultaneously offering increased protections for important wilderness areas in the Forest. These laws represent a significant and time-honored compromise between the preservation of wilderness areas like the Boundary Waters and the protection of important mineral rights.

The Forest Service withdrawal application reneges on this compromise and departs from more than 65 years of mineral policy and agency practice, the stability of which mining companies have relied on through the investment of hundreds of millions of dollars in the Forest for mineral exploration and development. The proposed withdrawal also represents a breach on the Congressional promise to the people of Minnesota that mineral development was not to occur within the wilderness area but was to be encouraged outside the wilderness area and its designated buffer zone.

Prior to the creation of the Forest, the minerals in question were withdrawn from applicability to the general mining laws of the United States (GML) and not part of the public domain. With the 1950 Act, Congress intentionally overturned the effects of this withdrawal and opened these minerals for exploration and development. Congress,

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1 16 U.S.C. § 508(b).
2 S. Rep. No. 81-1778; H. Rep. No. 81-795.

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however, did not place these minerals back under the regulatory framework of the GML. It instead created a special mineral framework for the regulation of these minerals that applies solely and exclusively to the two national forests within the state of Minnesota. The agencies lack authority to circumvent Congress' decision that mineral development be allowed on these public lands by proposing an administrative withdrawal; particularly, when Congress directly acted to overturn the previous withdrawal of these minerals and implemented a special regulatory framework to ensure their development, unrestricted from the types of actions currently proposed.

B. The proposed withdrawal is outside of the authority granted to the agencies under the Federal Land Policy and Minerals Act

The Forest Service proposal is brought pursuant to the Secretary's withdrawal authority in FLPMA, 43 U.S.C. § 1714. However, the withdrawal authority in FLPMA is ***not*** applicable to non-locatable minerals, such as those in the Forest; it was intended only for minerals subject to the GML.

i. FLPMA's withdrawal authority does not extend to leasable minerals

Withdrawal was never intended to be used for non-locatable minerals, (i.e. leasable minerals), where the government retains regulatory control over the ultimate development of the minerals. For leasable minerals within the Forest, the agencies have special regulatory control over how and when mineral development should occur. A prospector is required to first apply for a prospecting permit where the agencies exercise consent authority for the proposed exploration area. The agencies also have specific regulatory control through imposition of permit stipulations prior to the permit's issuance. Once a prospecting permit is granted, the prospector is given exclusivity to explore for minerals in the defined area for a limited time period and must apply for specific use permits in order to conduct onsite activities that are beyond casual use. If a valuable mineral deposit is discovered on public domain lands the prospector is entitled to a mineral lease subject to successive renewals; however, the agencies have additional control in negotiating reasonable terms and conditions to the lease. Finally, the leases themselves do not allow actual mining to occur; rather they mandate that the prospector demonstrate legal and environmental compliance prior to the granting of any mining permits.

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All of these controls ensure that mineral development in the Forest is conducted in a responsible and environmentally sound manner in harmony with the Forest's management plans and best practices. This regulatory framework is in stark contrast to that for locatable minerals subject to the GML. For locatable minerals, the GML allows prospectors, without restriction, to locate mineral claims on any open federal lands. Because the government does not have the regulatory control relating to the timing, location, and manner of exploration and development for these mineral claims, the only available means the government has for regulating the development of locatable minerals is through closing the entire area through a withdrawal. This is in contrast to leasable minerals, for which the government retains sufficient regulatory control.

Additionally, the major legal distinction between the regulatory framework for leasable minerals and those for locatable minerals is the granting of fee title mineral rights. For locatable minerals under the GML, the prospector is rewarded with the opportunity to obtain fee title to valuable discoveries. Under the leasing system for public domain lands in the Forest, the prospector is rewarded with a renewable leasehold interest but not fee title, which the government retains at all times. The withdrawal authority under FLPMA applies only to mineral rights that transfer fee title, which is not the case with respect to minerals on either public domain or acquired lands in the Forest. FLPMA defines "withdrawal" as "withholding an area of Federal lands from settlement, sale, location, or entry, under some or all of the general land laws." 43 U.S.C. § 1702(j). The combination and sequence of terms has a specific meaning, and the United States Supreme Court as well as the BLM have held that "settlement, location, sale, or entry" does not include mineral leasing. *See, e.g., Udall v. Tallman*, 380 U.S. 1, 5, 19 (1965). Because title to land is not transferred to the lessee under mineral leasing schemes, mineral leasing does not fall within FLPMA's definition of withdrawal or authority.

The preamble to the BLM withdrawal regulations reinforces that FLPMA excludes mineral leasing from FLPMA's withdrawal provisions. In the preamble, BLM noted that a few commenters on the proposed rule "were concerned about the emphasis placed on withdrawing lands from the general mining laws." Federal Land Withdrawals; Amendment to Withdrawal Procedures, 46 Fed. Reg. 5794, 5795 (Jan. 19, 1981). BLM made no changes based on these comments, explaining:

> Withdrawal from the general mining laws is specifically mentioned in the rulemaking because withdrawal is the only method the Secretary of the Interior has to close Federal lands, on a long-term basis, to location and

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> disposal under the general mining laws. This is true because the 1872 Mining Law is a nondiscretionary land law which grants anyone the right to enter those public lands not closed to its operation for the purpose of exploring for and extracting hard rock minerals. The Mineral Leasing Act of 1920, as amended, on the other hand, gives the Secretary the discretion to preclude leasing of the minerals on the public lands that are covered by that Act, so the Secretary can, when necessary, prevent mining activity involving these minerals. *Id.*

BLM's statement is a clear indication that FLPMA withdrawals do not extend to leasable minerals. As a result, the Forest Service withdrawal application is a violation of agency policy and law.

ii. Section 508(b) supersedes FLPMA and any general mining or leasing laws

Most minerals in the Forest are on public domain lands that are authorized under 16 U.S.C. § 508(b). A close read of section 508(b) makes clear that the minerals in the Forest cannot be subject to any withdrawal. Section 508(b) provides, in relevant part:

> Where, **through withdrawal or reservation** or by statutory limitation or otherwise, *all or any part of the mineral resources* in *public-domain lands* . . . situated within the exterior boundaries of the national forests in Minnesota, are not subject to development or utilization under the mining laws of the United States or the mineral leasing laws, and for the development and utilization of which no other statutory authority exists, the Secretary of the Interior is authorized, under general regulations to be prescribed by him and upon such terms and for specified periods or otherwise as he may deem to be for the best interests of the United States, to permit the prospecting for and the development and utilization of such mineral resources.

Thus, Congress has specifically authorized the Secretary of the Interior to allow the development of these minerals even after they have been withdrawn. This law is both retrospective and prospective, and it negates the effects of any prior or future withdrawal on these minerals. Therefore, any withdrawal the agencies may choose to implement would not have any legal effect; the Secretary of the Interior would still have authority to develop these minerals within the Forest.

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iii. FLPMA does not authorize the agencies to expand buffer zones or to modify the boundaries of previous Congressional withdrawals.

When Congress passed the 1978 Boundary Water Canoe Area Wilderness (BWCAW) Act,[3] it created a 220,000-acre buffer zone of Forest lands outside the designated wilderness area. The purpose of this buffer zone is "to protect existing natural values and high standards of environmental quality from the adverse impacts of mineral development." Both the BWCAW and its buffer zone specifically exclude mining activities and represent a Congressional withdrawal of mineral lands within the Forest. The USFS is now proposing to withdraw an additional 234,328 acres of Forest lands for the same purpose. FLPMA expressly prohibits the agencies from this activity.

FLPMA provides that BLM "shall not make, modify, or revoke any withdrawal created by Act of Congress." 43 U.S.C. § 1714(j) (emphasis added). The BWCAW and the Mine Protection Area are both withdrawals "created by Act of Congress." The proposed agency withdrawal seeks to nearly double the Mine Protection Area administratively, without an act of Congress. FLPMA expressly prohibits such a modification to a Congressional mandate.

C. TMM has Valid Existing Mineral Rights that must be recognized and protected

The USFS and BLM have previously consented to mineral exploration and development in the Forest. This consent is based in sound NEPA review and is the express will and outcome of Congress. TMM has invested in and conducted exploration with reasonable diligence on its existing prospecting permits. TMM has also at the written direction and request of the BLM and USFS, filed prospecting permit applications relating to its project needs. The agencies' delay or failure in processing these applications and renewals in a timely basis is inexcusable and any attempt by the agencies to withhold such permits or applications because of this proposed withdrawal would be inconsistent with basic principles of law and fairness. TMM asserts that it has valid existing rights in all federal prospecting permit applications, prospecting permits, preference right lease applications and leases applied for or issued prior to the issuance of the withdrawal notice that are not subject to this withdrawal.

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[3] BWCAW Act, Pub. L. No. 95-495 § 11, 92 Stat. 1649, 1655 (1978).

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St. Paul, MN 55102 USA

Tel: +1 651 842 6800
Fax: +1 651 842 6801

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From:	Voyles, James
To:	Martin, Timothy
Subject:	Re: [EXTERNAL] Checking In
Date:	Thursday, September 27, 2018 2:30:05 PM

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it does - please call 202-733-7477

On Thu, Sep 27, 2018 at 11:43 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Sure, 3 pm work?
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Thursday, September 27, 2018 9:55 AM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Checking In
>
> Hi Tim,
>
> Happy to discuss. Do you have time tomorrow?
>
> On Mon, Sep 17, 2018 at 11:28 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
> > Hi James,
> >
> > I hope you are well. Thanks again for the time last month, very insightful.
> >
> > Just curious if this one has crossed your desk? Happy to add more context if you have time for a quick call at some point as well.
> >
> > **Project Overview of the King II Coal Mine**
> >
> > - An underground coal mine, located near Durango, Colorado.
> > - BLM regulates minerals; OSM has a permitting responsibility on behalf of tribes.
> > - Overview of the lease, lease modification, and lease-by-application (LBA) areas

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- **The Problem: Depleting Reserves**
    - The King II mine is quickly approaching the end of its authorized reserves. Under existing market conditions, the currently authorized reserves will be depleted by March 2022, and as soon as March 2021 under favorable market conditions.

- **Pending Agency Reviews**
    - In January 2018, GCC submitted an LBA that would keep the mine operational at current levels for up to twenty more years, maintaining generations of highly-paid jobs in the area. BLM And OSM are now reviewing the LBA.
    - Because of the near-depleted resources in King II's currently authorized area, time is of the essence for the review of the pending LBA.
    - Without timely LBA approval, the resource likely will not be recovered because it would not be economically feasible for any other mining operation to do so.

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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--

Best,

James

AMERICAN OVERSIGHT

James Voyles

Senior Counsel

Office of the Deputy Secretary

U.S. Department of the Interior

202-733-7477

--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477



AMERICAN OVERSIGHT

From: Balash, Joseph
To: Lehman, Rob
Subject: Re: [EXTERNAL] Hope you"re feeling better
Date: Saturday, March 31, 2018 11:34:39 AM
Attachments: BLM0013635 outgoing.pdf

Rob:

Here's the letter I signed to USFS--sorry it took so long. As for the May dates, I know I will be out on the 8th but am unsure of the 7th. I will definitely make time if I'm here.

Joe

On Fri, Mar 30, 2018 at 4:09 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> I wanted to circle back and see if the Twin Metals lease renewal letter was something that you were able to share. If not I understand, but we are just anxious. Secondly, some of the senior executives from Minnesota are coming into town on May 7-8 and I was hoping I could introduce them to you.
>
> Thank you for considering both requests.
>
> I hope you and your family have a wonderful Easter.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
> +1 202 663 6363 (f)
> rob.lehman@wilmerhale.com
>
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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
http://www.blm.gov

Mr. Tony Tooke
Chief, U.S. Forest Service
Department of Agriculture
201 14th Street, NW
Washington, DC 20250

FEB 16 2018

Dear Mr. Tooke:

In 2012, Twin Metals Minnesota (TMM) applied to renew its two existing mineral leases (MNES 01352 and MNES 01353) in northeastern Minnesota. The U.S. Forest Service is the surface management agency for the lands where these two leases are located, and the Bureau of Land Management (BLM) has jurisdiction over the subsurface mineral estate. The BLM previously issued renewals of the leases in 1989 and 2004 after consulting with the Forest Service.

In processing the pending application for renewal, the BLM identified the need for a legal opinion to determine whether TMM has a non-discretionary right to renew the two leases. On March 8, 2016, the Department of the Interior's former Solicitor issued a legal opinion (M-37036) which concluded that TMM did not have a non-discretionary right to renewal of the leases; rather, the government retained discretion to grant or deny the renewal application. After the issuance of M-37036, the BLM requested the Forest Service's decision on whether to consent to the renewal of the leases for a third time. By letter dated December 14, 2016, the Chief of the Forest Service issued a non-consent determination. Given the lack of consent, the BLM rejected TMM's third renewal application in a letter dated December 15, 2016.

TMM filed suit in the U.S. District Court for the District of Minnesota. The company also requested that the Department review and reconsider the legal conclusion of M-37036. The Office of the Solicitor has since reviewed M-37036 and has concluded that the opinion's analysis was incorrect. On December 22, 2017, the Acting Solicitor issued a new opinion entitled, "Reversal of M-37036, 'Twin Metals Minnesota Application to Renew Preference Right Leases (MNES-01352 and MNES-01353)'" (M-37049), which reverses and replaces M-37036. The revised M-Opinion concludes that the original 1966 leases gave the lessee a non-discretionary right to a third renewal of the leases, subject to reasonable changes to the terms and conditions of the leases at renewal.

In light of M-37049, we are writing to notify you that the BLM will be issuing a decision that rescinds its December 15, 2016, decision rejecting the lease renewal application, thereby reinstating TMM's renewal application as it was before the decision was issued and also reinstating the two leases that were issued in 2004. Once BLM issues that decision, the reinstated leases will remain in effect as written in 2004, until such time as the BLM approves the application for a third lease renewal, subject to appropriate, updated terms and conditions.

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Because the BLM's prior request for the Forest Service to consent was based on the legal error that the United States had discretion whether to renew the leases, we will no longer treat the Forest Service's December 2016 non-consent determination as a valid determination. Consistent with the process followed for the first and second lease renewals in 1989 and 2004, the BLM would like to consult with the Forest Service and requests any appropriate surface protection stipulations to be incorporated into the terms of the third lease renewal, subject to environmental review in accordance with the National Environmental Policy Act.

We appreciate your continued partnership in this process and in managing the public lands in northern Minnesota. If you need additional information, please contact me at (202) 208-3801.

Sincerely,

Joseph R. Balash
Assistant Secretary
Land and Minerals Management

Enclosure

cc: Ms. Kathleen Atkinson, Regional Forester, Eastern Region, U.S. Forest Service
Ms. Connie Cummins, Forest Supervisor, Superior National Forest

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Micah Chambers
Subject: RE: New Coordinates
Date: Tuesday, April 18, 2017 1:53:31 PM
Attachments: Letter to The Honorable Ryan Zinke.pdf

Hi Micah,

I hope you are well. I wanted to make sure you were aware that we just sent in the following meeting request to Secretary Zinke.

The CEO of the parent company Antofagasta/Twin Metals will be in DC on May 2 and morning of May 3rd. We would very much like to have him meet with Sec. Zinke. Is there any way you can help us with this effort? As you know, this potential project could mean 1,000 jobs and $2 billion investment.

Thanks for all your help.

Sincerely,
Tim Martin

From: Micah Chambers [mailto:micah_chambers@ios.doi.gov]
Sent: Thursday, March 23, 2017 6:54 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: New Coordinates

I won't be back in my office until 11 probably

Sent from my iPhone

On Mar 23, 2017, at 5:42 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Micah,
>
> Any chance you are available tomorrow after my meeting with Kathy at 10 am? I have an updated letter that is soon to be emailed your way, but I thought I could drop a paper copy off to you, if that works?
>
> Thanks and have a great evening.
>
> Best,
> Tim
>
> **From:** Chambers, Micah [mailto:micah_chambers@ios.doi.gov]
> **Sent:** Tuesday, March 21, 2017 3:00 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>

AMERICAN OVERSIGHT

Subject: Re: New Coordinates

I'm free at 4. My office number is 202.208.5348

On Tue, Mar 21, 2017 at 2:57 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> I'm free at 4 pm if you want to give me a buzz?
>
> Sent from my iPhone
>
> On Mar 21, 2017, at 2:38 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:
>
> > Hi Tim. Sorry for the slow reply. Be glad to chat at some point. I'm free most of this afternoon.
> >
> > Micah
> >
> > On Thu, Mar 16, 2017 at 11:54 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
> >
> > > Hi Micah,
> > >
> > > First, let me just apologize for the duplication of emails. I had originally sent this email to the address you gave me upon your exit from the House.
> > >
> > > Congratulations and I hope the Secretary and Team Zinke are getting settled. You all are going to do a great job.
> > >
> > > I've also departed the House and Congressman Rodney Davis' office to start at WilmerHale on their Public Policy team in February. It was a difficult decision because Mr. Davis is such a fantastic member. On the bright side, I can't tell you how excited I am to be working Natural Resource issues again. I loved my time as Mr. Tipton's NR LA.
> > >
> > > It's in the vein that I was hoping to chat with you about an issue I am working on and perhaps you'll have some direction for me.
> > >
> > > I am available anytime that works for you.
> > >
> > > Thanks for your consideration.
> > >
> > > Best,
> > > Tim
> > >
> > >
> > >
> > > **Tim Martin | WilmerHale**
> > > 1875 Pennsylvania Avenue NW

AMERICAN OVERSIGHT

Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

AMERICAN OVERSIGHT

ANTOFAGASTA PLC

April 17th, 2017

The Honorable Ryan Zinke
Secretary of the Interior
U.S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Secretary Zinke:

As the Chief Executive Officer of Antofagasta plc, one of the largest copper producers in the world, I have been proud to support the development of strategic minerals in the United States. As such, I write to respectfully request a meeting to discuss the Twin Metals Minnesota project during my visit in Washington, D.C. on Tuesday, May 2nd or Wednesday, May 3rd.

As you know, Twin Metals is a mineral development project, currently in the exploratory phase, in an area of the Superior National Forest of Minnesota. If allowed to proceed, this project will create thousands of jobs and infuse millions of dollars into the regional economy. We anticipate the project to unlock access to one of the world's largest deposits of valuable minerals that includes copper, nickel, platinum, gold, and silver. Our exploration of these strategic resources and designs to develop them through environmentally sound and scientifically rigorous processes has already cost upwards of $400 million in investment to date.

Unfortunately, as you are aware, our past and future investment now hangs in the balance, due to decisions made in the last days of the Obama administration, including:

1) the Solicitor's M-Opinion concluding that the Bureau of Land Management (BLM) has the discretion to deny these mineral leases in Minnesota;
2) the BLM's decision to rescind Twin Metals' mineral leases based on the M-Opinion;
3) the joint decision of the BLM and U.S. Forest Service to initiate a process to withdraw hundreds of thousands of acres from mineral development, thereby threatening any future mineral development in the region.

I hope to have the opportunity to discuss a viable path forward with you. Rob Lehman at WilmerHale will be handling the scheduling of my meetings on May 2nd and May 3rd. He can be reached at rob.lehman@wilmerhale.com or (202) 663-6907.

Thank you for your time and consideration of this request.

Sincerely,

Iván Arriagada
Chief Executive Officer
Antofagasta plc

Av. Apoquindo 4001, Piso 18,
Las Condes, Santiago, Chile.
CP: 7550162
Tel. (56-2) 2798 7000
www.aminerals.cl

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LOS PELAMBRES
CENTINELA
ANTUCOYA
ZALDIVAR

DOI-19-0291, 19-0538-C-000061

From: Martin, Timothy
To: Micah Chambers
Subject: RE: New Coordinates
Date: Monday, March 27, 2017 1:01:13 PM
Attachments: Zinke Letter 3.22.17.pdf
Twin Metals Minnesota - Seth Waxman Letter to Secretary Jewell 7-1-2016.pdf

---

Hi Micah,

I hope you had a nice weekend. I wanted to ensure you had a copy of the attached letters.

Thanks,
Tim

From: Martin, Timothy
Sent: Friday, March 24, 2017 9:04 AM
To: 'Micah Chambers' <micah_chambers@ios.doi.gov>
Subject: RE: New Coordinates

Not a problem.

From: Micah Chambers [mailto:micah_chambers@ios.doi.gov]
Sent: Thursday, March 23, 2017 6:54 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: New Coordinates

I won't be back in my office until 11 probably

Sent from my iPhone

On Mar 23, 2017, at 5:42 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

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> Thanks and have a great evening.
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> Best,
> Tim
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> **From:** Chambers, Micah [mailto:micah_chambers@ios.doi.gov]
> **Sent:** Tuesday, March 21, 2017 3:00 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: New Coordinates

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I'm free at 4. My office number is 202.208.5348

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> > >
> > > First, let me just apologize for the duplication of emails. I had originally sent this email to the address you gave me upon your exit from the House.
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> > > I've also departed the House and Congressman Rodney Davis' office to start at WilmerHale on their Public Policy team in February. It was a difficult decision because Mr. Davis is such a fantastic member. On the bright side, I can't tell you how excited I am to be working Natural Resource issues again. I loved my time as Mr. Tipton's NR LA.
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> > > It's in the vein that I was hoping to chat with you about an issue I am working on and perhaps you'll have some direction for me.
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> > > Thanks for your consideration.
> > >
> > > Best,
> > > Tim
> > >
> > >
> > >
> > > **Tim Martin | WilmerHale**
> > > 1875 Pennsylvania Avenue NW
> > > Washington, DC 20006 USA

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+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

AMERICAN OVERSIGHT

TWIN METALS MINNESOTA

March 22, 2017

The Honorable Ryan Zinke
Secretary of the Interior
Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Secretary Zinke:

In the last days of the Obama Administration, the BLM inappropriately rejected Twin Metals Minnesota's application to renew two hard rock mineral leases in Minnesota's Superior National Forest—leases that were signed in 1966 and renewed without controversy in 1989 and 2004. BLM's refusal to renew the leases is based on a March 2016 opinion by then-Interior Solicitor Hilary Tompkins. That opinion rejected previous agency practice and policy, unilaterally changing the nature of the mineral tenure from one that is non-discretionary to one that is discretionary. The agencies then withheld consent for the renewal based upon arbitrary and unsupportable assumptions.

As explained in the attached letters to then-Secretary Jewell and Solicitor Tompkins, the opinion is based upon material legal error. It also reflects incorrect policy judgments inconsistent with federal mineral policy embraced by both Congress and prior administrations.

Congress specifically intended for these minerals to be developed. It passed laws authorizing this mineral development and that carefully balanced the preservation of important wilderness areas in the Forest. For over 65 years mining companies, like Twin Metals, have relied on the stability of this legal foundation to invest hundreds of millions of dollars in the Forest but outside of the wilderness area and its congressionally designated buffer zone.

The failure to renew the leases will have devastating economic impacts reaching far beyond Twin Metals, affecting thousands of families who live and work in these communities. Northeast Minnesotans have depended for generations on good-paying mining jobs. Twin Metals' project will provide thousands of such jobs for generations to come. The failure to renew these leases as well as the withdrawal currently contemplated by the agencies will have an immediate and draconian impact on people's lives and the viability of these communities costing the region billions of dollars in future economic growth. Finally, the United States itself will be harmed, losing access to one of the world's largest domestic deposits of important strategic resources.

380 St. Peter St, Suite 705
St. Paul, MN 55102 USA

Tel: +1 651 842 6800
Fax: +1 651 842 6801

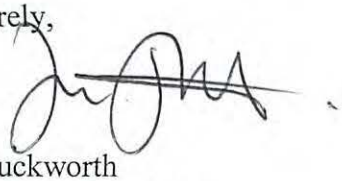
www.twin-metals.com

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TWIN METALS MINNESOTA

Twin Metals filed a lawsuit last September challenging the Tompkins opinion; however, there is no need for costly and time-consuming litigation. I am writing to request that, for the all the reasons given above, you instead rescind the opinion (under 43 C.F.R. §4.5(a)(2)) and direct BLM to renew the leases. I further request an opportunity to meet with you and your staff in the very near future to discuss these issues further.

Sincerely,



Ian Duckworth
Chief Operating Officer
Twin Metals Minnesota

380 St. Peter St, Suite 705
St. Paul, MN 55102 USA

Tel: +1 651 842 6800
Fax: +1 651 842 6801

www.twin-metals.com

AMERICAN OVERSIGHT

July 1, 2016

Seth P. Waxman

+1 202 663 6800 (t)
+1 202 663 6363 (f)
seth.waxman@wilmerhale.com

The Honorable Sally Jewell
Secretary of the Interior
Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Re: Twin Metals Minnesota Mineral Lease Renewals

Dear Secretary Jewell:

Twin Metals Minnesota is in receipt of a March 8, 2016, opinion from Solicitor Hilary Tompkins (the "Solicitor's Opinion" or "Opinion") regarding the company's right to renew two mineral leases on federal land within Minnesota's Superior National Forest. The Opinion concludes (p.1) that Twin Metals does not have a non-discretionary right to renewal of the leases, and that, instead, the Bureau of Land Management "has discretion to grant or deny the pending renewal application." That conclusion has unjustifiably cast a cloud of uncertainty over Twin Metals' valid existing rights to the minerals and jeopardized its substantial investment to date. The Solicitor's conclusion is both legally erroneous and predicated on a fundamental misunderstanding of the policy considerations and factual background that led to the issuance of these unique leases 50 years ago. We request that you rescind the Opinion and reaffirm Twin Metals' non-discretionary right to renew the leases.[1]

1. The Opinion's Legal Analysis Is Flawed

Contrary to the position in the Opinion, Twin Metals has a contractual right to renewal. The enclosed legal memorandum describes in detail the errors in the Solicitor's analysis. In summary, the terms of the original 1966 leases unambiguously vest Twin Metals with a non-discretionary right to renewal, a right that is not contingent on the initiation of production. The parties' course of conduct throughout the lease period confirms their intent to grant that non-discretionary right. This course of conduct includes the original granting of prospecting permits, the discovery of a valuable mineral deposit, the process by which the leases were negotiated, and the subsequent renewals of the leases in 1989 and again in 2004. Nothing in this course of conduct suggests that the parties intended to deny Twin Metals or its predecessors the critical non-discretionary renewal right.

[1] The Secretary has the authority to overturn opinions of the Solicitor under 43 C.F.R. §4.5(a)(2).

AMERICAN OVERSIGHT
DOI-19-0291, 19-0538-C-000067

The leases do not make Twin Metals' right to renewal contingent on the initiation of production within a specified time period. Instead, the parties negotiated higher-than-usual royalty payments in lieu of a production requirement, in recognition of the enormous time and effort that would be required before development would be feasible. Section 5 of the leases does specify that, as part of the renewal process, BLM may "readjust" the terms and conditions of the leases in enumerated circumstances. But it may not deny the renewals altogether.

2. The Opinion Misunderstands The Policy And Factual Background Of The Leases

A non-discretionary right to renew is consistent with established policy favoring mineral development in select portions of the Superior National Forest. The Opinion is contrary to that longstanding policy and reflects a misunderstanding of the history of mineral leasing in Minnesota in general, and the unique factual circumstances that led to these leases in particular.

In 1950 Congress expressly opened Forest land to mineral exploration and development. *See* Pub. L. No. 81-594, 64 Stat. 311 (June 30, 1950) (codified at 16 U.S.C. §508b). The legislative history makes clear that Congress intended not merely to permit, but in fact to *encourage*, mining on public lands within the Forest—based in part on testimony from officials at the Departments of Agriculture and Interior that it was "*highly desirable* to permit the prospecting, development, mining, removal, and utilization of the mineral resources." S. Rep. No. 81-1778, at 2 (1950) (emphasis added).

Twin Metals' leases were issued under this 1950 Act (and in fact are the only leases for mineral rights within the Superior National Forest ever granted under the statute). Twin Metals' predecessor obtained a prospecting permit in 1951 and, following the discovery of a valuable hardrock mineral deposit, engaged in lease negotiations with the government over the course of a decade. Those extensive negotiations culminated in the signing in 1966 of these two leases.

Crucially, by the time the leases were signed, Twin Metals' predecessor was *entitled* to such a lease, based on its discovery of a valuable mineral deposit. The lease terms were then tailored to address the unique characteristics and challenges associated with the discovered deposits. The parties drew on concepts from other hardrock mineral leases, in particular the concepts of "non-competitive" and "in-determinate" leases. As a result, BLM agreed—consistent with policy for hardrock minerals discovered in unknown geologic deposits—to a non-discretionary right to successive renewals of the mineral leases, consistent with Congress's intent to give

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private parties (such as Twin Metals and its predecessors) an incentive to bear the risk and commit the resources necessary to evaluate and define an unknown hardrock mineral resource. The Solicitor's Opinion would allow the government to renege on this agreement.

Notably, Congress reaffirmed its support for mining in the Superior National Forest well after the issuance of the leases, when it designated the Boundary Waters Canoe Area Wilderness in 1978. *See* Pub. L. No. 95-495, 92 Stat. 1649 (1978). The product of intense public debate, the act reflected a compromise that balanced the interests of preservation with the need for access to important mineral resources in the Forest. While mineral development was prohibited in the Area Wilderness, it was expressly permitted in other parts of the Forest—including the lands subject to Twin Metals' leases. To ensure that the mineral development would not harm the Area Wilderness, Congress established a "Mining Protection Area" bordering the wilderness to serve as a buffer zone. *See id.* §§9-10, 92 Stat. at 1655. The areas covering Twin Metals' leases are located outside of this buffer zone.

Consistent with Congress's intent, the Superior National Forest Land and Resource Management Plan, updated most recently in 2004, states that "[e]xploration and development of mineral and mineral material resources" is a "desired condition" and is explicitly permitted on Forest land outside the Area Wilderness and the buffer zone. The Management Plan further recognizes that responsible mining in the Forest is beneficial to both economic and national defense interests.

The Opinion does not account for this crucial policy context. Hardrock mineral development is inherently risky, difficult, time-consuming, and expensive. No reasonable party would have explored for minerals and then entered into a lease that did not account for this reality by guaranteeing long-term mineral rights, and no company would have been willing to incur the substantial cost of exploration and development activities without such an assurance.

In short, Congress has concluded that mineral development is desirable on the Superior National Forest lands subject to Twin Metals' leases. It is not for the agency to second-guess that determination. Twin Metals (and its predecessors) explored for and discovered a valuable hardrock mineral deposit, which represents one of the world's largest undeveloped resources of copper and nickel. The promise of secure, long-term mineral rights is precisely what the parties negotiated and memorialized in the terms of the 1966 leases, and affirmation of that right is what Twin Metals seeks and is entitled to today.

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3. The Solicitor's Opinion Has Caused Twin Metals Significant Harm

By purporting to deprive Twin Metals of its contractual rights, the Solicitor's Opinion has caused Twin Metals—and will continue to cause it—substantial and immediate harm.

In reliance on the security of its mineral tenure, Twin Metals has invested approximately *$400 million* in acquisition, exploration, technical development, and other preliminary activities to define the mineral deposit and prepare for future development of the resource. Twin Metals conservatively estimates that its federal leases cover lands containing more than $40 billion of in-ground mineral value. In addition, Twin Metals has discovered additional valuable federal mineral deposits, and also possesses adjacent state and private leases that together encompass another $90 billion of in-ground mineral value. The lands subject to Twin Metals' leases are interconnected with its other mineral rights; development of one lease affects the development of the others. Thus, denying Twin Metals' right to renew its federal leases also prejudices the discovery of its other federal mineral rights and jeopardizes the value of its state and private leases.

The possibility that BLM will exercise its purported discretion to grant rather than deny Twin Metals' renewal applications is no substitute for the rights Twin Metals properly has under the leases. A non-discretionary right to renew is a fundamentally different property right from a lease that can be terminated at BLM's discretion every 10 years. If the Solicitor's Opinion stands, Twin Metals will have no protection against a future denial. This uncertainty will inhibit Twin Metals' long-term planning, investment, development, and operational decisions. It also casts doubt on Twin Metals' ability to recoup the significant investment it has already made.

4. The Only Issue At This Stage Is The Proper Interpretation Of The Leases

Twin Metals is committed to protecting Minnesota's wilderness and natural environment; it understands and shares the desire to safeguard the Area Wilderness and its watershed. Twin Metals intends to deploy state-of-the-art technologies to develop the natural resources held under its federal, state, and private mineral leases within the Superior National Forest in an environmentally sensitive manner, and thus is confident that it can design a responsible, environmentally sound mining plan that meets or exceeds all federal and state requirements.

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The government will have every opportunity to confirm that for itself, because any future operations under the leases will be subject to stringent environmental review by federal and state agencies pursuant to the National Environmental Policy Act, Minnesota Environmental Policy Act, and other laws. In fact, the leases require that the government approve any proposed plan of operations based on a consideration of potential environmental impacts, including water pollution and ground disturbances. Thus, once a future mining plan is developed, Twin Metals expects and welcomes a rigorous environmental review and stakeholder engagement process.

But that is not the question now. The lone question at this stage is whether Twin Metals has a non-discretionary right to renew the leases. That is separate from the question whether any future mining project will be approved. The appropriate time to evaluate potential environmental impacts and required mitigation measures is when a site-specific proposal is submitted. All Twin Metals asks today is that its longstanding contract-based property rights in the two leases be reaffirmed.

* * *

For the reasons above and those given in the attached legal memorandum, we request that you exercise your authority to rescind the Solicitor's Opinion. Twin Metals is committed to working with you and others within the Department to reach a resolution of this issue, but is also prepared, if necessary, to take any other available actions to secure its mineral rights, and will regard any action taken in reliance on the Solicitor's Opinion as subject to challenge. In hopes of minimizing the need for such action, I request an opportunity to meet with you and your staff in the very near future to discuss these issues further.

Yours sincerely,

Seth P. Waxman

Seth P. Waxman

cc: Honorable Thomas Vilsack

AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Chambers, Micah
Subject:	RE: New Coordinates
Date:	Wednesday, March 22, 2017 9:40:58 AM
Attachments:	Letter to Zinke re Withdrawal Application and Twin Metals Renewal Opinio....pdf

Micah,

Thanks again for the time yesterday. Attached, you will find the latest letter from Rep. Emmer to Secretary Zinke.

Have a great day.

Best,
Tim

From: Chambers, Micah [mailto:micah_chambers@ios.doi.gov]
Sent: Tuesday, March 21, 2017 3:00 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: New Coordinates

I'm free at 4. My office number is 202.208.5348

On Tue, Mar 21, 2017 at 2:57 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> I'm free at 4 pm if you want to give me a buzz?
>
> Sent from my iPhone
>
> On Mar 21, 2017, at 2:38 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:
>
> > Hi Tim. Sorry for the slow reply. Be glad to chat at some point. I'm free most of this afternoon.
> >
> > Micah
> >
> > On Thu, Mar 16, 2017 at 11:54 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
> >
> > > Hi Micah,
> > >
> > > First, let me just apologize for the duplication of emails. I had originally sent this email to the address you gave me upon your exit from the House.
> > >
> > > Congratulations and I hope the Secretary and Team Zinke are getting settled. You all are going to do a great job.
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can't tell you how excited I am to be working Natural Resource issues again. I loved my time as Mr. Tipton's NR LA.

It's in the vein that I was hoping to chat with you about an issue I am working on and perhaps you'll have some direction for me.

I am available anytime that works for you.

Thanks for your consideration.

Best,
Tim

Tim Martin | WilmerHale
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Washington, DC 20006 USA
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+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

AMERICAN OVERSIGHT

TOM EMMER
6TH DISTRICT, MINNESOTA

COMMITTEES
FINANCIAL SERVICES

REPUBLICAN WHIP TEAM

Congress of the United States
House of Representatives
Washington, DC 20515–2306

503 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225–2331

DISTRICT OFFICE
9201 QUADAY AVENUE NE
SUITE 206
OTSEGO, MN 55330
(763) 241–6848

SUBCOMMITTEES
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT
MONETARY POLICY AND TRADE

March 17, 2017

Secretary Ryan Zinke
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Re: Withdrawal application of 234,328 acres of National Forest System lands within the Rainy River Watershed on the Superior National Forest (82 FR 6639), and Memorandum M-37036

Secretary Zinke,

Congratulations on your appointment to the U.S. Department of the Interior. I am pleased a fellow colleague will safeguard Minnesota's natural beauty, and I look forward to an ongoing relationship that ensures the protection and sound management of our nation's resources.

I write today to reiterate my concerns on a matter we discussed prior to your confirmation. The Department of Interior received an application from the United States Forest Service (USFS) that the outgoing administration initiated just days before they left office, requesting withdrawal of approximately 234,328 acres of National Forest System lands within the Rainy River Watershed on the Superior National Forest. The Interior Department also issued a memorandum last year which established new authority for the Bureau of Land Management to deny renewal of preference right leases. Both of these actions will cause significant economic harm to the state of Minnesota and our nation.

Therefore, I urge an immediate rejection of USFS' application to withdrawal and request the process of responsible development and environmental impact review be allowed to continue. The application has already begun to sour future investment in the state and could have enormous impacts on the entire region's economy. If approved, it will kill several potential environmentally responsible development projects currently being studied and restrict the future development of a broad swath of northern Minnesota, negatively affecting the region's employment and economic growth.

I also urge you reject the Bureau of Land Management's March 2016 opinion (M-37036) that creates preferential discretion to deny renewal of existing mineral leases where no such authority was statutorily given. The process of mineral extraction, including regulatory compliance, can take decades and requires certainty as to whether holders of a right in land will still hold that right when development begins. Intermittent interruptions in leaseholds will damage any plans to establish projects in Minnesota and severely impact future investments into the state.

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PRINTED ON RECYCLED PAPER

DOI-19-0291, 19-0538-C-000074

Congress of the United States
Washington, DC 20515

Attached is a copy of the letter I sent to the acting administrators of your department that was sent prior to your arrival. Again, I am pleased to see you fill this position and urge an immediate rejection of this application.

Thank you for your consideration and I look forward to having the opportunity to discuss this matter further. Please contact my Legislative Counsel, Landon Zinda, at Landon.Zinda@mail.house.gov if you require more information. I look forward to your response.

Sincerely,

Tom Emmer

Tom Emmer
Member of Congress

AMERICAN OVERSIGHT

PRINTED ON RECYCLED PAPER

From: Martin, Timothy
To: Chambers, Micah
Subject: RE: New Coordinates
Date: Tuesday, March 21, 2017 3:42:12 PM
Attachments: Fact Sheet _ 3.14.docx

Awesome, talk soon.

Just a little context in advance for the call.

The M-Opinions were suspended and temporarily withdrawn by the acting Secretary, Jack Haugrud (who is now the acting Solicitor), pending a review by the new leadership of the decisions they were meant to support. The suspension decision is here, and the four opinions are:

- M-37042: Authority of the FWS to Manage Non-Federal Oil and Gas Activities Underlying National Wildlife Refuges
  - Underlying decision: The FWS final rule on management of non-federal oil and gas development on ands in on the National Wildlife Refuge.
  - Timing: published in the Federal Register on November 14, 2016; become effective 30 days after on December 14, 2016.
- M-37041: Incidental Take Prohibited Under the Migratory Bird Treaty Act
  - Underlying decision: FWS proposed MBTA take permit rule
  - Timing: Notice of Intent to prepare a PEIS published on May 26, 2015
- M-37039: The BLM's authority to Address Impacts of its Land Use Authorizations through Mitigation
  - Underlying decisions: BLM mitigation policy; BLM Planning 2.0
  - Timing: finalized January 7, 2017 and December 13, 2016, respectively
- M-37038: Tribal Treaty and Environmental Statutory Implications of the Dakota Access Pipeline
  - Underlying decision: DAPL
  - Timing: Pending

From: Chambers, Micah [mailto:micah_chambers@ios.doi.gov]
Sent: Tuesday, March 21, 2017 3:00 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: New Coordinates

I'm free at 4. My office number is 202.208.5348

On Tue, Mar 21, 2017 at 2:57 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

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>
> Sent from my iPhone

AMERICAN OVERSIGHT

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> >
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> > I am available anytime that works for you.
> >
> > Thanks for your consideration.
> >
> > Best,
> > Tim
>
> **Tim Martin | WilmerHale**
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--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

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Fact Sheet

Issue: In the final hours of the Obama Administration, the U.S. Forest Service (Forest Service) and the Bureau of Land Management (BLM) took a number of actions to stop future exploration and development of strategic minerals in northeast Minnesota. These actions would block the creation of thousands of jobs and billions of dollars of investment in U.S. economic growth.

Background: The minerals in question are located in the Iron Range in northeast Minnesota, in an area of the Superior National Forest historically designated for mineral development that holds the largest known deposit of strategic minerals in the world. BLM, with the consent of the Forest Service, issued mineral leases for these minerals to a private investor in 1966. On two separate occasions, in 1989 and again in 2004, BLM approved, and USFS consented to, the renewal of the leases. In reliance on the stability of its mineral tenure, the current owner of the leases, Twin Metals Minnesota (Twin Metals), has invested upward of $400 million in exploration and preparation of a detailed mining plan, which is yet to be completed. Then, just before the turnover of Administrations, the federal government changed course and took a number of actions intended to strip Twin Metals of its property rights.

Current Status: On March 8, 2016, then-Interior Solicitor Hilary Tompkins issued an Opinion that concluded—based on flawed legal analysis—that BLM has discretion to deny renewal of Twin Metals' leases. Then, on December 14, the Forest Service denied consent for the renewal of Twin Metals' leases. The following day, BLM denied the renewal of the leases. Simultaneously, the agencies launched a process to withdraw 235,000 acres (including the area where the Twin Metals project would have been located) from future mineral exploration and development. The Forest Service is now conducting an extensive environmental review of the impacts of the proposed withdrawal.

Action: These actions should be suspended and reviewed by the new Secretaries of the Interior and Agriculture, because they involve expenditure of significant Department resources in the near term and have broad policy impacts on jobs, the economy, and the recovery of strategic national resources. We ask that you to consider in particular the following actions:

1. Immediately suspending and withdrawing the M-Opinion pending review by the Department's new Solicitor;

2. Reinstating Twin Metals' leases; and

3. Suspending the withdrawal process and any related public meetings or analysis pending further review by the new officials at the Department of the Interior and Department of Agriculture.

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From: Martin, Timothy
To: Micah Chambers
Subject: RE: New Coordinates
Date: Tuesday, June 6, 2017 5:32:21 PM
Attachments: Hearing.docx

Hi Micah,

Good chatting with you. Transcript is attached. Please let me know if you need anything further.

Best,
Tim

https://mccollum.house.gov/media/press-releases/perdue-mccollum-boundary-waters-environmental-review-will-proceed

---

From: Micah Chambers [mailto:micah_chambers@ios.doi.gov]
Sent: Thursday, March 23, 2017 6:54 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: New Coordinates

I won't be back in my office until 11 probably

Sent from my iPhone

On Mar 23, 2017, at 5:42 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Micah,
>
> Any chance you are available tomorrow after my meeting with Kathy at 10 am? I have an updated letter that is soon to be emailed your way, but I thought I could drop a paper copy off to you, if that works?
>
> Thanks and have a great evening.
>
> Best,
> Tim
>
> **From:** Chambers, Micah [mailto:micah_chambers@ios.doi.gov]
> **Sent:** Tuesday, March 21, 2017 3:00 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: New Coordinates
>
> I'm free at 4. My office number is 202.208.5348

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> > > +1 202 663 6539 (t)
> > > +1 202 663 6363 (f)

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tim.martin@wilmerhale.com

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--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

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Ms. McCOLLUM: Chief Tidwell, as you know, the Superior National Forest in Minnesota is the home of the Boundary Waters Canoe Area Wilderness, which is a vast, interconnected network of pristine lakes and streams. This is an untarnished wilderness. It's a national treasure. The Forest Service is responsible for protecting it.

Hundreds of thousands of Americans who visit this wilderness every year are relying on your agency, as are more than 17,000 Minnesotans who work in the outdoor recreation industry in the northeastern region of our state.

And I know that the Forest Service takes this responsibility seriously, because last year the Service denied the renewal of mining leases by a foreign-owned company that, as you said, posed an "unacceptable" risk. The rejection of these lease renewals noted that a copper-nickel sulfide mining "might cause serious and irreplaceable harm to this unique, iconic, and irreplaceable wilderness."

Multiple scientific assessments have shown that these sulfide-ore mines are sources of toxic contamination and acid drainage that would cause significant harm to the waterways, aquatic life, and the forests that make the BWCA such a special place. In fact, 92 percent - 92 percent - of these sulfide-ore copper mines operating in the United States have experienced failures that impact water quality. The pictures show what recently happened in 2014 in Canada, and Canada has some of the same stringent safeguards that we try to put in place. But 92 percent of these fail.

So I really want to give a shout out to the Forest Service for the work you are currently doing with the Department of the Interior to conduct a two-year, science-based study to determine if approximately 230,000 acres of National Forest lands within the watershed of the Boundary Waters should be off-limits to sulfide-ore copper mining for the next 20 years.

Last week, the Forest Service staff confirmed with my office that you are going to have an additional public meeting in the Twin Cities regarding this mining withdrawal. People from southern Minnesota, as well as the Twin Cities are very appreciative of the Forest Service doing this. You've had several hearings in northern Minnesota, but we really appreciate the ability for the folks in the Twin Cities to go forward. So I'm assuming this meeting is going forward. I'm asking you in public.

But could you please talk about the potential consequences be for the wildlife, the waters, and the forests in the BWCA and the adjacent lands if there is a discharge, leakage or spill from a sulfide mine—all of which are common events for this industry?

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And I know that you are receiving phone calls and that you are receiving pressure from the mining industry. We have a rich tradition of mining in Minnesota and this is the only mining in Minnesota I've come out forcefully against, in part because of its location in the watershed.

So could you please enlighten us on what you, and I'm going to include you Mr. Secretary, what you two gentlemen can do to ensure that this proposed study goes forward as planned so that we can have robust public participation, grounded in science and figuring out how to best preserve this pristine wilderness when 92 percent - even here in the United States - of these mines fail. And Mr. Perdue, I think you've seen what happened in Canada.

Mr. PERDUE: Well, you've addressed your questions to him, if I may precede him in that because as I've said earlier, the buck stops here. I'm the U.S. Secretary of Agriculture and the U.S. Forest Service is under the Secretary of Agriculture. While we have a Chief Forester who knows the history of this and can address those specific questions, I want you to know that this is on my radar screen as well.

Secretary Zinke and I have already met about this and I think your statement there regarding the two-year study over the sound science. None of us, I'm not smart enough to know to do without the facts base and the sound science and we are absolutely allowing that to proceed.

You also know that your state has a shot at that after that recommendation, as well. So we are determined to proceed in that effort and let it run its course. No decision will be made prior to the conclusion of that.

Ms. McCOLLUM: Well, thank you. Governor Dayton will be excited to hear that.

Mr. PERDUE: He's already well aware of his roles and responsibilities in that effort.

Ms. McCOLLUM: Well he's taken the state lands off. Thank you.

Mr. TIDWELL: Well, the only thing I would add is that the study allows us to really pull together the information, the data and look at the overall balance.

Mining is an essential part of multiple-use. It's especially very important in your state, it's also essential for this country. And we can have mining operations that are safe, environmentally safe. We have many that have proven to be able to do that that.

You do raise the question about the sulfide-ore. That is more challenging, especially in areas where we have as much water as we do up in that part of the state.

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So this gives a chance to be able to pause, collect the information, to be able to visit, and really meet with the public. And it's more to be able to take comments. We just want to be able to sit down with them and really hear from their concerns.

And then as we move forward, to find that balance. The balance where mining needs to occur and it can be done in a safe, environmental way. And then if decisions need to be made for other areas, that it's just potentially maybe too hazardous, then those are the types of decisions that can come out of this study.

Ms. McCOLLUM: Well, I thank you gentlemen for your comments and I thank you for your reassurance to let the two-year study go forward.

Mr. PERDUE: Let me give you maybe a principle that may help your feelings that way. While our motto is "do right and feed everyone," as a veterinarian, I also ascribe to the Hippocratic Oath: "first of all, do no harm." And we hear you loud and clear.

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Macgregor, Katharine
Subject: RE: Update on D.C. Visits
Date: Monday, April 24, 2017 2:57:54 PM
Attachments: m-37036.pdf
Background.docx
Twin Metals Minnesota - Seth Waxman Letter to Secretary Jewell 7-1-2016.pdf

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Kate,

Thanks for the time today. To follow up, I've included these attachments.

To answer your question – before the leases were denied renewal, the Company was 95% done with the NEPA process.

Have a great day.

Best,
Tim

From: Macgregor, Katharine [mailto:katharine_macgregor@ios.doi.gov]
Sent: Tuesday, April 18, 2017 8:58 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>; Anderson, Michael <michael_anderson@ios.doi.gov>
Subject: Re: Update on D.C. Visits

Tim - I'm putting you in touch with Michael in my office to see if we could find 15 minutes next week to chat.
-Kate

On Tue, Apr 18, 2017 at 2:34 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Kate,
>
> I wanted to follow up on this email. Last week I sat down with Andrew, Josh, and Chris at House NR Committee to discuss the Twin Metals project. They suggested I reach out to notify you of some important updates. The CEO of the parent company Antofagasta/Twin Metals will be in DC on May 2 and morning of May 3rd. We would very much like to have him meet with Secretary Zinke. The letter attached and has been submitted through formal scheduling channels.
>
> As you know, this potential project could mean 1,000 jobs and $2 billion investment. If you have 10-15 minutes before the visit, I'd greatly appreciate an opportunity to update you on where the projects stands and gather your insight.
>
> Thanks for your time and consideration.
>
> Best,
> Tim

AMERICAN OVERSIGHT

From: Martin, Timothy
Sent: Thursday, March 30, 2017 11:01 AM
To: Katharine_MacGregor@ios.doi.gov
Subject: Request for a Meeting

Hi Kate,

I hope my email finds you well, as I'm sure you are slammed. Congratulations! I really enjoyed working with you and the NR Committee during my time in Rep. Tipton's office DOI is very lucky to have you.

I was hopeful you might have some time next week to meet briefly. I would like to pick your brain a bit on a Natural Resource issue I am working on.

I had the opportunity to sit down with Kathy Benedetto and Marshall Critchfield last week. It was productive, but I thought it would be beneficial to discuss with you as well.

Happy to work around your busy schedule. Keep up the good work.

Best,
Tim

Tim Martin | WilmerHale
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--
Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-208-3671 (Direct)

AMERICAN OVERSIGHT

United States Department of the Interior

OFFICE OF THE SOLICITOR
1849 C STREET N.W.
WASHINGTON, DC 20240

M-37036

MAR - 8 2016

Memorandum

To: Director, Bureau of Land Management

From: Solicitor

Subject: Twin Metals Minnesota Application to Renew Preference Right Leases (MNES-01352 and MNES-01353)

The Bureau of Land Management (BLM) has asked whether it has the discretion to grant or deny Twin Metals Minnesota's pending application for renewal of two hardrock preference right leases in northern Minnesota.[1] I conclude that Twin Metals Minnesota does not have a non-discretionary right to renewal, but rather the BLM has discretion to grant or deny the pending renewal application.

Background

On October 21, 2012, Twin Metals Minnesota (TMM) submitted an application to renew two preference right leases (MNES-01352 and MNES-01353) for lands that are located near the southern boundary of the Boundary Waters Canoe Area Wilderness in northern Minnesota.[2]

The two leases at issue are located on acquired Weeks Act lands, as well as National Forest System lands reserved from the public domain and managed by the United States Forest Service. The Secretary's authority, delegated to the BLM, for mineral disposition on the acquired lands is in section 402 of Reorganization Plan No. 3 of 1946, 60 Stat. 1097, 1099-1100, and 16 U.S.C. § 520, which governs mineral disposition on Weeks Act lands. The Secretary's authority, delegated to the BLM, for mineral disposition on reserved National Forest System lands in Minnesota is in 16 U.S.C. § 508b.

The BLM originally awarded the leases on June 1, 1966, for a primary term of twenty years, with the possibility of three ten-year renewals.[3] On May 14, 1986, the lessee timely applied for a renewal.[4] After receiving legal advice from the Office of the Solicitor that the lease terms allowed for a renewal, the BLM granted a renewal of the leases on July 1, 1989, for a period of

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[1] This memorandum does not address issues related to National Environmental Policy Act compliance or any other legal issues surrounding these leases.

[2] The Chippewa in Minnesota have hunting, fishing, and other usufructuary rights in the northeast portion of the state of Minnesota under the 1854 Treaty of LaPointe. Treaty with the Chippewa, 10 Stat. 1109 (1854).

[3] *See* 1966 leases §§ 1(a), 5.

[4] The regulations at 43 C.F.R. § 3522.1-1 (1985) state that renewal applications "must be filed in the appropriate land office within 90 days prior to the expiration of the lease term." The lessee filed an application for extension of the term of the leases on May 14, 1986—30 days before the end of the primary twenty-year term on June 14, 1986, which was "within 90 days" of the lease expiration. Consequently, the renewal application was timely filed.

AMERICAN OVERSIGHT

DOI-19-0291, 19-0538-C-000088

ten years.[5] TMM timely applied for a second renewal on March 15, 1999. The BLM renewed the leases on January 1, 2004.[6] The 2004 leases state that they are for a period of ten years, "with preferential right in the lessee to renew for successive periods of 10 years under such terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any period." On October 21, 2012, TMM timely applied to renew the leases once more.[7] TMM has been conducting exploration activities on the leaseholds based on the 2004 leases while the BLM considers TMM's 2012 renewal application.

Under the original 1966 lease terms, as discussed more fully below, the lessee was required to commence production within the twenty-year primary term to qualify for three renewals of right. The leases provided that if there was no production at the end of the primary term, the leases would end unless the Secretary granted a lease renewal to extend the time to commence production.[8]

Although there has been no production, the operator held the leases under production waivers for five years and then through payment of minimum royalties in lieu of production payments for the rest of the time, consistent with the provisions of the 1966 leases that were incorporated by reference in the 2004 leases. Those provisions stated that, beginning after the tenth year of the primary term, the lessee is required to mine a quantity of minerals such that the royalties would be equal to $5 per annum per acre for the primary term and $10 per annum per acre during each renewal or, in lieu of that production, pay royalties equal to the minimum royalty. *See* 1966 leases § 2(c) (incorporated into section 14 of the 2004 leases). Section 2(c) of the 1966 leases allowed the lessor to waive, reduce, or suspend the minimum royalty payment for reasonable periods of time in the interest of conservation or when such action does not adversely affect the interest of the United States in accordance with 43 C.F.R. § 3222.6-2. *Id.*

According to the BLM's records, the BLM relied on section 2(c) of the 1966 leases to grant individual waivers of production and minimum royalties for each of the first five lease years after the tenth year of the leases, beginning on June 1, 1976, and ending May 31, 1981, while the State of Minnesota was conducting environmental studies on the proposed mining operations,

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[5] The three-year time period between the date on which the lessee filed for the first ten-year lease renewal and the date on which the lease renewal was approved appears to have been due to BLM's consideration of the lessee's minimum royalty waiver request, coordination efforts between the United State Forest Service and the BLM regarding the Forest Service approval for the renewals, and the BLM's consideration regarding the terms of the lease renewal.

[6] The lessee's application for a second renewal on March 15, 1999 was 109 days before the end of the first lease renewal on July 1, 1999. The regulations in force in 1999 state that "[a]n application for lease renewal shall be filed at least 90 days prior to the expiration of the lease term." 43 C.F.R. § 3528.1 (1998). Consequently, the 1999 renewal application was timely filed. The time period between the lessee's filing of the second renewal application in March 1999 and the BLM's approval of the lease renewal in January 2004 appears to have been due to coordination efforts between the United States Forest Service and the BLM, as well as the BLM's internal review process.

[7] The 2012 renewal application was submitted 438 days before the end of the second renewal on January 1, 2014. The timing requirements for filing a renewal application in the current regulations are the same as those in the regulations that were in force in 1999. *Id.* § 3511.27 (2015). Consequently, the 2012 application was timely filed.

[8] Section 5 of the 1966 leases contains definite conditions for allowing such an extension, i.e., in the interest of conservation or upon a satisfactory showing by the lessee that the lease cannot be successfully operated at a profit or for other reasons.

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which prevented INCO Alloys International, Inc. (TMM's predecessor in interest at the time of BLM's waiver decision), from developing the leases.[9]

The BLM records show that INCO filed another production and minimum royalty waiver request on June 26, 1985, for the period of July 1, 1981, to June 30, 1986. In response, the BLM issued a decision on January 28, 1987, finding that Minnesota had completed its environmental studies in 1979 and that INCO had not filed any mining applications or royalty waiver applications since 1981. The decision stated that "there is no evidence that INCO International is diligently working towards the development of these leases." Based on the BLM's conclusion that INCO had not met the obligations of the leases, the agency denied the production and royalty waiver request. The decision also notified the lessee that all delinquent payments were due before the BLM could process the first lease renewals at that time.[10] Although the BLM's records show that INCO failed to timely pay the annual rentals and minimum royalties in lieu of production for the lease years from June 1, 1981, to May 31, 1985 (a four-year period), once INCO received notice from the BLM about the delinquency, INCO paid the fees for all four years. Consequently, the royalty payment records of the Office of Natural Resources Revenue (ONRR) show that TMM and its predecessors paid the minimum royalties in lieu of production for each of the delinquent years—1981 to 1985. The ONRR records also show that TMM paid the minimum royalty in lieu of production payments from 1986 to the present.

In preparing to respond to the 1985 royalty waiver request, the BLM sought legal advice from the Solicitor's Office, which led to a 1986 legal memorandum regarding the use of one of the three renewals identified in section 5 of the 1966 leases to extend the time to commence production. This 1986 Associate Solicitor's Opinion is discussed below in this memorandum.[11]

As to the rental payments, the regulations in effect before 1986 provided that the "rental paid for any year shall be credited against any royalties for that year." 43 C.F.R. § 3503.3-1(b)(5) (1985). Beginning in 1999, the regulations have provided that the Minerals Management Service (now ONRR) "will credit your lease rental for any year against the first production royalties or minimum royalties . . . as the royalties accrue under the lease during that year." *Id.* § 3504.16(e) (2014). The ONRR records show that TMM has paid the rentals and those payments have been recouped for payment of a portion of the minimum royalty payments.

Relevant Lease Provisions

Three provisions in the 2004 leases are pertinent to whether TMM has a non-discretionary right to renewal:

Part I. Lease Rights Granted:

> This Lease Renewal entered into by and between the United States of America, through the Bureau of Land Management, hereinafter called lessor, and American Copper &

[9] These annual waivers, beginning in June 1976 and ending in May 1981, served to waive the production and minimum royalty requirements of the leases for that time period. The notification letters that BLM sent to the lessee for each of these waivers state that a waiver of production and minimum royalty requirements is granted and do not state that the lease term is being extended for the period of the suspension.

[10] As noted above, the lessee applied for its first lease renewal in May 1986. Under the 1966 lease terms, the twenty-year primary term was due to expire in June 1986.

[11] *See infra* p. 12.

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Nickel Company, 922 19th Street, Golden, Colorado, 80401, hereinafter called lessee, is effective Jan-1 2004, for a period of 10 years, *Sodium, Sulphur, Hardrock* – with preferential right in the lessee to renew for successive periods of 10 years under such terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any period.

Part I, Section 2:

Lessor, in consideration of any bonuses, rents, and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants and leases to lessee the exclusive right and privilege to explore for, drill for, mine, extract, remove, beneficiate, concentrate, or otherwise process and dispose of the copper deposits nickel & associated minerals hereinafter referred to as "leased deposits," in, upon, or under the following described lands: . . . .

Part II, Section 14. Special Stipulations:

* The terms and conditions of the production royalties remains as stated in the attached original lease agreement [referring to the 1966 lease].

** The minimum annual production and minimum royalty is $10.00 per acre or a fraction thereof as stated in the attached original lease agreement [referring to the 1966 lease].

Because the provisions of the 2004 leases govern for the reasons set forth below, the renewal provisions of the 1966 leases are not applicable. Nevertheless, to provide a comprehensive analysis, the renewal provisions of the 1966 leases are discussed in the analysis that follows.

The three relevant provisions in the 1966 leases are:

Introductory clause:

This lease entered into . . . between the United States of America, as Lessor, through the Bureau of Land Management, and [TMM's predecessor], as Lessee, pursuant to the authority set out in, and subject to, Section 402 of the President's Reorganization Plan No. 3 of 1946, 60 Stat. 1099, and the Act of June 30, 1950, 64 Stat. 311, and to all regulations of the Secretary of the Interior now in force when not inconsistent with any of the provisions herein.

Section 1(a):

Rights of Lessee. In consideration of the rents and royalties to be paid and conditions and covenants to be observed as herein set forth the Lessor grants to the Lessee, subject to all privileges and uses heretofore duly authorized and prior valid claims, the exclusive right to mine, remove, and dispose of all the copper and/or nickel minerals and associated minerals . . . in, upon, or under [the described lands] . . . together with the right to construct and maintain thereon such structures and other facilities as may be necessary or convenient for the mining, preparation, and removal of said minerals, for a period of twenty (20) years with a right in the Lessee to renew the same for successive

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periods of ten (10) years each in accordance with regulation 43 C.F.R. § 3221.4(f) and the provisions of this lease.

Section 5:

> Renewal Terms. The Lessor shall have the right to reasonably readjust and fix royalties payable hereunder at the end of the primary term of this lease and thereafter at the end of each successive renewal thereof unless otherwise provided by the law at the time of the expiration of any such period, and to readjust other terms and conditions of the lease, including the revision of or imposition of stipulations for the protection of the surface of the land as may be required by the agency having jurisdiction thereover; provided, however, that the Lessee shall have the right to three successive ten-year renewals of this lease with any readjustment in the royalties payable hereunder limited to that hereinafter provided and with no readjustment of any of the other terms and conditions of this lease unless at the end of the primary term of this lease the Lessee shall not have begun production, either hereunder or under the companion lease granted to the Lessee this day. The Secretary of the Interior may grant extensions of time for commencement of production in the interest of conservation or upon a satisfactory showing by the Lessee that the lease cannot be successfully operated at a profit or for other reasons, and the Lessee shall be entitled to renewal as herein provided without readjustment except of royalties payable hereunder if at the end of the primary or renewal period such an extension shall be in effect, but the Lessee shall not be entitled to subsequent such renewals unless it shall have begun production within the extended time. If the Lessee shall be entitled to renewal without readjustment except of royalties payable hereunder, the Secretary of the Interior may in his discretion increase the royalty rate prescribed in subsection (b) of Section 2 up to, but not exceeding (i) 5% during the first ten-year renewal period, (ii) 6% during the second ten-year renewal period, and (iii) 7% during the third ten-year renewal period. The extent of readjustment of royalty, if any to be made under this section shall be determined prior to the commencement of the renewal period.

Analysis

The renewal rights of TMM are governed by the applicable provisions of leases MNES 01352 and MNES 01353. At this time, the 2004 renewal leases are in effect, and they use the BLM's standard renewal language that has been in place since the 1980s. In particular, the 2004 lease renewal terms grant the "preferential right in the lessee to renew for successive periods of ten years under such terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any period." The Department has consistently interpreted this provision as not entitling the lessee to an automatic right of renewal: "This *preferential* right of renewal does not *entitle* the lessee to renewal of the lease but 'gives the renewal lease applicant the legal right to be preferred against other parties, should the Secretary, in the exercise of his discretion, decide to continue leasing.'" *Gen. Chem. (Soda Ash) Partners*, 176 IBLA 1, 3 (2008) (emphasis in original) (quoting *Sodium Lease Renewals*, M-36943, 89 Interior Dec. 173, 178 (1982) (1982 Solicitor's Opinion)). The Interior Board of Land Appeals (IBLA) noted further that the "Secretary may exercise his discretionary authority in renewing a lease in the same manner as in issuing an initial lease." *Id.*

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In reaching this conclusion, I have carefully considered TMM's contention that the terms of the 1966 leases govern and require the BLM to renew the leases for a third ten-year term. As discussed below, I have concluded that the terms of the 2004 leases govern and that, in any event, the renewal provisions of the 1966 leases give the BLM discretion regarding whether to renew the leases.

The 2004 leases are each complete, integrated documents that contain all necessary lease terms and are duly signed by the lessee and lessor. The degree to which the original 1966 leases continue in effect are specifically described in the 2004 leases, with two special stipulations that incorporate by reference only two provisions from the 1966 leases. 2004 leases § 14. The first stipulation states that the "terms and conditions of the production royalties remains as stated in the attached original lease agreement." The second states that the "minimum annual production and minimum royalty is $10.00 per acre or fraction thereof as stated in the attached original lease agreement." Neither of these imported provisions includes the lease renewal provisions of the 1966 leases. Consequently, since at least the time that the BLM and the lessee signed the 2004 lease renewals, the renewal provisions of the 1966 leases have no longer applied and the only renewal terms are those described in the 2004 leases, as quoted in the previous paragraph. Based on that well understood and unambiguous renewal language, the BLM has the same discretionary authority in considering whether to renew the 2004 leases as it had in issuing the initial 1966 leases.

In a recent memorandum to me from TMM's legal counsel,[12] TMM asks the BLM to ignore the plain renewal terms of the 2004 leases and instead apply the renewal provisions of the 1966 leases. TMM relies on extrinsic evidence, placing heavy reliance on the circumstances leading up to the earlier 1989 renewal, which TMM asserts provide evidence that the BLM intended to simply renew the leases under the exact same terms of the 1966 leases. TMM further asserts that the 2004 renewal, because it was executed using the same forms, must also have intended to renew the 1966 leases without any change in terms.

As explained below in the discussion of the 1966 lease terms, the 1989 and 2004 renewals differ from each other because the BLM's discretion was limited in 1989 but not in 2004. In particular, the 1989 renewal served as a one-time extension of time for commencement of production, as authorized under section 5 of the 1966 leases. But section 5 also states that if an extension is granted, the renewal must be on unaltered terms (other than royalty). Accordingly, under section 5 of the 1966 leases, the 1989 renewal was effectively a ten-year extension of the 1966 lease terms, and the use of standard renewal forms in 1989 could have no effect other than to extend the leases for ten years to allow for commencement of production. But because no production commenced during that extension, TMM was not entitled to any subsequent production extensions or renewals under the 1966 lease terms, so the BLM had discretion in 2004 over both whether to renew and the terms of any such renewal. The executed renewal in 2004 therefore has operative effect, and the plain language of the 2004 leases actually executed by the parties must be given effect. There is nothing in the duly executed 2004 leases that states that the 1966 terms somehow govern over the terms expressly set out in the 2004 leases.

[12] Memorandum from I. Daniel Colton, Partner, Dorsey & Whitney LLP, received under a cover letter dated January 26, 2016, to me from Kevin L. Baker, Director, Legal Affairs, Twin Metals Minnesota, LLC.

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TMM's reliance on extrinsic evidence to attempt to negate the 2004 lease terms does not comply with the law of contracts. In the absence of ambiguity in the relevant lease provision, it is improper to rely on extrinsic evidence. *See Coast Fed. Bank, FSB v. United States*, 323 F.3d 1035, 1040 (Fed. Cir. 2006) (en banc) ("If the provisions are clear and unambiguous, they must be given their plain and ordinary meaning, and we may not resort to extrinsic evidence to interpret them." (internal quotation marks and citation omitted)); *see also Shell Oil Co. v. United States*, 751 F.3d 1282, 1295 (Fed. Cir. 2014) (improper for government to rely on extrinsic evidence when contract provision is unambiguous); *Thoman v. Bureau of Land Mgmt. (on recon.)*, 155 IBLA 266, 267 (2001) ("If the contract language is clear and unambiguous, the terms of the agreement are given plain meaning and the intent of the parties and the interpretation of the agreement will be determined from the four corners of the document alone." (internal citations omitted)). Under this objective law of contracts, the subjective intent of the parties is not relevant unless there is fraud, duress, or mutual mistake, none of which is alleged by TMM. *See Armenian Assembly of Am., Inc. v. Cafesjian*, 758 F.3d 265, 278 (D.C. Cir. 2014) ("[T]he 'objective' law of contracts . . . generally means that 'the written language embodying the terms of an agreement will govern the rights and liabilities of the parties, [regardless] of the intent of the parties at the time they entered into the contract, unless the written language is not susceptible of a clear and definite undertaking, or unless there is fraud, duress, or mutual mistake." (alteration in original) (citations omitted)).

In this case, there is nothing ambiguous with the renewal provision contained in the 2004 leases: there is no conflicting renewal provision referenced elsewhere in the 2004 leases and the provision has a longstanding and well established meaning. While TMM has asserted that the "preferential right" to renew is ambiguous because it is susceptible of more than one meaning, that argument is without merit.[13] TMM misinterprets the 1982 Solicitor's Opinion, which held that the preference right to renew "gives the renewal lease applicant the legal right to be preferred against other parties should the Secretary, in the proper exercise of his discretion, decide to continue leasing." 1982 Solicitor's Opinion, 89 Interior Dec. at 178. In reaching this conclusion, the Solicitor included a discussion of the meaning of "preference right leases." That discussion focused on the rights gained in the *initial* leasing decision, and distinguished between "entitlement" leases, which are leases to which an applicant is by statute entitled to receive if it meets statutory criteria, and true "preference right leases," which are issued only if the Secretary decides to lease. *See id.* Based on this discussion, TMM asserts it is ambiguous whether its leases are entitlement leases or preference right leases. Even if this distinction altered renewal rights, which is an issue that does not need to be addressed for purposes of this memorandum, there is no ambiguity in this case. Neither of the statutory authorities under which the leases are issued—section 402 of Reorganization Plan No. 3 of 1946, 60 Stat. 1097, 1099-1100, and 16 U.S.C. § 508b—creates an entitlement to a lease or otherwise mandates the issuance of leases. To the contrary, both authorities expressly condition leasing on surface owner consent (in this instance the discretion of the Forest Service) and thus are discretionary. In short, there is no ambiguity, and the renewal provisions in the 2004 leases provide the BLM with discretion to decide whether to renew the leases.

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[13] A lease is not ambiguous merely because the parties disagree on the correct interpretation. *Thoman*, 155 IBLA at 267 (citing *Pollock v. Fed. Deposit Ins. Corp.*, 17 F.3d 798, 803 (5th Cir. 1994); *Stichting Mayflower Recreational Fonds v. Newpark Res., Inc.*, 917 F.2d 1239, 1247 (10th Cir. 1990)).

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Finally, even if the 1966 lease renewal terms were in effect, they do not prohibit the BLM from exercising its discretion to decide whether to renew the leases. Section 1(a) of the 1966 leases granted to the lessee "the exclusive right to mine, remove, and dispose of all the copper and/or nickel minerals and associated minerals . . . ." It also provided that renewal of the leases beyond the primary term is subject to 43 C.F.R. § 3221.4(f) (1966) and the provisions of the lease. Section 3221.4(f) provides that the lessee "will be granted a right of renewal for successive periods, not exceeding 10 years each, under such reasonable terms and conditions as the Secretary of the Interior may prescribe, including the revision of or imposition of stipulations for the protection of the surface of the land as may be required by the agency having jurisdiction thereover." Based on this regulation, the BLM included a conditional renewal provision in section 5 of the 1966 leases.

Section 5 of the 1966 leases describes both the conditions with which the lessee must comply to establish a right to renew the lease and the limitations on revisions to the lease terms when the lessee does have a right to renewal:

> Renewal Terms. The Lessor shall have the right to reasonably readjust and fix royalties payable hereunder at the end of the primary term of this lease and thereafter at the end of each successive renewal thereof unless otherwise provided by the law at the time of the expiration of any such period, and to readjust other terms and conditions of the lease, including the revision of or imposition of stipulations for the protection of the surface of the land as may be required by the agency having jurisdiction thereover; **provided, however, that the Lessee shall have the right to three successive ten-year renewals of this lease with any readjustment in the royalties payable hereunder limited to that hereinafter provided and with no readjustment of any of the other terms and conditions of this lease unless at the end of the primary term of this lease the Lessee shall not have begun production**, either hereunder or under the companion lease granted to the Lessee this day. The Secretary of the Interior may grant extensions of time for commencement of production in the interest of conservation or upon a satisfactory showing by the Lessee that the lease cannot be successfully operated at a profit or for other reasons, and the Lessee shall be entitled to renewal as herein provided without readjustment except of royalties payable hereunder if at the end of the primary or renewal period such an extension shall be in effect, but the Lessee shall not be entitled to subsequent such renewals unless it shall have begun production within the extended time. *If the Lessee shall be entitled to renewal without readjustment except of royalties payable hereunder, the Secretary of the Interior may in his discretion increase the royalty rate prescribed in subsection (b) of Section 2 up to, but not exceeding (i) 5% during the first ten-year renewal period, (ii) 6% during the second ten-year renewal period, and (iii) 7% during the third ten-year renewal period.* The extent of readjustment of royalty, if any to be made under this section shall be determined prior to the commencement of the renewal period.

1966 leases § 5 (emphases added). As explained more fully below, since at least 1986, the Solicitor's Office has interpreted section 5 to mean that, even if the Secretary can and does, as a matter of discretion, renew the lease to extend the time to commence production, there is no right

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to a further renewal when production[14] has not begun at the end of the first renewal-extension period.

The opening segment of the first sentence of section 5 describes the BLM's right to readjust the royalties and other terms and conditions at the renewal stage. This provision means that, as a general rule, if renewing the lease, the BLM is allowed to readjust not only the lease royalties but also other terms and conditions at the renewal stage, including stipulations to protect the surface.

The second segment of the first sentence following the semi-colon (highlighted in **bold** above) is a proviso that allows for three successive ten-year renewals, but conditions the lessee's right to those renewals on the lessee beginning production before the end of the primary term of the lease. The key conditioning language is at the end of the first sentence, as highlighted below:

> provided, however, that the Lessee shall have the right to three successive ten-year renewals of this lease with any readjustment in royalties payable hereunder limited to that hereinafter provided and with no readjustment of any of the other terms and conditions of the lease **unless at the end of the primary term of this lease the Lessee shall not have begun production, either hereunder or under the companion lease granted to the Lessee this day.**

This highlighted clause, which begins with "unless," qualifies the very right to renew and not merely, as the company has asserted, the phrase describing the level of discretion the BLM has to readjust the other terms and conditions of the leases upon renewal. In other words, the proper meaning of the proviso is clear when the last clause is placed next to the provision it actually qualifies: "[T]he Lessee shall have the right to three successive ten-year renewals of this lease . . . unless at the end of the primary term of this lease the Lessee shall not have begun production, either hereunder or under the companion lease granted to the Lessee this day."

This conclusion is evident by the construction of the proviso. The two readjustment limitations are tied together and modify the "right to three successive ten-year renewals" language. The use of the conjunctive "and" between the two readjustment phrases ("with any readjustment in royalties payable hereunder limited to that hereinafter provided **and** with no readjustment of any of the other terms and conditions of the lease") ties them together as a single modifier to the right-to-renew language. Accordingly, the production requirement set out as the last clause of the proviso cannot merely qualify the readjustment phrases, as contended by TMM, but must apply to the overall right of renewal. In this way the proviso makes any non-discretionary renewal contingent on the lessee meeting the production requirement first, and then the conditions of that renewal regarding royalties and lease terms are specified in the readjustment phrases.

This conclusion is further reinforced by the second sentence of section 5 (the portion of section 5 underlined above). That sentence has three clauses. The first clause provides that the BLM has

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[14] None of the Department's solid minerals leasing regulations—including those in force at the time of the 1986 Solicitor's Opinion, those promulgated immediately thereafter, and those currently in force—expressly define the term "production." However, the rights granted in section 1 of the 1966 leases are described as mining, removing, and disposing of the copper and/or nickel minerals and associated minerals in, upon, or under the leased lands. These activities may be viewed to reasonably describe production.

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the discretion to grant the lessee an extension beyond the primary term to begin production, if doing so would be in the interest of conservation or the lessee cannot operate the lease at a profit or for other reasons. The second clause states that, if an extension is granted, the lessee is entitled to a renewal in which the only revision allowed is to the royalties provision. These two clauses allow the lessee to use the first renewal as an extension time period to begin production. The third and final clause of the sentence, however, limits this right to a renewal if there is no production by the end of the extension: "but the Lessee shall not be entitled to subsequent such renewals unless it shall have begun production within the extended time." This final clause reinforces the preceding sentence's condition precedent that there must be production before the lessee has a "right" to subsequent renewals. The second sentence therefore again makes production a precondition for any right to renew and disallows the lessee from obtaining a "right" to a renewal if no production has occurred during the primary term or an extension that the Secretary may grant for commencement of production.

The third sentence of section 5 (the portion of section 5 in *italics* above) describes the degree to which the BLM may readjust the royalty if the lessee is entitled to a "limited adjustment" lease renewal under the first sentence, i.e., the Lessee is "entitled to renewal without readjustment except of royalties payable hereunder . . . ." But without production, there would be no such entitlement.

Taken as a whole, the language of section 5 does not give the lessee a non-discretionary right to three successive renewals. Rather, production is the condition precedent for the lessee to obtain any lease renewals of right. There is no right of renewal if there has been no production before the end of the primary term or at the end of any renewal that the BLM grants to extend the time for the lessee to commence production. The fact that the lease terms expressly state that subsequent renewals of right are not available if no production occurs during any extension the BLM may grant for commencement of production reiterates the linkage between renewals of right and production. It would be incongruent to link only the benefit of unchanged lease terms to production, while leaving the lease renewal and royalty readjustment terms unaffected by a lack of production. Such arbitrary line drawing would create little incentive for the lessee to develop the minerals, which is the entire purpose for these mineral leases. In contrast, when production is a condition precedent for lease renewals, the lease renewal provision effectively serves as a minimal due diligence provision for the lessee.[15]

TMM asserts a different interpretation though. TMM reads the proviso of the first sentence of section 5 to grant the lessee a non-discretionary right of renewal, with such right of renewal limited only to royalty readjustment and with no readjustment of any other lease terms. TMM also reads the production requirement in the provision—"unless at the end of the primary term of

[15] We note that section 14 of the 1966 leases does not change this conclusion. Section 14 sets forth the royalty rates that would apply in the second ten years of the primary lease term and in the first, second, and third ten-year renewal periods, if the lessee were to sink a shaft for underground exploration or development or otherwise begin commercial development within five years of obtaining the rights and authorizations for construction, operation and maintenance of the leased premises. According to TMM, in 1967, its predecessor in interest, INCO, sunk an 1100-foot shaft for exploration and development on lease MNES 01352. TMM asserts that section 14 contractually entitles it to these royalty rates during each of three renewal periods. However, nothing in section 14 provides for a non-discretionary right of renewal. Rather, section 14 merely describes the royalty rate that would apply during the first three ten-year renewals. It does not grant those renewals and does not state that sinking an exploration or development shaft entitles the lessee to those renewals.

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this lease the Lessee shall not have begun production"—to modify only the readjustment limitation language, not the right to renewal language. Under TMM's interpretation of the provision, if the lessee begins production within the primary term, the BLM may make only limited royalty adjustments, as provided in the leases, and no adjustments to any other lease terms. If, on the other hand, the lessee fails to begin production within the primary term, according to TMM, the lack of production negates only the readjustment limitations in the provision, and the BLM would be able to impose greater royalty readjustments and readjust other terms and conditions of the leases upon renewal. In other words, under the company's reading, a right to three successive ten-year renewals begins immediately following the primary terms regardless of whether production has occurred, and section 5 only affects the parameters for the BLM's readjustment of the lease terms in those non-discretionary three renewals.

In addition to being unsupported by the terms of the proviso as described above, TMM's interpretation would allow it to hold the leases without any need to produce minerals in paying quantities for at least fifty years, and longer in this instance given the time to process the lease renewals. This interpretation not only conflicts with the plain wording of the 1966 lease terms but also is contrary to the very intent of the applicable statutory framework under which the Secretary may authorize mineral development with an expectation of revenues, not speculative land holdings. *See* Reorganization Plan No. 3 of 1946 § 402, 60 Stat. 1097, 1099-1100; 16 U.S.C. § 520. Interpreting the leases to allow for three non-discretionary renewals covering a thirty-year time span without the occurrence of the very underlying activity for which the leases are issued in the first place would defeat the purpose of entering into the lease. Such an interpretation would allow for the speculative holding of mineral rights, which is contrary to Congress's intent to encourage productive mineral development while also providing a fair return to the American taxpayer.

Our interpretation that section 5 requires the lessee to begin production to obtain the benefit of any non-discretionary right of renewal is not only mandated by the lease terms, but is consistent with the regulation regarding renewal applications cited in the lease. Section 1(a) of the 1966 leases requires the renewals to be in accordance with 43 C.F.R. § 3221.4(f) (1966), which in turn requires that renewal applications "must be filed in a manner similar to that prescribed for extension of a prospecting permit in § 3221.3(a)." Under 43 C.F.R. § 3221.3(a), a prospector must show that he or she has "diligently performed prospecting activities" to support an application for an extension of a prospecting permit.[16] Allowing for the difference between a prospecting permit application and a lease renewal application, § 3221.3(a) requires that the lease renewal application include a showing of diligence in performing the lease activities (rather than the prospecting activities), which are reasonably viewed, consistent with the rights granted in section 1 of the lease terms, as mining, removing, and disposing of the copper and/or nickel minerals and associated minerals—i.e., production. Consequently, by stating that any renewals must be "in accordance with 43 C.F.R. § 3221.4(f)," the lease terms again identified production as the baseline for obtaining a renewal of right. Based on the lease terms as a whole, and because there has been no production during the primary term or the succeeding extensions through lease renewals that the BLM has granted, TMM has not satisfied the condition precedent

[16] Under 43 C.F.R. § 3221.3(a) (1966), in addition to making a show of diligence, the applicant must file an application in triplicate within ninety days before the expiration date of the lease term and must pay a filing fee.

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for obtaining a renewal of right and, therefore, the BLM has discretion to make a decision regarding whether to renew the leases even if the 1966 renewal terms were in effect.

In addition, the Solicitor's Office has already concluded that the BLM is not required to renew the 1966 leases as a matter of right if there has been no production. In 1986, the Associate Solicitor for the Division of Energy and Resources sent a memorandum to the Deputy State Director for the BLM Eastern States Office responding to three questions from the Deputy State Director.[17] The first question was whether it was possible to grant lease renewals (for the same leases that are at issue here) when the leases had never been in production. In response, the Associate Solicitor examined the terms of the lease to determine whether or not lack of production precludes extending the lease term. The Associate Solicitor then relied on the second sentence of section 5 (the portion of section 5 underlined above) to conclude that, while the leases may be extended for a period not exceeding ten years even though production has not occurred, if production does not occur during the period of extension, "no further extensions will be allowed in accordance with the terms of the lease." Consistent with this legal advice and the provisions of section 5 of the 1966 leases, the BLM granted a ten-year extension by renewing these two leases in 1989.

As noted above, the BLM also renewed the leases for a second ten-year period in 2004. Because no production had occurred by that time, the BLM's decision to renew the leases in 2004 was discretionary. The BLM's decision to renew the leases in 2004 does not impede the BLM from again exercising discretion regarding the lessee's application for a third renewal of the leases, particularly where this office has previously concluded that the agency need not allow additional pre-production renewals.[18]

It should be noted that the lessee's payment of minimum royalties in lieu of production does not alter the foregoing analysis.[19] The payment of minimum royalties is certainly one incentive to produce that was imposed by the 1966 leases, but that incentive worked in tandem with the one created by the leases' production precondition for mandatory renewals. The second incentive

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[17] *See* Memorandum from Associate Solicitor, Energy and Resources, signed by Kenneth G. Lee, Assistant Solicitor, Branch of Eastern Resources, to Deputy State Director, Mineral Resources, Eastern States Office, Bureau of Land Management, "Application for Minimum Royalty Waiver Submitted by INCO Alloys International, Incorporated for Leases ES 01352 and ES 01353" (Apr. 2, 1986) (Attached).

[18] TMM has made no showing in its pending renewal application under 43 C.F.R. § 3221.4(f) (1966) that would entitle it to a third and final renewal under section 5 of the 1966 leases. TMM has never begun production. TMM's predecessor, INCO, sunk a development shaft and conducted bulk sampling, but neither of those actions qualifies as beginning production. Without any showing of diligence in mining, removing, or disposing of the copper, nickel, and associated minerals, and without beginning production, TMM is not entitled to any further non-discretionary ten-year renewals. TMM has also asserted that the Department of the Interior is prohibited by 30 U.S.C. § 184(h)(2), as well as the Department's regulations at 43 C.F.R. § 3514.40 (2015), from "cancelling" TMM's interest in the leases at issue as TMM is a bona fide purchaser. But the cancellation regulations have no applicability where, as here, the decision is whether to renew a lease. Were BLM to exercise its discretion to deny the lease renewal application, it would not be cancelling the leases, as contemplated by 30 U.S.C. § 184(h)(2) and 43 C.F.R. § 3514.40, but rather would be allowing leases that have been in existence for fifty years without production to terminate by their own terms.

[19] The original leases do not mention minimum royalties as a way to fulfill the production requirement. And section 2(b) of TMM's 2004 leases merely provides that "[a]t the request of the lessee, made prior to initiation of the lease year, the authorized officer may allow in writing the payment of a $3.00 per acre or fraction thereof minimum royalty in lieu of production for any particular lease year."

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expired when no production occurred by the end of the extension period granted by the 1989 renewal. While the 2004 renewal leases retain the minimum royalties payment incentive, that fact has no impact on the renewal provision of the 2004 leases. Of course, for the leases to continue in effect during the renewal period, the lessee was required to continue to meet its obligation to pay royalties in lieu of production. However, that payment was and is not equivalent to production and does not somehow entitle the lessee to obtain a lease renewal of right; instead, it merely keeps the leases from terminating during the extension time period the BLM has granted through a lease renewal.

The fact that the payment of royalties in lieu of production cannot be the basis for establishing the right to renew, and cannot be a *de facto* means of extending a lease in perpetuity, is also clear from IBLA case law. In *General Chemical (Soda Ash) Partners*, the IBLA held that minimum royalties in lieu of production have "nothing to do with whether the Secretary, in looking at production from the mine of which the lease is a part at the end of the current lease term, will renew the lease for an additional term." 176 IBLA at 9. The Board further held, "Moreover, '[t]he Secretary has the authority to encourage production and development of federally leased sodium resources *both through minimum development and production requirements and minimum royalties* imposed on each lease." *Id.* (emphasis in original) (quoting 1982 Solicitor's Opinion, 89 Interior Dec. at 185). The leases here use precisely both mechanisms to encourage production, albeit not successfully in this instance.

Conclusion

For the foregoing reasons, the lessee has not established a non-discretionary right to a third ten-year renewal. Under the governing 2004 lease terms, the BLM has the same discretion regarding whether to renew the lease for a third time as it had in determining whether to grant the initial lease. While the 2004 lease terms give the lessee a preference over other potential lessees to lease the lands in question, they do not entitle the lessee to non-discretionary renewal of the leases.

Hilary C. Tompkins

Attachment

AMERICAN OVERSIGHT

United States Department of the Interior

OFFICE OF THE SOLICITOR
350 South Pickett Street
ALEXANDRIA, VIRGINIA 22304

BLM.ER.0335

APR - 2 1986

Memorandum

To: Deputy State Director, Mineral Resources (970)
Eastern States Office, Bureau of Land Management

From: Associate Solicitor, Energy and Resources

Subject: Application for Minimum Royalty Waiver Submitted by INCO Alloys International, Incorporated for Leases ES 01352 and ES 01353

You have requested a legal opinion addressing three questions raised in a memorandum from the Milwaukee District Office. The answers along with these questions are set forth below.

Question No. 1: "Is it possible to grant lease renewals for these leases when the leases have never been in production? The lease documents and the regulations are not clear on this point. This question will surely be asked by INCO since the initial 20 year lease term expires on May 31, 1986."

A lease for hardrock minerals may be issued for a period not exceeding 20 years. The primary term on the subject leases was for a 20 year period. The lease shall be subject to a preferential right to renew for a term not to exceed 10 years at the end of the initial term and each succeeding term thereafter, upon such terms and conditions as may be incorporated in each lease or prescribed in the general regulations issued by the Secretary. 43 C.F.R. 3520.2-1(a)(2). The Secretary of the Interior has promulgated no regulations that require production as a prerequisite to the extension of such leases. Accordingly, we must look to the terms of the lease to determine whether or not lack of production precludes extending the lease term. Section 5 of the lease states that, "The Secretary of the Interior may grant extensions of time for commencement of production in the interest of conservation or upon a satisfactory showing by the lessee that the lease cannot be successfully operated at a profit or for other reasons . . . but the lessee shall not be entitled to subsequent such renewals unless it shall have begun production within the extended time." Therefore, according to the terms of the lease, such lease may be extended even though production has not occurred, for a period not exceeding 10 years. If production does not occur during the period of extension, no further extensions will be allowed in accordance with the terms of the lease.

Question No. 2: "INCO has been given waivers of minimum royalty payments for 5 years due to condition beyond its control (i.e.,

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DOI-19-0291, 19-0538-C-000101

environmental analysis), and is now asking for a waiver based on additional conditions beyond its control (i.e., low copper and nickel prices). Has BLM set a binding precedence [sic] by granting the original waivers?"

INCO's failure to pay minimum royalties as set forth in section 2(c) of the lease, constitutes a breach of the covenants and conditions contained in the lease agreement. In section 6(b) of the lease, the United States reserved the right to waive any breach of the covenants and conditions contained therein but any such waiver shall extend only to the particular breach so waived and shall not limit the rights of the lessor with respect to any future breach. Therefore, waiver of a prior breach of the minimum royalty payments, does not obligate the Bureau to grant any subsequent waivers.

Question No. 3: Section 2(c) of the lease states, "Lessee [sic] may . . . waive . . . minimum royalty payments for reasonable periods of time . . . ." Waivers were given for the first 5 years they were due, which is one-fourth of the initial lease term. Would granting of further waivers be conceived to extend beyond a "reasonable period?"

Section 2(c) states that, "Lessor may in its discretion, waive, reduce, or suspend the minimum royalty payment for reasonable periods of time in the interest of conservation or when such action does not adversely affect the interest of the United States. . . ." Whether or not the waiver period is "reasonable" must be determined by an examination of the purpose for which such discretion was exercised. Obviously if the reason for such waiver was due to a condition that only existed for 3 years, then a waiver of minimum royalty for a 10 year period would probably be deemed unreasonable. We suggest that the information submitted by the lessee be examined and considered in its entirety in order to determine what is reasonable given the facts set forth in that information. In addition, the reasonable period of time is to be viewed in the context of the "interest of conservation" and the "interest of the United States."

If you should have any further questions relating to this matter, please contact Barry Crowell at 274-0204.

Kenneth G. Lee
Assistant Solicitor
Branch of Eastern Resources

Attachment

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The M-Opinions were suspended and temporarily withdrawn by the acting Secretary, Jack Haugrud (who is now the acting Solicitor), pending a review by the new leadership of the decisions they were meant to support. The suspension decision is here, and the four opinions are:

- M-37042: Authority of the FWS to Manage Non-Federal Oil and Gas Activities Underlying National Wildlife Refuges
    - Underlying decision: The FWS final rule on management of non-federal oil and gas development on ands in on the National Wildlife Refuge.
    - Timing: published in the *Federal Register* on November 14, 2016; become effective 30 days after on December 14, 2016.
- M-37041: Incidental Take Prohibited Under the Migratory Bird Treaty Act
    - Underlying decision: FWS proposed MBTA take permit rule
    - Timing: Notice of Intent to prepare a PEIS published on May 26, 2015
- M-37039: The BLM's authority to Address Impacts of its Land Use Authorizations through Mitigation
    - Underlying decisions: BLM mitigation policy; BLM Planning 2.0
    - Timing: finalized January 7, 2017 and December 13, 2016, respectively
- M-37038: Tribal Treaty and Environmental Statutory Implications of the Dakota Access Pipeline
    - Underlying decision: DAPL
    - Timing: Pending

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July 1, 2016

Seth P. Waxman

+1 202 663 6800 (t)
+1 202 663 6363 (f)
seth.waxman@wilmerhale.com

The Honorable Sally Jewell
Secretary of the Interior
Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Re: Twin Metals Minnesota Mineral Lease Renewals

Dear Secretary Jewell:

Twin Metals Minnesota is in receipt of a March 8, 2016, opinion from Solicitor Hilary Tompkins (the "Solicitor's Opinion" or "Opinion") regarding the company's right to renew two mineral leases on federal land within Minnesota's Superior National Forest. The Opinion concludes (p.1) that Twin Metals does not have a non-discretionary right to renewal of the leases, and that, instead, the Bureau of Land Management "has discretion to grant or deny the pending renewal application." That conclusion has unjustifiably cast a cloud of uncertainty over Twin Metals' valid existing rights to the minerals and jeopardized its substantial investment to date. The Solicitor's conclusion is both legally erroneous and predicated on a fundamental misunderstanding of the policy considerations and factual background that led to the issuance of these unique leases 50 years ago. We request that you rescind the Opinion and reaffirm Twin Metals' non-discretionary right to renew the leases.[1]

1. The Opinion's Legal Analysis Is Flawed

Contrary to the position in the Opinion, Twin Metals has a contractual right to renewal. The enclosed legal memorandum describes in detail the errors in the Solicitor's analysis. In summary, the terms of the original 1966 leases unambiguously vest Twin Metals with a non-discretionary right to renewal, a right that is not contingent on the initiation of production. The parties' course of conduct throughout the lease period confirms their intent to grant that non-discretionary right. This course of conduct includes the original granting of prospecting permits, the discovery of a valuable mineral deposit, the process by which the leases were negotiated, and the subsequent renewals of the leases in 1989 and again in 2004. Nothing in this course of conduct suggests that the parties intended to deny Twin Metals or its predecessors the critical non-discretionary renewal right.

[1] The Secretary has the authority to overturn opinions of the Solicitor under 43 C.F.R. §4.5(a)(2).

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DOI-19-0291, 19-0538-C-000104

The leases do not make Twin Metals' right to renewal contingent on the initiation of production within a specified time period. Instead, the parties negotiated higher-than-usual royalty payments in lieu of a production requirement, in recognition of the enormous time and effort that would be required before development would be feasible. Section 5 of the leases does specify that, as part of the renewal process, BLM may "readjust" the terms and conditions of the leases in enumerated circumstances. But it may not deny the renewals altogether.

2. The Opinion Misunderstands The Policy And Factual Background Of The Leases

A non-discretionary right to renew is consistent with established policy favoring mineral development in select portions of the Superior National Forest. The Opinion is contrary to that longstanding policy and reflects a misunderstanding of the history of mineral leasing in Minnesota in general, and the unique factual circumstances that led to these leases in particular.

In 1950 Congress expressly opened Forest land to mineral exploration and development. *See* Pub. L. No. 81-594, 64 Stat. 311 (June 30, 1950) (codified at 16 U.S.C. §508b). The legislative history makes clear that Congress intended not merely to permit, but in fact to *encourage*, mining on public lands within the Forest—based in part on testimony from officials at the Departments of Agriculture and Interior that it was "*highly desirable* to permit the prospecting, development, mining, removal, and utilization of the mineral resources." S. Rep. No. 81-1778, at 2 (1950) (emphasis added).

Twin Metals' leases were issued under this 1950 Act (and in fact are the only leases for mineral rights within the Superior National Forest ever granted under the statute). Twin Metals' predecessor obtained a prospecting permit in 1951 and, following the discovery of a valuable hardrock mineral deposit, engaged in lease negotiations with the government over the course of a decade. Those extensive negotiations culminated in the signing in 1966 of these two leases.

Crucially, by the time the leases were signed, Twin Metals' predecessor was *entitled* to such a lease, based on its discovery of a valuable mineral deposit. The lease terms were then tailored to address the unique characteristics and challenges associated with the discovered deposits. The parties drew on concepts from other hardrock mineral leases, in particular the concepts of "non-competitive" and "in-determinate" leases. As a result, BLM agreed—consistent with policy for hardrock minerals discovered in unknown geologic deposits—to a non-discretionary right to successive renewals of the mineral leases, consistent with Congress's intent to give

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private parties (such as Twin Metals and its predecessors) an incentive to bear the risk and commit the resources necessary to evaluate and define an unknown hardrock mineral resource. The Solicitor's Opinion would allow the government to renege on this agreement.

Notably, Congress reaffirmed its support for mining in the Superior National Forest well after the issuance of the leases, when it designated the Boundary Waters Canoe Area Wilderness in 1978. *See* Pub. L. No. 95-495, 92 Stat. 1649 (1978). The product of intense public debate, the act reflected a compromise that balanced the interests of preservation with the need for access to important mineral resources in the Forest. While mineral development was prohibited in the Area Wilderness, it was expressly permitted in other parts of the Forest—including the lands subject to Twin Metals' leases. To ensure that the mineral development would not harm the Area Wilderness, Congress established a "Mining Protection Area" bordering the wilderness to serve as a buffer zone. *See id.* §§9-10, 92 Stat. at 1655. The areas covering Twin Metals' leases are located outside of this buffer zone.

Consistent with Congress's intent, the Superior National Forest Land and Resource Management Plan, updated most recently in 2004, states that "[e]xploration and development of mineral and mineral material resources" is a "desired condition" and is explicitly permitted on Forest land outside the Area Wilderness and the buffer zone. The Management Plan further recognizes that responsible mining in the Forest is beneficial to both economic and national defense interests.

The Opinion does not account for this crucial policy context. Hardrock mineral development is inherently risky, difficult, time-consuming, and expensive. No reasonable party would have explored for minerals and then entered into a lease that did not account for this reality by guaranteeing long-term mineral rights, and no company would have been willing to incur the substantial cost of exploration and development activities without such an assurance.

In short, Congress has concluded that mineral development is desirable on the Superior National Forest lands subject to Twin Metals' leases. It is not for the agency to second-guess that determination. Twin Metals (and its predecessors) explored for and discovered a valuable hardrock mineral deposit, which represents one of the world's largest undeveloped resources of copper and nickel. The promise of secure, long-term mineral rights is precisely what the parties negotiated and memorialized in the terms of the 1966 leases, and affirmation of that right is what Twin Metals seeks and is entitled to today.

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3. The Solicitor's Opinion Has Caused Twin Metals Significant Harm

By purporting to deprive Twin Metals of its contractual rights, the Solicitor's Opinion has caused Twin Metals—and will continue to cause it—substantial and immediate harm.

In reliance on the security of its mineral tenure, Twin Metals has invested approximately *$400 million* in acquisition, exploration, technical development, and other preliminary activities to define the mineral deposit and prepare for future development of the resource. Twin Metals conservatively estimates that its federal leases cover lands containing more than $40 billion of in-ground mineral value. In addition, Twin Metals has discovered additional valuable federal mineral deposits, and also possesses adjacent state and private leases that together encompass another $90 billion of in-ground mineral value. The lands subject to Twin Metals' leases are interconnected with its other mineral rights; development of one lease affects the development of the others. Thus, denying Twin Metals' right to renew its federal leases also prejudices the discovery of its other federal mineral rights and jeopardizes the value of its state and private leases.

The possibility that BLM will exercise its purported discretion to grant rather than deny Twin Metals' renewal applications is no substitute for the rights Twin Metals properly has under the leases. A non-discretionary right to renew is a fundamentally different property right from a lease that can be terminated at BLM's discretion every 10 years. If the Solicitor's Opinion stands, Twin Metals will have no protection against a future denial. This uncertainty will inhibit Twin Metals' long-term planning, investment, development, and operational decisions. It also casts doubt on Twin Metals' ability to recoup the significant investment it has already made.

4. The Only Issue At This Stage Is The Proper Interpretation Of The Leases

Twin Metals is committed to protecting Minnesota's wilderness and natural environment; it understands and shares the desire to safeguard the Area Wilderness and its watershed. Twin Metals intends to deploy state-of-the-art technologies to develop the natural resources held under its federal, state, and private mineral leases within the Superior National Forest in an environmentally sensitive manner, and thus is confident that it can design a responsible, environmentally sound mining plan that meets or exceeds all federal and state requirements.

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The government will have every opportunity to confirm that for itself, because any future operations under the leases will be subject to stringent environmental review by federal and state agencies pursuant to the National Environmental Policy Act, Minnesota Environmental Policy Act, and other laws. In fact, the leases require that the government approve any proposed plan of operations based on a consideration of potential environmental impacts, including water pollution and ground disturbances. Thus, once a future mining plan is developed, Twin Metals expects and welcomes a rigorous environmental review and stakeholder engagement process.

But that is not the question now. The lone question at this stage is whether Twin Metals has a non-discretionary right to renew the leases. That is separate from the question whether any future mining project will be approved. The appropriate time to evaluate potential environmental impacts and required mitigation measures is when a site-specific proposal is submitted. All Twin Metals asks today is that its longstanding contract-based property rights in the two leases be reaffirmed.

* * *

For the reasons above and those given in the attached legal memorandum, we request that you exercise your authority to rescind the Solicitor's Opinion. Twin Metals is committed to working with you and others within the Department to reach a resolution of this issue, but is also prepared, if necessary, to take any other available actions to secure its mineral rights, and will regard any action taken in reliance on the Solicitor's Opinion as subject to challenge. In hopes of minimizing the need for such action, I request an opportunity to meet with you and your staff in the very near future to discuss these issues further.

Yours sincerely,

Seth P. Waxman

Seth P. Waxman

cc: Honorable Thomas Vilsack

AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Deeley, Blake
Subject:	Thanks.
Date:	Tuesday, November 14, 2017 12:15:09 PM
Attachments:	20171024_encampment_letter_explorer_intent_to_terminate.pdf

Encampment Minerals has provided the MiningMN trade association a letter whereby Encampment relinquishes rights to 23 state mineral leases, citing as cause the USFS withdrawal proposal.

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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ENCAMPMENT MINERALS, INC.

Two Midtown Plaza, Suite 1990
1349 West Peachtree Street
Atlanta, Georgia 30309
Phone (404) 876-1990
Fax (404) 876-6532

P. O. Box 1186
Golden, Colorado 80402
Phone (303) 619-0311
Fax (303)-279-1197
Email: CHATHL@AOL.COM

October 24, 2017

Mr. Jess Richards
Director, Division of Lands and Minerals
Department of Natural Resources
500 Lafayette Road
Saint Paul, MN 55155-4045

Dear Director Richards:
Encampment Minerals, Inc. (EMI), with this letter, provides notice that it is relinquishing 23 (twenty three) Minnesota state mineral leases effective as soon as the 60 day notice period expires from the date of this letter. The leases are listed below. These leases consist of state mineral lands generally about 8 to 15 miles west to southwest of Isabella in Lake County in townships T58N, R10W and T59N, R10W. These are north of or on the Laurentian Divide and are intertwined with Superior National Forest lands for which the USFS has proposed a 20 year withdrawal from mineral entry.

Encampment leased these lands in 2012 to pursue innovative, grassroots exploration concepts for Cu-Ni-PGM mineralization in the interior of the Duluth Complex. However, the proposed USFS withdrawal discourages EMI from further exploration because development of any discovery on state leases would likely require access across USFS lands, access to BLM minerals, or other activity in an area now clouded by regulatory uncertainty.

Mineral leases to be relinquished:

MM-10423	MM-10431	MM-10439
MM-10424	MM-10432	MM-10440
MM-10425	MM-10433	MM-10441
MM-10426	MM-10434	MM-10442
MM-10427	MM-10435	MM-10443
MM-10428	MM-10436	MM-10444
MM-10429	MM-10437	MM-10445
MM-10430	MM-10438	

Respectfully,

Harold J. Noyes
President

AMERICAN OVERSIGHT

From: Martin, Timothy
To: "Katharine_MacGregor@ios.doi.gov"
Subject: Update on D.C. Visits
Date: Tuesday, April 18, 2017 2:36:21 PM
Attachments: Letter to The Honorable Ryan Zinke.pdf

Hi Kate,

I wanted to follow up on this email. Last week I sat down with Andrew, Josh, and Chris at House NR Committee to discuss the Twin Metals project. They suggested I reach out to notify you of some important updates. The CEO of the parent company Antofagasta/Twin Metals will be in DC on May 2 and morning of May 3rd. We would very much like to have him meet with Secretary Zinke. The letter attached and has been submitted through formal scheduling channels.

As you know, this potential project could mean 1,000 jobs and $2 billion investment. If you have 10-15 minutes before the visit, I'd greatly appreciate an opportunity to update you on where the projects stands and gather your insight.

Thanks for your time and consideration.

Best,
Tim

From: Martin, Timothy
Sent: Thursday, March 30, 2017 11:01 AM
To: Katharine_MacGregor@ios.doi.gov
Subject: Request for a Meeting

Hi Kate,

I hope my email finds you well, as I'm sure you are slammed. Congratulations! I really enjoyed working with you and the NR Committee during my time in Rep. Tipton's office DOI is very lucky to have you.

I was hopeful you might have some time next week to meet briefly. I would like to pick your brain a bit on a Natural Resource issue I am working on.

I had the opportunity to sit down with Kathy Benedetto and Marshall Critchfield last week. It was productive, but I thought it would be beneficial to discuss with you as well.

Happy to work around your busy schedule. Keep up the good work.

Best,
Tim

Tim Martin | WilmerHale

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1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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ANTOFAGASTA PLC

April 17th, 2017

The Honorable Ryan Zinke
Secretary of the Interior
U.S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Secretary Zinke:

As the Chief Executive Officer of Antofagasta plc, one of the largest copper producers in the world, I have been proud to support the development of strategic minerals in the United States. As such, I write to respectfully request a meeting to discuss the Twin Metals Minnesota project during my visit in Washington, D.C. on Tuesday, May 2nd or Wednesday, May 3rd.

As you know, Twin Metals is a mineral development project, currently in the exploratory phase, in an area of the Superior National Forest of Minnesota. If allowed to proceed, this project will create thousands of jobs and infuse millions of dollars into the regional economy. We anticipate the project to unlock access to one of the world's largest deposits of valuable minerals that includes copper, nickel, platinum, gold, and silver. Our exploration of these strategic resources and designs to develop them through environmentally sound and scientifically rigorous processes has already cost upwards of $400 million in investment to date.

Unfortunately, as you are aware, our past and future investment now hangs in the balance, due to decisions made in the last days of the Obama administration, including:

1) the Solicitor's M-Opinion concluding that the Bureau of Land Management (BLM) has the discretion to deny these mineral leases in Minnesota;
2) the BLM's decision to rescind Twin Metals' mineral leases based on the M-Opinion;
3) the joint decision of the BLM and U.S. Forest Service to initiate a process to withdraw hundreds of thousands of acres from mineral development, thereby threatening any future mineral development in the region.

I hope to have the opportunity to discuss a viable path forward with you. Rob Lehman at WilmerHale will be handling the scheduling of my meetings on May 2nd and May 3rd. He can be reached at rob.lehman@wilmerhale.com or (202) 663-6907.

Thank you for your time and consideration of this request.

Sincerely,

Iván Arriagada
Chief Executive Officer
Antofagasta plc

Av. Apoquindo 4001, Piso 18,
Las Condes, Santiago, Chile.
CP: 7550162
Tel. (56-2) 2798 7000
www.aminerals.cl

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LOS PELAMBRES
CENTINELA
ANTUCOYA
ZALDIVAR

DOI-19-0291, 19-0538-C-000113

From: downey_magallanes@ios.doi.gov
To: rob.lehman@wilmerhale.com; monica.goncalves@wilmerha e.com
Subject: Updated inv tat on with note: Coffee- R.L. @ Tue Jul 10 2018 3:15pm - 3:45pm (EDT) (rob.lehman@w lmerhale.com)
Attachments: inv te.ics

This e ent has been changed with this note
Please see updated time and let me know if this does not work
more details » <https //www.google.com/calendar/e ent?
action=VIEW&eid=NDBxYTJqZmczNzk3b3Ryam5wMjNmcGlpaWQgcm9iLmxlaG1hbkB3aWxtZXJoYWxlLmN bQ&tok=MjkjZG93bmV5X21hZ2FsbGFuZXNAaW9zLmR aS5nb3ZjN2MyMzUyN2EyYjMzMjhmYmM2ZGJmZDVjMTYwMGM5OGQ0YTg5Zjk1&ctz=America%2FNew_York&hl=en&es=0>

Coffee- R.L.
When Changed Tue Jul 10 2018 3 15pm – 3 5pm Eastern Time
Where Greenberry's Coffee 1805 E St NW Washington DC 20006 USA (map <https //maps google.com/maps?q=Greenberry%E2%80%99s Coffee 1805 E St NW Washington DC 20006 USA &hl=en>)
Video call https //hangouts.google.com/hangouts/_/doi.go /downey-magallan <https //hangouts.google.com/hangouts/_/doi.go /downey-magallan?hceid=ZG93bmV5X21hZ2FsbGFuZXNAaW9zLmR aS5nb3Y. 0qa2jfg3797otrjnp23fpiiid>
Calendar rob.lehman@wilmerhale.com
Who • downey_magallanes@ios.doi.go - organizer
• lacey_smethers@ios.doi.go - creator
• rob lehman@wilmerhale.com
• monica.goncal es@wilmerhale.com

Going? Yes <https //www.google com calendar/e ent?
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Goncalves, Monica on behalf of Lehman, Rob
To: downey_magallanes@ios.doi.gov
Subject: [EXTERNAL] Accepted: Invitation: Coffee- R.L. @ Tue Jul 10, 2018 3:30pm - 4:30pm (EDT) (rob.lehman@wilmerhale.com)

AMERICAN OVERSIGHT

From: Lehman, Rob
To: "joseph_balash@ios.doi.gov"
Subject: [EXTERNAL] Accepted: Invitation: Twin Metal @ Mon May 7, 2018 4pm - 4:30pm (EDT) (rob.lehman@wilmerhale.com)

AMERICAN OVERSIGHT

From: Goncalves, Monica on behalf of Lehman, Rob
To: downey_magallanes@ios.doi.gov
Subject: [EXTERNAL] Accepted: Updated invitation with note: Coffee- R.L. @ Tue Jul 10, 2018 3:15pm - 3:45pm (EDT) (rob.lehman@wilmerhale.com)

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Subject: [EXTERNAL] Accepted: Updated invitation: Coffee- R.L. @ Tue Jul 10, 2018 3:30pm - 4pm (EDT) (rob.lehman@wilmerhale.com)

AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Any update
Date: Friday, June 15, 2018 4:51:24 PM

Gold Rock EIS?

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Are you going to MN?
Date: Tuesday, June 19, 2018 11:06:07 AM

Let me know if you have time for very quick call (b) (6)

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: [EXTERNAL] Can we touch base tonight or tomorrow?
Date: Wednesday, April 17, 2019 6:55:55 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Can we visit in the next couple days?
Date: Wednesday, March 13, 2019 6:07:04 PM

Joe,

I just wanted to catch up on a couple issues and also see if I could get update on process for consent right for lease renewal.

Thank you.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: [EXTERNAL] Checking In
Date: Monday, September 17, 2018 11:28:56 AM

Hi James,

I hope you are well. Thanks again for the time last month, very insightful.

Just curious if this one has crossed your desk? Happy to add more context if you have time for a quick call at some point as well.

Project Overview of the King II Coal Mine

- An underground coal mine, located near Durango, Colorado.
- BLM regulates minerals; OSM has a permitting responsibility on behalf of tribes.
- Overview of the lease, lease modification, and lease-by-application (LBA) areas

- **The Problem: Depleting Reserves**
  - The King II mine is quickly approaching the end of its authorized reserves. Under existing market conditions, the currently authorized reserves will be depleted by March 2022, and as soon as March 2021 under favorable market conditions.

- **Pending Agency Reviews**
  - In January 2018, GCC submitted an LBA that would keep the mine operational at current levels for up to twenty more years, maintaining generations of highly-paid jobs in the area. BLM And OSM are now reviewing the LBA.
  - Because of the near-depleted resources in King II's currently authorized area, time is of the essence for the review of the pending LBA.
  - Without timely LBA approval, the resource likely will not be recovered because it would not be economically feasible for any other mining operation to do so.

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Did you know Sen. Tillis" former COS Ray Starling?
Date: Wednesday, June 6, 2018 4:35:06 PM

As you may know, he was at NEC in the White House for the last year. I understand he just started as USDA new Chief of Staff for Sec. Perdue. I know you sometimes have "issues" with our friends at USDA!

By chance is there any change in the status of the Fiore Gold Rock EIS?

Hope you didn't get any flooding from past storms. As you may remember, my folks live 1 mile outside of old Ellicott City.

Rob

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: [EXTERNAL] Do you have time for quick call my cell is (b) (6) desk 202-663-6907
Date: Monday, June 25, 2018 1:20:44 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Blake Deeley
Subject: [EXTERNAL] Fwd: Department tests ways to speed project reviews — Bernhardt
Date: Tuesday, July 3, 2018 10:55:40 AM

Hi Blake,

Happy 4th! I hope you are not still in the office but just wanted to check in if there were any updates on Gold Mine in NV? It would seem the project would fit nicely into the categories outlined below in the article?

Best,
Tim

Department tests ways to speed project reviews — Bernhardt

The Interior Department is testing a program aimed at speeding project proposals through its agencies — cutting review times from 100 days to just 18 days — according to Deputy Secretary David Bernhardt.

Bernhardt — who's visited Interior offices in Colorado, Nevada and New Mexico in recent days — spoke with Colorado's *Grand Junction Daily Sentinel* last week about the department's looming reorganization.

"If I look at where I thought things would be — our agenda in terms of priorities — and line it up with the time frame, we're ahead of where I thought we'd be," Bernhardt told the newspaper.

<image001.jpg>

David Bernhardt. Senate Energy and Natural Resources Committee

Interior Secretary Ryan Zinke has proposed restructuring Interior into 13 regions along the boundaries of watersheds and basins while assuring Western governors he will keep Colorado, Wyoming and Utah in a single region (*E&E News PM*, June 26).

Ahead of those changes, the department has already implemented other actions aimed at streamlining the agency, including controversial restrictions on the length of environmental studies (*Greenwire*, Sept. 6, 2017).

Bernhardt also told the Grand Junction newspaper that he has implemented a pilot

AMERICAN OVERSIGHT

program for a new "approval process aimed at reducing reviews of proposals."

The newspaper didn't offer specifics about the program or what agencies or offices are testing it. Interior didn't respond by press time.

"If someone is working out here in the local field office and they send something up to the state director, they're supposed to get a yes or no in 18 days," Bernhardt said, noting that the pilot program is targeting approvals that may otherwise take between 60 and 100 days to go through the chain of command.

"That's a lot better than sitting here saying, 'I don't know.' Little things like that can add a lot of sanity to the process."

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Deeley, Blake
Subject: [EXTERNAL] Good Chatting with You
Date: Tuesday, June 26, 2018 11:33:25 AM

Blake,

Thanks for making the time. We are just trying to see where the Gold Rock Mine Project Final Environmental Impact Statement stands?

Here is a link to the publicly available Draft EIS https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=49330

We learned from Ass. Sec. Balash that he has approved and the package is currently in the Front Office. Would this require the sign-off of Deputy Secretary Bernhardt or Secretary Zinke or both?

We are just trying to gauge next steps?

Thank you,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: downey_magallanes@ios.doi.gov
Subject: [EXTERNAL] Good to see you yesterday
Date: Wednesday, July 11, 2018 9:29:22 AM

The memories of the basement of Dirksen brought back some old/cramped memories!

Glad you are doing so well.

Best

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: [EXTERNAL] Good to See You
Date: Thursday, October 4, 2018 11:19:00 AM

Hi James,

Hope the visit to PSU was enjoyable other than the last few mins of the game.

Any chance you and Amanda might be available next week so that my colleague Ray and I could pop in for a few minutes to discuss a few issues we are working on. One of them would be GCC Energy. Happy to work around both of your schedules.

Thanks for your time and consideration.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Good to talk with you last week
Date: Tuesday, March 27, 2018 3:01:19 PM

Joe,

I hope you are feeling better.

I wanted to circle back and see if you can send me the letter on Twin Metals leases being reinstated. DOI announced on December 22nd this would occur and I thought our attorneys were told that our client would receive official confirmation, but there has been some hold up. I am on travel for the next 10 days, but I hope after April 9th we can get together in person.

All the best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Balash, Joseph
Subject: [EXTERNAL] Here are the bios for the 4 pm meeting on Monday
Date: Wednesday, May 2, 2018 4:38:43 PM

We did. Thank you.

From: Balash, Joseph [mailto:joseph_balash@ios.doi.gov]
Sent: Wednesday, May 2, 2018 4:28 PM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] Here are the bios for the 4 pm meeting on Monday

This is great. Thanks. I think they may have received another letter today...

On Wed, May 2, 2018 at 3:59 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> Thank you again for making time for us next Monday, we greatly appreciate it. I have attached bios and names of those attending. Please let us know if there is any other information that you think might be helpful.
>
> Robert Mayne-Nicholls, CEO of Twin Metals
> Daniel Altikes, Vice President at Antofagasta
> Kevin Baker, General Counsel for Twin Metals
> Rob Lehman, WilmerHale
> Andy Spielman, WilmerHale
>
> Best.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
> +1 202 663 6363 (f)
> rob.lehman@wilmerhale.com
>
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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: [EXTERNAL] Hope You are Well
Date: Wednesday, June 12, 2019 2:13:01 PM

Hi Taylor,

Have you seen this report language in House Interior Appropriations?

RAINY RIVER WATERSHED (pg. 7-8)
The Committee is deeply dissatisfied with the inexplicable actions taken by the Bureau of Land Management and the U.S. Forest Service over the past two years with respect to the advancement of a copper-sulfide ore mine on the Rainy River Watershed in Minnesota. Located within the Superior National Forest and adjacent to the Boundary Waters Canoe Area Wilderness and Voyageurs National Park, this administration has vigorously pushed to reinstate two 1966 mineral leases that have sat dormant for more than 50 years and which have been determined by the Forest Service to have the potential to do ''serious and irreparable harm.'' The attack on this pristine area began in December of 2017 when the Department of the Interior's Solicitor issued an opinion overturning two prior opinions concerning the renewability of the leases. This led to the reissuance of these leases by the Bureau of Land Management in May 2018. Subsequently, in September of 2018, and contrary to assurances to this Committee, the Secretary of Agriculture abruptly canceled a scientific study associated with a mineral withdrawal action that would have proven beneficial to the decision- making process. In addition to the unsubstantiated nature of
that action, the Committee is at a loss to explain the disparate treatment between the Rainy River withdrawal proposal and two other similar proposals in Washington and Montana which were allowed to be completed despite all three locations facing similar threats of acid drainage from sulfide-ore mining. The Committee has asked both the Department of Agriculture and the Department of the Interior for background material on these decisions and others.

The actions taken by the Interior and Agriculture departments over the past two years with regards to mining in the Superior National Forest overturn long-standing policies and practices, ignore science, limit public participation, and undermine the protection of iconic and irreplaceable wilderness and national park resources. Until the departments address the question of whether mining, especially copper-sulfide ore mining, is appropriate on National Forest System lands in the Rainy River Watershed, no action to advance mining in this area should occur. Accordingly, the Committee directs the Secretary of Agriculture, acting through the Forest Service, to reinstate and complete the Rainy River Watershed mineral withdrawal study in accordance with Section 204 of the Federal Land Policy and Management Act of 1976, and to provide that study and all associated analysis to the Committee. Further, the Committee directs that the Secretaries of the Interior and Agriculture shall take such actions as are necessary to segregate such lands during the period of study and forego taking any action that would advance mining within the watershed during the period of study and review.

AMERICAN OVERSIGHT

MANAGEMENT OF LAND AND RESOURCES (pg. 11)
The Bureau of Land Management is directed to use $500,000 from within available funding, in conjunction with $500,000 provided by the United States Geological Survey, to commission a report from the National Academy of Sciences on the impacts on ecosystem services of the Superior National Forest and the Boundary Waters Canoe Area Wilderness resulting from a Twin Metals sulfide- ore copper mine located in the watershed of the Boundary Waters Canoe Area Wilderness.

SURVEYS, INVESTIGATIONS, AND RESEARCH (pg. 45)
The Survey is directed to use $500,000 from within available funding, in conjunction with $500,000 provided by the Bureau of Land Management, to commission a report from the National Academy of Sciences on the impacts on ecosystem services of the Superior National Forest and the Boundary Waters Canoe Area Wilderness resulting from a Twin Metals sulfide-ore copper mine located in the watershed of the Boundary Waters Canoe Area Wilderness. The Committee supports the continuation of Survey research on understanding the prevalence of toxins in the nation's natural bodies of water by expanding its understanding of cyanobacteria and toxins in stream and wetland ecosystems and associated health impacts, and directs no less than $1,750,000 to these efforts.

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: [EXTERNAL] Hope you have a great Memorial Day
Date: Thursday, May 24, 2018 5:38:36 PM

If you have a minute or you are in tomorrow it would be great to do a quick call. My cell is (b) (6)

Thanks

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Hope your coping with the shutdown ok
Date: Tuesday, January 15, 2019 6:58:57 PM

Let me know when you have a minute, I wanted to touch base on a couple issues, no rush

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Hope your travels have gone well, when are you back in DC?
Date: Wednesday, June 13, 2018 10:08:24 AM

Any update on moving things forward to front office?

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Hope you"re feeling better
Date: Friday, March 30, 2018 4:09:55 PM

Joe,

I wanted to circle back and see if the Twin Metals lease renewal letter was something that you were able to share. If not I understand, but we are just anxious. Secondly, some of the senior executives from Minnesota are coming into town on May 7-8 and I was hoping I could introduce them to you.

Thank you for considering both requests.

I hope you and your family have a wonderful Easter.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: downey_magallanes@ios.doi.gov
Subject: [EXTERNAL] Hope you"re well
Date: Friday, June 22, 2018 3:50:05 PM

Downey,

I am not sure if you remember me from my service with Sen. Rob Portman when you were with Sen. Blunt, but our paths have crossed previously. I hope your time in the Administration is going well. I was hoping to visit with you when you have time, nothing immediate just let me know if you have time to grab coffee.

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: [EXTERNAL] Hope you"re well
Date: Monday, September 10, 2018 8:41:41 AM

I wanted to run 2 things past you when you have a minute, no rush whenever you have a minute for a quick phone call.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: [EXTERNAL] I am in until 6 pm and then available on cell (b) (6)
Date: Friday, December 14, 2018 4:23:34 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash
Subject: [EXTERNAL] If you get any updates let me know I am in all day but running around. Thanks again
Date: Friday, December 14, 2018 9:38:24 AM

Sent from my iPhone

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: [EXTERNAL] Let me know when you have a minute in the coming few days
Date: Wednesday, November 14, 2018 3:28:10 PM

I was hoping to give you a quick update on prior to Thanksgiving break.

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: [EXTERNAL] Let me know when you might have time to catch up
Date: Monday, December 10, 2018 5:32:02 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] May 8th
Date: Tuesday, April 10, 2018 8:28:11 AM

Joe,

I wanted to check back with you to see if you had 20 minutes on May 8th that I could introduce you to the Twin Metals folks who will be in town for meetings. They have heard me say good things about you and were hoping to meet you.

Thank you for considering this request.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Cc: Goncalves, Monica
Subject: [EXTERNAL] October 3-4
Date: Wednesday, September 12, 2018 2:41:44 PM

Joe,

I am glad to hear you will have some time in DC coming up. I wanted to see if you might be available on October 3-4th to meet Kelly Osborne, the new CEO of Twin Metals. The only current meeting we have is on Oct 3 at 10:30 but we will be flexible if you are available to meet.

Thank you for considering this request.

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: benjamin_cassidy@ios.doi.gov
Subject: [EXTERNAL] Possible Meeting Request
Date: Wednesday, June 6, 2018 2:46:19 PM

Hi Ben,

I hope my email finds you well and I'm sure very busy.

By way of introduction, I used to work with David Anderson at NRR and former Counsel to Rep. Scott Tipton of Colorado. In my role here, I'm excited to work (again) on a number of natural resources/public lands issues. In that vein, if you have the time in the coming weeks, I'd greatly appreciate the opportunity to sit down and brief you on a few projects. Your insight would be greatly appreciated.

If it works, happy to work around your busy schedule.

Thanks for the time and consideration.

Sincerely,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From:	Lehman, Rob
To:	joseph_balash@ios.doi.gov
Subject:	[EXTERNAL] POTUS going to MN on June 20th doing a mining roundtable (I am sure you knew this already but just in case)
Date:	Wednesday, June 13, 2018 1:35:47 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: [EXTERNAL] Process Q
Date: Monday, November 19, 2018 12:42:28 PM

Hi James,

I was hoping you might have a little insight into this one. The BLM notice cancelling the withdrawal in the Superior National Forest in Minnesota has not yet been posted. It is our understanding that the notice has completed surnaming and has been with the Executive Secretariat for the past month.

Do you have any idea of the timeframe when this final step will be completed before publication?

As always appreciate the guidance and happy to chat by phone whenever if need be.

Best,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: downey_magallanes@ios.doi.gov
Subject: [EXTERNAL] Question
Date: Monday, July 16, 2018 6:24:12 PM

Downey,

I have a quick question if you might have a minute tomorrow, nothing urgent. My number is 202-663-6907 or if you let me know a good time I can call you.

Thank you.

FYI I ran into Brian Diffel and we were sharing our memories of he basement of Dirksen!

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: [EXTERNAL] Quick Call
Date: Tuesday, February 26, 2019 11:29:25 AM

Hi Taylor,

I was hoping you might have five minutes to chat today. I have a quick question about the status/next steps of the Royalty Rate Reduction request for GCC Energy which I believe Rep. Tipton's office has been tracking.

My cell is (b) (6) .

Thanks so much,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: [EXTERNAL] Quick Call
Date: Monday, March 25, 2019 12:25:21 PM

Hi Taylor,

Just missed you by phone. If you have 5 minutes today, could you give me a buzz on my cell.

Thanks,
Tim Martin
(b) (6)

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: todd_willens@ios.doi.gov
Subject: [EXTERNAL] Quick Status Check
Date: Tuesday, June 26, 2018 11:13:01 AM

Hi Todd,

I hope you are well.

I was hopeful you might have some insight into the status of the Gold Rock Mine Project Final Environmental Impact Statement, which has been in Washington, DC awaiting approval for publication of the Notice of Availability since December.

Here is a link to the publicly available Draft EIS https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=49330

We learned from Ass. Sec. Balash that he has approved and the package is currently in the Front Office. Would this require the sign-off of Deputy Secretary Bernhardt or Secretary Zinke or both?

We are just trying to gauge next steps?

Happy to chat by phone if that is easier.

Thanks as always for your time.

Best,
Tim

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1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
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+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: [EXTERNAL] RE: Good Chatting with You
Date: Monday, March 4, 2019 4:36:02 PM

Hi Taylor,

Any chance you were able to find the response from the Nov. 5th letter?

Thanks,
Tim

From: Martin, Timothy
Sent: Friday, March 1, 2019 4:05 PM
To: 'taylor_playforth@ios.doi.gov' <taylor_playforth@ios.doi.gov>
Subject: Good Chatting with You

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: benjamin_cassidy@ios.doi.gov
Subject: [EXTERNAL] RE: Possible Meeting Request
Date: Tuesday, June 12, 2018 10:33:16 AM

Hi Ben,

Just wanted to circle back here. If you have few minutes to chat anytime, please do let me know.

Have a great week.

Thanks,
Tim

From: Martin, Timothy
Sent: Wednesday, June 6, 2018 2:46 PM
To: 'benjamin_cassidy@ios.doi.gov' <benjamin_cassidy@ios.doi.gov>
Subject: Possible Meeting Request

Hi Ben,

I hope my email finds you well and I'm sure very busy.

By way of introduction, I used to work with David Anderson at NRR and former Counsel to Rep. Scott Tipton of Colorado. In my role here, I'm excited to work (again) on a number of natural resources/public lands issues. In that vein, if you have the time in the coming weeks, I'd greatly appreciate the opportunity to sit down and brief you on a few projects. Your insight would be greatly appreciated.

If it works, happy to work around your busy schedule.

Thanks for the time and consideration.

Sincerely,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: [EXTERNAL] RE: Process Q
Date: Sunday, December 2, 2018 6:28:17 AM

Hi James,

I hope you and the family had a nice holiday.

I wanted to follow up on this one and see if you might have further information?

Thanks,
Tim

From: Martin, Timothy
Sent: Monday, November 19, 2018 12:42 PM
To: Voyles, James <james_voyles@ios.doi.gov>
Subject: Process Q

Hi James,

I was hoping you might have a little insight into this one. The BLM notice cancelling the withdrawal in the Superior National Forest in Minnesota has not yet been posted. It is our understanding that the notice has completed surnaming and has been with the Executive Secretariat for the past month.

Do you have any idea of the timeframe when this final step will be completed before publication?

As always appreciate the guidance and happy to chat by phone whenever if need be.

Best,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: [EXTERNAL] RE: Quick Call
Date: Tuesday, February 26, 2019 12:55:12 PM

Taylor,

Great chatting with you and thanks for the help. In short, we are trying to determine the status of the GCC Energy Royalty Rate Reduction application. We need to know where it is in the surnaming process and who else needs to review and sign off before it's finalized and approximately how long they think it will take.

Thanks so much,
Tim
(b) (6)

From: Martin, Timothy
Sent: Tuesday, February 26, 2019 11:29 AM
To: 'taylor_playforth@ios.doi.gov' <taylor_playforth@ios.doi.gov>
Subject: Quick Call

Hi Taylor,

I was hoping you might have five minutes to chat today. I have a quick question about the status/next steps of the Royalty Rate Reduction request for GCC Energy which I believe Rep. Tipton's office has been tracking.

My cell is (b) (6)

Thanks so much,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: [EXTERNAL] Re: Touch base
Date: Wednesday, May 1, 2019 8:31:58 PM

Sure what number would be best

Sent from my iPhone

> On May 1, 2019, at 8:07 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:
>
> EXTERNAL SENDER
>
>
>
> Can we talk first thing tomorrow morning? I have a 9:00 that should
> last an hour.
>
> Joe Balash
> Assistant Secretary
> Land and Minerals Management
> Department of the Interior

AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: [EXTERNAL] Sorry I missed you
Date: Wednesday, June 12, 2019 2:28:23 PM

Hi Taylor,

Give me a buzz whenever you can. (b) (6)

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash
Subject: [EXTERNAL] Sorry to bother you can we speak briefly in am it's timely
Date: Wednesday, December 12, 2018 10:45:19 PM

Cell (b) (6) or desk 2026636907
Thank you

Sent from my iPhone

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: [EXTERNAL] Sorry we have been unable to connect is there a time on Friday you might be available?
Date: Wednesday, December 19, 2018 5:36:31 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From:	Lehman, Rob
To:	downey_magallanes@ios.doi.gov
Subject:	[EXTERNAL] Tentative: Updated invitation with note: Coffee- R.L. @ Tue Jul 10, 2018 3:15pm - 3:45pm (EDT) (rob.lehman@wilmerhale.com)

AMERICAN OVERSIGHT

From: Kelly Osborne
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Thank you
Date: Tuesday, October 9, 2018 4:08:26 PM

Dear Joe,

I want to thank you for the opportunity to discuss our Twin Metals Minnesota project during my visit to Washington, D.C. last week. As the new CEO for Twin Metals, I understand this to be an incredible opportunity to create thousands of jobs and infuse billions of dollars into the regional economy, while unlocking one of the world's largest deposits of strategic minerals that includes copper, nickel, platinum, gold, and silver.

Your efforts and insight are greatly appreciated as we move forward with this critical project. While we've made significant progress recently, there is no doubt the road ahead will involve challenges and require additional hard work and sizeable investment. However, I believe the potential to create thousands of jobs and bring billions of new investments into rural Minnesota is a worthwhile and valuable endeavor.

Your continued interest and efforts to support policies to enhance job creation are greatly appreciated. Any additional thoughts or suggestions that would assist in our efforts of this project are welcome.

I and my team are available at any time to discuss this project with you. Thank you for your time and I look forward to continuing this productive dialogue.

Sincerely,
Kelly Osborne

AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Thank you
Date: Monday, May 14, 2018 8:58:04 PM

Joe,

We really appreciate the time you pent with us last week. Do you have time for a very brief call as a follow up to our other meetings?

My cell is (b) (6) or office 202 663 6907

Thanks again

Rob

Sent from my iPhone

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: [EXTERNAL] Thank you
Date: Thursday, November 15, 2018 10:09:47 AM

One internal milestone we hoped to have completed by year end was completion of leases, not sure if that is still doable on your-end, but appreciate all of your leadership on this and other issues.

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Update-POTUS Announcement
Date: Wednesday, July 11, 2018 3:48:39 PM

Joe,

I wanted to send you a brief update on the latest information we're hearing from USFS on the proposed mineral withdrawal in Minnesota. Some of our attorneys met with regional and forest staff in Milwaukee and had a follow up conversation with USFS headquarters. Both offices have told us that USFS doesn't yet have clear direction to rescind the withdrawal and will proceed with completing the analysis until instructed otherwise. One USFS official said that the agency viewed the President's statement as a "policy preference." We're concerned that there is no meaningful action in response to the President's statement to do away with the pending withdrawal. In the meantime, the agency is using the withdrawal as a reason to delay the review of lease applications in the withdrawal area that have been pending since 2006. Have you had any further discussions with the Secretary's office or the White House regarding next steps on the withdrawal? Let us know if any additional materials or background would be helpful in your discussions.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Victoria trip
Date: Tuesday, July 17, 2018 2:14:49 PM

Joe,

I hope you're doing well. One of my partners, Andy Spielman mentioned he was going to be at an event in Victoria tomorrow and Friday and you were the keynote speaker. Andy is a top notch public lands, environment lawyer, but he is even a better person. I told him if he had an opportunity he should say hello to you. I told him with your travel schedule it's hard to keep up with you! I hope when you are back in town or if you get bored on the road we can catch up on a couple issues, no rush whenever it works for you.

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
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AMERICAN OVERSIGHT

From:	Lehman, Rob
To:	Joe Balash (joseph_balash@ios.doi.gov)
Subject:	[EXTERNAL] We are getting reporters asking for comments that BLM is making announcement on our leases today
Date:	Monday, December 17, 2018 2:55:08 PM

I assume they are getting that from opponents but just wanted to let you know

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Your Secure Email Portal Activation Information
Date: Tuesday, February 5, 2019 12:25:36 AM

"Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **16 day(s) left** to collect this message before it expires.

Subject: Do you have time for a call in the next day or so

Sent: January 21, 2019 5:25:06 PM, UTC

Expires: February 20, 2019 5:25:11 PM, UTC

To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:

Email: joseph_balash@ios.doi.gov

Click here to create your account and read your message.

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

Do not reply to this message. This is a system-generated email and all replies will be discarded.

AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Your Secure Email Portal Activation Information
Date: Monday, January 21, 2019 12:25:32 PM

"Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **30 day(s) left** to collect this message before it expires.

Subject: Do you have time for a call in the next day or so

Sent: January 21, 2019 5:25:06 PM, UTC

Expires: February 20, 2019 5:25:11 PM, UTC

To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:

Email: joseph_balash@ios.doi.gov

Click here to create your account and read your message.

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

Do not reply to this message. This is a system-generated email and all replies will be discarded.

AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: [EXTERNAL] Your Secure Email Portal Activation Information
Date: Tuesday, February 19, 2019 12:25:49 PM

"Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **1 day(s) left** to collect this message before it expires.

Subject: Do you have time for a call in the next day or so

Sent: January 21, 2019 5:25:06 PM, UTC

Expires: February 20, 2019 5:25:11 PM, UTC

To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:

Email: joseph_balash@ios.doi.gov

Click here to create your account and read your message

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

Do not reply to this message. This is a system-generated email and all replies will be discarded.

AMERICAN OVERSIGHT

From: Kaster, Amanda
To: timothy.martin@wilmerhale.com
Subject: Amanda Kaster: New Contact Information Re: [EXTERNAL] Heli-Ski Letter
Date: Thursday, September 13, 2018 12:41:47 PM

Thank you for your email. I am no longer with DOI's Office of Congressional and Legislative Affairs. I have moved to the Bureau of Land Management - my new email is akaster@blm.gov.

Regards,
Amanda

--

Amanda Kaster-Averill
Advisor | Office of Congressional and Legislative Affairs
U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov

AMERICAN OVERSIGHT

From:	Lehman, Rob
To:	Joe Balash (joseph_balash@ios.doi.gov)
Subject:	Can we touch base tonight or tomorrow?
Date:	Wednesday, April 17, 2019 5:13:22 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: Can we visit in the next couple days?
Date: Wednesday, March 13, 2019 6:06:52 PM

Joe,

I just wanted to catch up on a couple issues and also see if I could get update on process for consent right for lease renewal.

Thank you.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: MacGregor, Katharine
Subject: Checking In
Date: Wednesday, July 12, 2017 1:35:26 PM

Hi Kate,

I'm sure you are absolutely slammed this week, but if you have 5 free minutes to chat by phone, I was hoping I could run something by you.

If not, no worries.

Thanks as always,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
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+1 202 663 6363 (f)
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: Checking In
Date: Monday, September 17, 2018 11:27:57 AM

Hi James,

I hope you are well. Thanks again for the time last month, very insightful.

Just curious if this one has crossed your desk? Happy to add more context if you have time for a quick call at some point as well.

Project Overview of the King II Coal Mine

- An underground coal mine, located near Durango, Colorado.
- BLM regulates minerals; OSM has a permitting responsibility on behalf of tribes.
- Overview of the lease, lease modification, and lease-by-application (LBA) areas

- **The Problem: Depleting Reserves**
  - The King II mine is quickly approaching the end of its authorized reserves. Under existing market conditions, the currently authorized reserves will be depleted by March 2022, and as soon as March 2021 under favorable market conditions.

- **Pending Agency Reviews**
  - In January 2018, GCC submitted an LBA that would keep the mine operational at current levels for up to twenty more years, maintaining generations of highly-paid jobs in the area. BLM And OSM are now reviewing the LBA.
  - Because of the near-depleted resources in King II's currently authorized area, time is of the essence for the review of the pending LBA.
  - Without timely LBA approval, the resource likely will not be recovered because it would not be economically feasible for any other mining operation to do so.

Tim Martin | WilmerHale
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AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Willens, Todd
Subject:	Environmentalist"s comments about miners in New York Times Magazine story cause uproar on Iron Range | Star Tribune
Date:	Monday, October 16, 2017 10:55:14 AM

Hi Todd,

I hope you had a nice weekend. I thought you might be interested in this development.

http://m.startribune.com/environmentalists-comments-about-miners-cause-uproar-on-iron-range/450820383/?section=%2F

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Micah Chambers
Subject: Follow Up and Thank You
Date: Monday, March 27, 2017 5:28:44 PM

Hi Micah,

Thanks again for all your help. I had a productive meeting with Kathy Benedetto last Friday.

On our call last week, you had mentioned perhaps a follow up meeting with Kate MacGregor. If you still think that is a good idea – I was hopeful I might get a chance to sit down with both of you sometime this week or next?

Happy to follow your instructions as well.

Thanks again for all the help.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Macgregor, Katharine
Subject: Follow Up
Date: Tuesday, May 30, 2017 5:55:44 PM

Hi Kate,

I hope you had a nice long weekend and a little time to relax.

I was hopeful you might have a few minutes to chat by phone regarding the Interior Approps Committee hearing last week. Just wanted to hear your thoughts.

If it easier to work with your assistant – happy to do that as well.

Thanks for your consideration.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Deeley, Blake
Subject: Good chatting with You
Date: Tuesday, December 5, 2017 4:05:12 PM

Blake,

Appreciate the time. Per your request, relevant information is below. We're trying to ascertain who still needs to review the modification and if there is any timetable you all are working with?

Thanks as always,

Best,
Tim

- GCC Energy King II Coal Mine Lease Modification
- We believe that this lease mod is in the final stages of Department review. We're looking for more guidance on remaining steps and rough idea of timing (i.e., can this be done before the end of the year?)

Some additional background on the project, if relevant:

- The mine is in Southwest Colorado (near Durango)
- The decision is out of the BLM Tres Rios Field office
- Relatively small coal mine: can do up to 1.2 million tons a year / more likely 600-700 tons a year
- Doesn't want to lose a coal mine over a failure to issue a permit. Will have to shut down operations if modification not granted in the next few weeks (ideally before year's end).

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: Good to See You
Date: Thursday, October 4, 2018 11:18:40 AM

Hi James,

Hope the visit to PSU was enjoyable other than the last few mins of the game.

Any chance you and Amanda might be available next week so that my colleague Ray and I could pop in for a few minutes to discuss a few issues we are working on. One of them would be GCC Energy. Happy to work around both of your schedules.

Thanks for your time and consideration.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Deeley, Blake
Subject: Happy New Year
Date: Tuesday, January 9, 2018 11:47:15 AM

Hi Blake,

Happy New Year! Sorry I missed you. Do you have time for a quick call either today or tomorrow?

Thanks for your consideration.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: amanda_kaster@ios.doi.gov; Micah Chambers
Subject: Hearing Follow-up
Date: Monday, June 12, 2017 3:59:17 PM

Hi Amanda and Micah,

I hope you both had a nice weekend and thank you for all your hark work over at the Department.

I just wanted to flag something for you. It would appear given her closing statement last week that Rep. McCollum (MN-4) will be submitting a QFR regarding the Boundary Waters Canoe Area in Minnesota. Please let me know if you need any information regarding the hearing exchange with Sec. Perdue that she refers to.

> ***McCollum***: "I have a couple of comments and we can move forward with staff. One of the letters that I mentioned when we handed you the list of letters was a letter from Mr. Louhan (sp?) and I about Bear Ears national monument and it addresses a Tribal Sovereignty and I take you at your word that you want to be respectful of Tribal Sovereignty so I look forward to a response from that letter. The other two things that I'm going to touch on just briefly, and follow up with it, is when Secretary of Agriculture Perdue was here, we talked about the BWCA mining threat and I understand from Secretary Perdue's comments that he had met with you about the issue and that you're looking to have the study go forward and have some guidance guiding the outcome. I have a few more questions and I'll submit those for the record to you.

Thanks and have a great week.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	taylor_playforth@ios.doi.gov
Subject:	Hope You are Well
Date:	Wednesday, June 12, 2019 2:12:32 PM

Hi Taylor,

Have you seen this report language in House Interior Appropriations?

RAINY RIVER WATERSHED (pg. 7-8)
The Committee is deeply dissatisfied with the inexplicable actions taken by the Bureau of Land Management and the U.S. Forest Service over the past two years with respect to the advancement of a copper-sulfide ore mine on the Rainy River Watershed in Minnesota. Located within the Superior National Forest and adjacent to the Boundary Waters Canoe Area Wilderness and Voyageurs National Park, this administration has vigorously pushed to reinstate two 1966 mineral leases that have sat dormant for more than 50 years and which have been determined by the Forest Service to have the potential to do ''serious and irreparable harm.'' The attack on this pristine area began in December of 2017 when the Department of the Interior's Solicitor issued an opinion overturning two prior opinions concerning the renewability of the leases. This led to the reissuance of these leases by the Bureau of Land Management in May 2018. Subsequently, in September of 2018, and contrary to assurances to this Committee, the Secretary of Agriculture abruptly canceled a scientific study associated with a mineral withdrawal action that would have proven beneficial to the decision- making process. In addition to the unsubstantiated nature of
that action, the Committee is at a loss to explain the disparate treatment between the Rainy River withdrawal proposal and two other similar proposals in Washington and Montana which were allowed to be completed despite all three locations facing similar threats of acid drainage from sulfide-ore mining. The Committee has asked both the Department of Agriculture and the Department of the Interior for background material on these decisions and others.

The actions taken by the Interior and Agriculture departments over the past two years with regards to mining in the Superior National Forest overturn long-standing policies and practices, ignore science, limit public participation, and undermine the protection of iconic and irreplaceable wilderness and national park resources. Until the departments address the question of whether mining, especially copper-sulfide ore mining, is appropriate on National Forest System lands in the Rainy River Watershed, no action to advance mining in this area should occur. Accordingly, the Committee directs the Secretary of Agriculture, acting through the Forest Service, to reinstate and complete the Rainy River Watershed mineral withdrawal study in accordance with Section 204 of the Federal Land Policy and Management Act of 1976, and to provide that study and all associated analysis to the Committee. Further, the Committee directs that the Secretaries of the Interior and Agriculture shall take such actions as are necessary to segregate such lands during the period of study and forego taking any action that would advance mining within the watershed during the period of study and review.

AMERICAN OVERSIGHT

MANAGEMENT OF LAND AND RESOURCES (pg. 11)
The Bureau of Land Management is directed to use $500,000 from within available funding, in conjunction with $500,000 provided by the United States Geological Survey, to commission a report from the National Academy of Sciences on the impacts on ecosystem services of the Superior National Forest and the Boundary Waters Canoe Area Wilderness resulting from a Twin Metals sulfide- ore copper mine located in the watershed of the Boundary Waters Canoe Area Wilderness.

SURVEYS, INVESTIGATIONS, AND RESEARCH (pg. 45)
The Survey is directed to use $500,000 from within available funding, in conjunction with $500,000 provided by the Bureau of Land Management, to commission a report from the National Academy of Sciences on the impacts on ecosystem services of the Superior National Forest and the Boundary Waters Canoe Area Wilderness resulting from a Twin Metals sulfide-ore copper mine located in the watershed of the Boundary Waters Canoe Area Wilderness. The Committee supports the continuation of Survey research on understanding the prevalence of toxins in the nation's natural bodies of water by expanding its understanding of cyanobacteria and toxins in stream and wetland ecosystems and associated health impacts, and directs no less than $1,750,000 to these efforts.

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: Hope your coping with the shutdown ok
Date: Tuesday, January 15, 2019 6:58:45 PM

Let me know when you have a minute, I wanted to touch base on a couple issues, no rush

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: Hope you"re well
Date: Wednesday, March 14, 2018 4:08:58 PM

Joe,

Congrats again on your “new” position. I was hoping when you had some time we could visit.

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: Hope you"re well
Date: Monday, September 10, 2018 8:41:25 AM

I wanted to run 2 things past you when you have a minute, no rush whenever you have a minute for a quick phone call.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: I am in until 6 pm and then available on cell (b) (6)
Date: Friday, December 14, 2018 4:23:27 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash
Subject: If you get any updates let me know I am in all day but running around. Thanks again
Date: Friday, December 14, 2018 9:38:12 AM

Sent from my iPhone

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: Let me know when you have a minute in the coming few days
Date: Wednesday, November 14, 2018 3:27:52 PM

I was hoping to give you a quick update on prior to Thanksgiving break.

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: Let me know when you might have time to catch up
Date: Monday, December 10, 2018 5:31:52 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: micah_chambers@ios.doi.gov
Subject: New Coordinates
Date: Thursday, March 16, 2017 11:55:12 AM

Hi Micah,

First, let me just apologize for the duplication of emails. I had originally sent this email to the address you gave me upon your exit from the House.

Congratulations and I hope the Secretary and Team Zinke are getting settled. You all are going to do a great job.

I've also departed the House and Congressman Rodney Davis' office to start at WilmerHale on their Public Policy team in February. It was a difficult decision because Mr. Davis is such a fantastic member. On the bright side, I can't tell you how excited I am to be working Natural Resource issues again. I loved my time as Mr. Tipton's NR LA.

It's in the vein that I was hoping to chat with you about an issue I am working on and perhaps you'll have some direction for me.

I am available anytime that works for you.

Thanks for your consideration.

Best,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From:	Lehman, Rob
To:	Joe Balash (joseph_balash@ios.doi.gov)
Cc:	Goncalves, Monica
Subject:	October 3-4
Date:	Wednesday, September 12, 2018 2:41:19 PM

Joe,

I am glad to hear you will have some time in DC coming up. I wanted to see if you might be available on October 3-4th to meet Kelly Osborne, the new CEO of Twin Metals. The only current meeting we have is on Oct 3 at 10:30 but we will be flexible if you are available to meet.

Thank you for considering this request.

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Chambers, Micah
To: timothy.martin@wilmerhale.com
Subject: Out of Office Re: Letter for Secretary Zinke
Date: Tuesday, May 30, 2017 5:41:49 PM

I will be on work travel from 5/26 - 6/2. I will be checking my email regularly

--
Micah Chambers
Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: Process Q
Date: Monday, November 19, 2018 12:42:04 PM

Hi James,

I was hoping you might have a little insight into this one. The BLM notice cancelling the withdrawal in the Superior National Forest in Minnesota has not yet been posted. It is our understanding that the notice has completed surnaming and has been with the Executive Secretariat for the past month.

Do you have any idea of the timeframe when this final step will be completed before publication?

As always appreciate the guidance and happy to chat by phone whenever if need be.

Best,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: Quick Call
Date: Tuesday, February 26, 2019 11:29:07 AM

Hi Taylor,

I was hoping you might have five minutes to chat today. I have a quick question about the status/next steps of the Royalty Rate Reduction request for GCC Energy which I believe Rep. Tipton's office has been tracking.

My cell is (b) (6) .

Thanks so much,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Deeley, Blake
Subject: Quick Call
Date: Tuesday, November 7, 2017 1:44:48 PM

Hi Blake,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Blake_Deeley@ios.doi.gov
Subject: Quick Call
Date: Wednesday, October 18, 2017 2:35:01 PM

Hi Blake,

I hope you are enjoying your new role and congratulations. You may remember me as we worked a bit together during my time with Congressman Tipton and then as LD for Congressman Rodney Davis.

Our mutual friend Jeff Small suggested I reach out re: an issue I am currently working on. Do you have a spare 5 minutes, so I can fill you in? Whatever works best for your schedule.

Thanks for your time.

Best,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: Quick Call
Date: Monday, March 25, 2019 12:25:05 PM

Hi Taylor,

Just missed you by phone. If you have 5 minutes today, could you give me a buzz on my cell.

Thanks,
Tim Martin
(b) (6)

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Deeley, Blake
Subject: Quick Chat
Date: Tuesday, November 7, 2017 1:48:15 PM

Hi Blake,

I hope you are having a good week. Do you have time for a quick call? I wanted to update you on a few things we've been discussing.

Thanks,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Any update
Date: Friday, June 15, 2018 11:13:00 PM

Sorry—I will sort it out Monday. We just wrapped up our final scoping meeting for the Coastal Plain Leasing EIS (ANWR). I haven't had a full day in the office in nearly a month.

Sent from my iPhone

On Jun 15, 2018, at 4:51 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Gold Rock EIS?
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
> +1 202 663 6363 (f)
> rob.lehman@wilmerhale.com
>
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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: Re: [EXTERNAL] Any update
Date: Saturday, June 16, 2018 8:03:24 AM

Thx I am sure it will be good to be back. As you can imagine these guys are super anxious because of the time delay

Happy Fathers Day

Sent from my iPhone

On Jun 15, 2018, at 11:13 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> Sorry—I will sort it out Monday. We just wrapped up our final scoping meeting for the Coastal Plain Leasing EIS (ANWR). I haven't had a full day in the office in nearly a month.
>
> Sent from my iPhone
>
> On Jun 15, 2018, at 4:51 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> > Gold Rock EIS?
> >
> > **Rob Lehman | WilmerHale**
> > Senior Public Policy Advisor
> > 1875 Pennsylvania Avenue NW
> > Washington, DC 20006 USA
> > +1 202 663 6907 (t)
> > +1 202 663 6363 (f)
> > rob.lehman@wilmerhale.com
> >
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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: RE: [EXTERNAL] Are you going to MN?
Date: Tuesday, June 19, 2018 1:31:37 PM

Thx I have heard different things if Zinke and Perdue are going?

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Tuesday, June 19, 2018 1:21 PM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] Are you going to MN?

No. Kate might be. DepSec will.

Sent from my iPhone

On Jun 19, 2018, at 11:05 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Let me know if you have time for very quick call (b) (6)
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
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From: Lehman, Rob
To: Joseph Balash
Subject: RE: [EXTERNAL] Are you going to MN?
Date: Tuesday, June 19, 2018 1:48:10 PM

Any update on Gold Fiore?

From: Lehman, Rob
Sent: Tuesday, June 19, 2018 1:31 PM
To: 'Joseph Balash' <joseph_balash@ios.doi.gov>
Subject: RE: [EXTERNAL] Are you going to MN?

Thx I have heard different things if Zinke and Perdue are going?

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Tuesday, June 19, 2018 1:21 PM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] Are you going to MN?

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Sent from my iPhone

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AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Voyles, James
Subject:	RE: [EXTERNAL] Checking In
Date:	Thursday, September 27, 2018 11:42:27 AM

Sure, 3 pm work?

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Thursday, September 27, 2018 9:55 AM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: [EXTERNAL] Checking In

Hi Tim,

Happy to discuss. Do you have time tomorrow?

On Mon, Sep 17, 2018 at 11:28 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi James,
>
> I hope you are well. Thanks again for the time last month, very insightful.
>
> Just curious if this one has crossed your desk? Happy to add more context if you have time for a quick call at some point as well.
>
> **Project Overview of the King II Coal Mine**
>
> - An underground coal mine, located near Durango, Colorado.
> - BLM regulates minerals; OSM has a permitting responsibility on behalf of tribes.
> - Overview of the lease, lease modification, and lease-by-application (LBA) areas
>
> - **The Problem: Depleting Reserves**
>
> - The King II mine is quickly approaching the end of its authorized reserves. Under existing market conditions, the currently authorized reserves will be depleted by March 2022, and as soon as March 2021 under favorable market conditions.
>
> - **Pending Agency Reviews**
>
> - In January 2018, GCC submitted an LBA that would keep the mine operational at current levels for up to twenty more years, maintaining generations of highly-paid jobs in the area. BLM And OSM are now reviewing the LBA.
> - Because of the near-depleted resources in King II's currently authorized area, time is of the essence for the review of the pending LBA.

AMERICAN OVERSIGHT

- Without timely LBA approval, the resource likely will not be recovered because it would not be economically feasible for any other mining operation to do so.

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: RE: [EXTERNAL] Checking In
Date: Thursday, September 27, 2018 2:38:35 PM

Great, thanks for making the time.

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Thursday, September 27, 2018 2:29 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: [EXTERNAL] Checking In

it does - please call 202-733-7477

On Thu, Sep 27, 2018 at 11:43 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Sure, 3 pm work?
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Thursday, September 27, 2018 9:55 AM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Checking In
>
> Hi Tim,
>
> Happy to discuss. Do you have time tomorrow?
>
> On Mon, Sep 17, 2018 at 11:28 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
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> >
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> >
> > - The King II mine is quickly approaching the end of its authorized reserves. Under existing market conditions, the currently authorized reserves will be depleted by

AMERICAN OVERSIGHT

March 2022, and as soon as March 2021 under favorable market conditions.

- **Pending Agency Reviews**
    - In January 2018, GCC submitted an LBA that would keep the mine operational at current levels for up to twenty more years, maintaining generations of highly-paid jobs in the area. BLM And OSM are now reviewing the LBA.
    - Because of the near-depleted resources in King II's currently authorized area, time is of the essence for the review of the pending LBA.
    - Without timely LBA approval, the resource likely will not be recovered because it would not be economically feasible for any other mining operation to do so.

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tim.martin@wilmerhale.com

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--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

AMERICAN OVERSIGHT

--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: RE: [EXTERNAL] Did you know Sen. Tillis" former COS Ray Starling?
Date: Wednesday, June 6, 2018 5:55:54 PM

If you have 30 seconds give me a cal (b) (6)

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Wednesday, June 6, 2018 5:26 PM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] Did you know Sen. Tillis' former COS Ray Starling?

I know Ray very well. This is tremendous news!

Sent from my iPhone

On Jun 6, 2018, at 2:34 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> As you may know, he was at NEC in the White House for the last year. I understand he just started as USDA new Chief of Staff for Sec. Perdue. I know you sometimes have "issues" with our friends at USDA!
>
> By chance is there any change in the status of the Fiore Gold Rock EIS?
>
> Hope you didn't get any flooding from past storms. As you may remember, my folks live 1 mile outside of old Ellicott City.
>
> Rob
>
> **Rob Lehman | WilmerHale**
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From: Lehman, Rob
To: Joseph Balash
Subject: RE: [EXTERNAL] Did you know Sen. Tillis" former COS Ray Starling?
Date: Thursday, June 7, 2018 12:34:12 PM

Thank you.

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Thursday, June 7, 2018 12:24 PM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] Did you know Sen. Tillis' former COS Ray Starling?

I'll give you a call in about 30 minutes

Sent from my iPhone

On Jun 6, 2018, at 3:55 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> If you have 30 seconds give me a call (b) (6)
>
> ---
>
> **From:** Joseph Balash <joseph_balash@ios.doi.gov>
> **Sent:** Wednesday, June 6, 2018 5:26 PM
> **To:** Lehman, Rob <Rob.Lehman@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Did you know Sen. Tillis' former COS Ray Starling?
>
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>
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>
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> >
> > Hope you didn't get any flooding from past storms. As you may remember, my folks live 1 mile outside of old Ellicott City.
> >
> > Rob
> >
> > **Rob Lehman | WilmerHale**
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From: Martin, Timothy
To: Voyles, James
Subject: RE: [EXTERNAL] Good to See You
Date: Friday, October 5, 2018 11:21:20 AM

James,

Thank you. What number should we call when we get there?

Best,
Tim

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Thursday, October 4, 2018 5:04 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Cc: Amanda Kaster <akaster@blm.gov>
Subject: Re: [EXTERNAL] Good to See You

Let's do room 6023.

On Thu, Oct 4, 2018 at 5:03 PM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Excellent. Thank you both.
>
> Sent from my iPhone
>
> On Oct 4, 2018, at 4:49 PM, Amanda Kaster <akaster@blm.gov> wrote:
>
> > 2pm will work for me - thanks!
> >
> > Sent from my iPhone
> >
> > On Oct 4, 2018, at 4:37 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
> >
> > > How about 2 pm, if that works on Amanda's end as well?
> > >
> > > ---
> > >
> > > **From:** James Voyles <james_voyles@ios.doi.gov>
> > > **Sent:** Thursday, October 4, 2018 4:18 PM
> > > **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> > > **Cc:** Amanda Kaster <akaster@blm.gov>
> > > **Subject:** Re: [EXTERNAL] Good to See You
> > >
> > > I can do 2 to 230
> > >
> > > Sent from my iPhone

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On Oct 4, 2018, at 2:00 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Would anytime Thursday (10/11) btw 1-4 pm work on your end?
>
> Thanks!
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Thursday, October 4, 2018 1:42 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>; Amanda Kaster <akaster@blm.gov>
> **Subject:** Re: [EXTERNAL] Good to See You
>
> Hey Tim,
>
> It was an amazing game to attend. It looks like Amanda and I are both more flexible on the back half of next week. Do you mind proposing a few times?
>
> On Thu, Oct 4, 2018 at 11:18 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
> > Hi James,
> >
> > Hope the visit to PSU was enjoyable other than the last few mins of the game.
> >
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> >
> > Thanks for your time and consideration.
> >
> > Best,
> >
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> > +1 202 663 6363 (f)
> > tim.martin@wilmerhale.com
> >
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--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477
<~WRD000.jpg>

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Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477



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From: Martin, Timothy
To: Amanda Kaster
Cc: James Voyles
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Excellent. Thank you both.

Sent from my iPhone

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> > **From:** James Voyles <james_voyles@ios.doi.gov>
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> > **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> > **Cc:** Amanda Kaster <akaster@blm.gov>
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> >
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> > > **Subject:** Re: [EXTERNAL] Good to See You
> > >
> > > Hey Tim,

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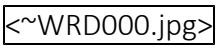
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Best,
James

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James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477


AMERICAN OVERSIGHT

From: James Voyles
To: Martin, Timothy
Cc: Amanda Kaster
Subject: Re: [EXTERNAL] Good to See You
Date: Thursday, October 4, 2018 4:18:25 PM

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Sent from my iPhone

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tim.martin@wilmerhale.com

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Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477
<~WRD000.jpg>

AMERICAN OVERSIGHT

From: Voyles, James
To: Martin, Timothy; Amanda Kaster
Subject: Re: [EXTERNAL] Good to See You
Date: Thursday, October 4, 2018 1:42:22 PM

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--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477



AMERICAN OVERSIGHT

From: James Voyles
To: Martin, Timothy
Subject: Re: [EXTERNAL] Good to See You
Date: Friday, October 5, 2018 1:35:16 PM

202-733-7477

Security will also call me

Sent from my iPhone

On Oct 5, 2018, at 11:20 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> James,
>
> Thank you. What number should we call when we get there?
>
> Best,
> Tim
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Thursday, October 4, 2018 5:04 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Cc:** Amanda Kaster <akaster@blm.gov>
> **Subject:** Re: [EXTERNAL] Good to See You
>
> Let's do room 6023.
>
> On Thu, Oct 4, 2018 at 5:03 PM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
> > Excellent. Thank you both.
> >
> > Sent from my iPhone
> >
> > On Oct 4, 2018, at 4:49 PM, Amanda Kaster <akaster@blm.gov> wrote:
> >
> > > 2pm will work for me - thanks!
> > >
> > > Sent from my iPhone
> > >
> > > On Oct 4, 2018, at 4:37 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
> > >
> > > > How about 2 pm, if that works on Amanda's end as well?

AMERICAN OVERSIGHT

From: James Voyles <james_voyles@ios.doi.gov>
Sent: Thursday, October 4, 2018 4:18 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Cc: Amanda Kaster <akaster@blm.gov>
Subject: Re: [EXTERNAL] Good to See You

I can do 2 to 230

Sent from my iPhone

On Oct 4, 2018, at 2:00 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Would anytime Thursday (10/11) btw 1-4 pm work on your end?
>
> Thanks!
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Thursday, October 4, 2018 1:42 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>; Amanda Kaster <akaster@blm.gov>
> **Subject:** Re: [EXTERNAL] Good to See You
>
> Hey Tim,
>
> It was an amazing game to attend. It looks like Amanda and I are both more flexible on the back half of next week. Do you mind proposing a few times?
>
> On Thu, Oct 4, 2018 at 11:18 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
> > Hi James,
> >
> > Hope the visit to PSU was enjoyable other than the last few mins of the game.
> >
> > Any chance you and Amanda might be available next week so that my colleague Ray and I could pop in for a few minutes to discuss a few issues we are working on. One of them would be GCC Energy. Happy

AMERICAN OVERSIGHT

to work around both of your schedules.

Thanks for your time and consideration.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477
<~WRD000.jpg>

--
Best,
James

AMERICAN OVERSIGHT

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477



AMERICAN OVERSIGHT

From: Balash, Joseph
To: Lehman, Rob
Subject: Re: [EXTERNAL] Here are the bios for the 4 pm meeting on Monday
Date: Wednesday, May 2, 2018 6:10:40 PM

This is great. Thanks. I think they may have received another letter today...

On Wed, May 2, 2018 at 3:59 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> Thank you again for making time for us next Monday, we greatly appreciate it. I have attached bios and names of those attending. Please let us know if there is any other information that you think might be helpful.
>
> Robert Mayne-Nicholls, CEO of Twin Metals
>
> Daniel Altikes, Vice President at Antofagasta
>
> Kevin Baker, General Counsel for Twin Metals
>
> Rob Lehman, WilmerHale
>
> Andy Spielman, WilmerHale
>
> Best.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
> +1 202 663 6363 (f)
> rob.lehman@wilmerhale.com
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> ---
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From: Taylor Playforth
To: Martin, Timothy
Subject: Re: [EXTERNAL] Hope You are Well
Date: Wednesday, June 12, 2019 2:29:03 PM

I got your call, will cal you back in just a minute.

Sent from my iPhone

On Jun 12, 2019, at 2:12 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Taylor,
>
> Have you seen this report language in House Interior Appropriations?
>
> **RAINY RIVER WATERSHED** (pg. 7-8)
> The Committee is deeply dissatisfied with the inexplicable actions taken by the Bureau of Land Management and the U.S. Forest Service over the past two years with respect to the advancement of a copper-sulfide ore mine on the Rainy River Watershed in Minnesota. Located within the Superior National Forest and adjacent to the Boundary Waters Canoe Area Wilderness and Voyageurs National Park, this administration has vigorously pushed to reinstate two 1966 mineral leases that have sat dormant for more than 50 years and which have been determined by the Forest Service to have the potential to do ''serious and irreparable harm.'' The attack on this pristine area began in December of 2017 when the Department of the Interior's Solicitor issued an opinion overturning two prior opinions concerning the renewability of the leases. This led to the reissuance of these leases by the Bureau of Land Management in May 2018. Subsequently, in September of 2018, and contrary to assurances to this Committee, the Secretary of Agriculture abruptly canceled a scientific study associated with a mineral withdrawal action that would have proven beneficial to the decision- making process. In addition to the unsubstantiated nature of
> that action, the Committee is at a loss to explain the disparate treatment between the Rainy River withdrawal proposal and two other similar proposals in Washington and Montana which were allowed to be completed despite all three locations facing similar threats of acid drainage from sulfide-ore mining. The Committee has asked both the Department of Agriculture and the Department of the Interior for background material on these decisions and others.
>
> The actions taken by the Interior and Agriculture departments over the past two years with regards to mining in the Superior National Forest overturn long-standing policies and practices, ignore science, limit public participation, and undermine the protection of iconic and irreplaceable wilderness and national park resources. Until the departments address the question of whether mining, especially copper-sulfide ore mining, is appropriate on National Forest System lands in the Rainy River Watershed, no action to advance mining in this area should occur. Accordingly, the Committee

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directs the Secretary of Agriculture, acting through the Forest Service, to reinstate and complete the Rainy River Watershed mineral withdrawal study in accordance with Section 204 of the Federal Land Policy and Management Act of 1976, and to provide that study and all associated analysis to the Committee. Further, the Committee directs that the Secretaries of the Interior and Agriculture shall take such actions as are necessary to segregate such lands during the period of study and forego taking any action that would advance mining within the watershed during the period of study and review.

MANAGEMENT OF LAND AND RESOURCES (pg. 11)
The Bureau of Land Management is directed to use $500,000 from within available funding, in conjunction with $500,000 provided by the United States Geological Survey, to commission a report from the National Academy of Sciences on the impacts on ecosystem services of the Superior National Forest and the Boundary Waters Canoe Area Wilderness resulting from a Twin Metals sulfide- ore copper mine located in the watershed of the Boundary Waters Canoe Area Wilderness.

SURVEYS, INVESTIGATIONS, AND RESEARCH (pg. 45)
The Survey is directed to use $500,000 from within available funding, in conjunction with $500,000 provided by the Bureau of Land Management, to commission a report from the National Academy of Sciences on the impacts on ecosystem services of the Superior National Forest and the Boundary Waters Canoe Area Wilderness resulting from a Twin Metals sulfide-ore copper mine located in the watershed of the Boundary Waters Canoe Area Wilderness. The Committee supports the continuation of Survey research on understanding the prevalence of toxins in the nation's natural bodies of water by expanding its understanding of cyanobacteria and toxins in stream and wetland ecosystems and associated health impacts, and directs no less than $1,750,000 to these efforts.

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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From: Lehman, Rob
To: Balash, Joseph
Subject: Re: [EXTERNAL] Hope you have a great Memorial Day
Date: Monday, May 28, 2018 10:16:14 PM

Thx for the email I will call you in the am

Sent from my iPhone

On May 28, 2018, at 8:02 PM, Balash, Joseph <joseph_balash@ios.doi.gov> wrote:

> Rob:
>
> Sorry to just be seeing this now--I've been traveling in remote Alaska and forgot to put an autoreply on to inform folks. If you would like to give me a call now, my cell is (b) (6). I can also talk first thing tomorrow morning--but the timezones are four hours apart. 10:00 am your time is most likely the earliest I can do a call.
>
> Joe
>
> On Thu, May 24, 2018 at 1:38 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> > If you have a minute or you are in tomorrow it would be great to do a quick call. My cell is (b) (6)
> >
> > Thanks
> >
> > Rob
> >
> > **Rob Lehman | WilmerHale**
> > Senior Public Policy Advisor
> > 1875 Pennsylvania Avenue NW
> > Washington, DC 20006 USA
> > +1 202 663 6907 (t)
> > +1 202 663 6363 (f)
> > rob.lehman@wilmerhale.com
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From: Balash, Joseph
To: Lehman, Rob
Subject: Re: [EXTERNAL] Hope you have a great Memorial Day
Date: Monday, May 28, 2018 8:01:14 PM

Rob:

Sorry to just be seeing this now--I've been traveling in remote Alaska and forgot to put an autoreply on to inform folks. If you would like to give me a call now, my cell is (b) (6) . I can also talk first thing tomorrow morning--but the timezones are four hours apart. 10:00 am your time is most likely the earliest I can do a call.

Joe

On Thu, May 24, 2018 at 1:38 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> If you have a minute or you are in tomorrow it would be great to do a quick call. My cell is (b) (6)
>
> Thanks
>
> Rob
>
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From: Lehman, Rob
To: Balash, Joseph
Subject: Re: [EXTERNAL] Hope you have a great Memorial Day
Date: Monday, May 28, 2018 10:16:28 PM

Thx for the email I will call you in the am

Sent from my iPhone

On May 28, 2018, at 8:02 PM, Balash, Joseph <joseph_balash@ios.doi.gov> wrote:

> Rob:
>
> Sorry to just be seeing this now--I've been traveling in remote Alaska and forgot to put an autoreply on to inform folks. If you would like to give me a call now, my cell is (b) (6). I can also talk first thing tomorrow morning--but the timezones are four hours apart. 10:00 am your time is most likely the earliest I can do a call.
>
> Joe
>
> On Thu, May 24, 2018 at 1:38 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> > If you have a minute or you are in tomorrow it would be great to do a quick call. My cell is (b) (6)
> >
> > Thanks
> >
> > Rob
> >
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From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Hope you"re well
Date: Tuesday, September 11, 2018 9:07:11 AM

I will plan to call you at 11:00 am your time.

Sent from my iPhone

On Sep 11, 2018, at 06:41, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Tomorrow morning is best for me. I only have a 10 am meeting tomorrow I am free other wise until 1230
>
> Sent from my iPhone
>
> On Sep 11, 2018, at 5:27 AM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:
>
> > I'm nearly to the end of a brutal road trip. Will have some dead time in CO this afternoon and tomorrow morning. What works better for you?
> >
> > Sent from my iPhone
> >
> > On Sep 10, 2018, at 8:41 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
> >
> > > I wanted to run 2 things past you when you have a minute, no rush whenever you have a minute for a quick phone call.
> > >
> > > Rob
> > >
> > > **Rob Lehman | WilmerHale**
> > > Senior Public Policy Advisor
> > > 1875 Pennsylvania Avenue NW
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> > > ---
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From: Lehman, Rob
To: Joseph Balash
Subject: Re: [EXTERNAL] Hope you"re well
Date: Tuesday, September 11, 2018 7:42:03 AM

Tomorrow morning is best for me. I only have a 10 am meeting tomorrow I am free other wise until 1230

Sent from my iPhone

On Sep 11, 2018, at 5:27 AM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> I'm nearly to the end of a brutal road trip. Will have some dead time in CO this afternoon and tomorrow morning. What works better for you?
>
> Sent from my iPhone
>
> On Sep 10, 2018, at 8:41 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> > I wanted to run 2 things past you when you have a minute, no rush whenever you have a minute for a quick phone call.
> >
> > Rob
> >
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From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Hope you"re well
Date: Tuesday, September 11, 2018 5:26:13 AM

I'm nearly to the end of a brutal road trip. Will have some dead time in CO this afternoon and tomorrow morning. What works better for you?

Sent from my iPhone

On Sep 10, 2018, at 8:41 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> I wanted to run 2 things past you when you have a minute, no rush whenever you have a minute for a quick phone call.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
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> +1 202 663 6363 (f)
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From: Downey Magallanes
To: Lehman, Rob
Cc: lacey_smethers@ios.doi.gov
Subject: Re: [EXTERNAL] Hope you"re well
Date: Wednesday, June 27, 2018 12:44:54 PM

Are you around next week? 5th or 6th?

Sent from my iPhone

On Jun 22, 2018, at 1:49 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Downey,
>
> I am not sure if you remember me from my service with Sen. Rob Portman when you were with Sen. Blunt, but our paths have crossed previously. I hope your time in the Administration is going well. I was hoping to visit with you when you have time, nothing immediate just let me know if you have time to grab coffee.
>
> Best.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
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From: Lehman, Rob
To: Joseph Balash
Cc: Goncalves, Monica
Subject: Re: [EXTERNAL] Hope you"re well
Date: Tuesday, September 11, 2018 10:20:02 AM

Sent from my iPhone

On Sep 11, 2018, at 9:08 AM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> I will plan to call you at 11:00 am your time.
>
> Sent from my iPhone
>
> On Sep 11, 2018, at 06:41, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> > Tomorrow morning is best for me. I only have a 10 am meeting tomorrow I am free other wise until 1230
> >
> > Sent from my iPhone
> >
> > On Sep 11, 2018, at 5:27 AM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:
> >
> > > I'm nearly to the end of a brutal road trip. Will have some dead time in CO this afternoon and tomorrow morning. What works better for you?
> > >
> > > Sent from my iPhone
> > >
> > > On Sep 10, 2018, at 8:41 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
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> > > >
> > > > Rob
> > > >
> > > > **Rob Lehman | WilmerHale**
> > > > Senior Public Policy Advisor
> > > > 1875 Pennsylvania Avenue NW

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Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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From: Lehman, Rob
To: Joseph Balash
Subject: RE: [EXTERNAL] I am in until 6 pm and then available on cell (b) (6)
Date: Friday, December 14, 2018 4:59:43 PM

Thank you. Have a good weekend.

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Friday, December 14, 2018 4:57 PM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] I am in until 6 pm and then available on cell (b) (6)

I expect to receive an update on Monday morning at my weekly briefing.

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

On Dec 14, 2018, at 4:22 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
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From: Lehman, Rob
To: Joseph Balash
Subject: RE: [EXTERNAL] I am in until 6 pm and then available on cell (b) (6)
Date: Monday, December 17, 2018 11:03:53 AM

I am free when ever you want to connect post briefing.

From: Lehman, Rob
Sent: Friday, December 14, 2018 5:00 PM
To: 'Joseph Balash' <joseph_balash@ios.doi.gov>
Subject: RE: [EXTERNAL] I am in until 6 pm and then available on cell (b) (6)

Thank you. Have a good weekend.

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Friday, December 14, 2018 4:57 PM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] I am in until 6 pm and then available on cell (b) (6)

I expect to receive an update on Monday morning at my weekly briefing.

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

On Dec 14, 2018, at 4:22 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

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1875 Pennsylvania Avenue NW
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From: Lehman, Rob
To: Joseph Balash
Subject: RE: [EXTERNAL] May 8th
Date: Tuesday, April 10, 2018 9:55:32 AM

Yes, let's do the 7th later in the day is better if you're open. I think they get into DC at 1 pm. Thank you

---

From: Joseph Balash [mailto:joseph_balash@ios.doi.gov]
Sent: Tuesday, April 10, 2018 9:52 AM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] May 8th

Rob:

Unfortunately, the 8th will have me tied up all day out of town. If the 7th is still an option, I will know this Friday whether I will be in town that day.

Joe

Sent from my iPhone

On Apr 10, 2018, at 7:28 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> I wanted to check back with you to see if you had 20 minutes on May 8th that I could introduce you to the Twin Metals folks who will be in town for meetings. They have heard me say good things about you and were hoping to meet you.
>
> Thank you for considering this request.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
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> +1 202 663 6363 (f)
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From: Lehman, Rob
To: Joseph Balash
Cc: joseph.hayes@boem.gov
Subject: RE: [EXTERNAL] May 8th
Date: Tuesday, April 17, 2018 10:21:50 AM

Great. Thank you to both Joes!

Joseph Hayes, later on the 7th and most of the rest of the week we can make the meeting work. We have a few meetings with Senators and Congressman that are scheduled but we are pretty open. What time late on the 7th or 8-10th work from Asst. Sec. Balash?

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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From: Joseph Balash [mailto:joseph_balash@ios.doi.gov]
Sent: Monday, April 16, 2018 9:49 AM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Cc: joseph.hayes@boem.gov
Subject: Re: [EXTERNAL] May 8th

Rob:

I will, in fact, be in town on the 7th. I've copied my assistant to arrange specifics.

Joe

Sent from my iPhone

On Apr 10, 2018, at 9:55 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

th

AMERICAN OVERSIGHT

Yes, let's do the 7 later in the day is better if you're open. I think they get into DC at 1 pm. Thank you

---

From: Joseph Balash [mailto:joseph_balash@ios.doi.gov]
Sent: Tuesday, April 10, 2018 9:52 AM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] May 8th

Rob:

Unfortunately, the 8th will have me tied up all day out of town. If the 7th is still an option, I will know this Friday whether I will be in town that day.

Joe

Sent from my iPhone

On Apr 10, 2018, at 7:28 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> I wanted to check back with you to see if you had 20 minutes on May 8th that I could introduce you to the Twin Metals folks who will be in town for meetings. They have heard me say good things about you and were hoping to meet you.
>
> Thank you for considering this request.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Kaster, Amanda
Cc: James Voyles
Subject: RE: [EXTERNAL] Meeting Request - Thursday, Dec. 13th btw 2-6 pm
Date: Tuesday, December 11, 2018 11:51:03 AM

Hi Amanda,

What room should we head to? Is there a number we should give security downstairs?

Thanks,
Tim

From: Kaster, Amanda <akaster@blm.gov>
Sent: Friday, December 7, 2018 10:06 AM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Cc: James Voyles <james_voyles@ios.doi.gov>
Subject: Re: [EXTERNAL] Meeting Request - Thursday, Dec. 13th btw 2-6 pm

Hi Tim, happy to meet - I'm adding in James as well. 4pm on the 13th works best for me.

On Fri, Dec 7, 2018 at 9:48 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Amanda,
>
> I hope you had a nice week. I was curious if you might have a few minutes for a brief meeting with a representative from GCC Energy next Thursday. Gina Nance will be in town from Colorado and we would like to update you a few things before the scoping period is set to start on January 8th.
>
> Thanks for your time and consideration.
>
> Best,
> Tim
>
> **Tim Martin | WilmerHale**
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AMERICAN OVERSIGHT

--
Amanda Kaster-Averill
Bureau of Land Management
U.S. Department of the Interior
o: (202) 208-3027

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Kaster, Amanda
Cc: James Voyles; Goncalves, Monica
Subject: RE: [EXTERNAL] Meeting Request - Thursday, Dec. 13th btw 2-6 pm
Date: Friday, December 7, 2018 10:08:31 AM

Thanks! We look forward to it.

From: Kaster, Amanda <akaster@blm.gov>
Sent: Friday, December 7, 2018 10:06 AM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Cc: James Voyles <james_voyles@ios.doi.gov>
Subject: Re: [EXTERNAL] Meeting Request - Thursday, Dec. 13th btw 2-6 pm

Hi Tim, happy to meet - I'm adding in James as well. 4pm on the 13th works best for me.

On Fri, Dec 7, 2018 at 9:48 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Amanda,
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> I hope you had a nice week. I was curious if you might have a few minutes for a brief meeting with a representative from GCC Energy next Thursday. Gina Nance will be in town from Colorado and we would like to update you a few things before the scoping period is set to start on January 8th.
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--

AMERICAN OVERSIGHT

Amanda Kaster-Averill
Bureau of Land Management
U.S. Department of the Interior
o: (202) 208-3027

AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Kaster, Amanda
Cc:	James Voyles
Subject:	RE: [EXTERNAL] Meeting Request - Thursday, Dec. 13th btw 2-6 pm
Date:	Wednesday, December 12, 2018 2:20:18 PM

Yes, that should work. We appreciate you making the time.

From: Kaster, Amanda <akaster@blm.gov>
Sent: Tuesday, December 11, 2018 5:42 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Cc: James Voyles <james_voyles@ios.doi.gov>
Subject: Re: [EXTERNAL] Meeting Request - Thursday, Dec. 13th btw 2-6 pm

Hi Tim, I need to move our meeting time up a half hour - could we do 3:30pm in 5650 MIB?

Let me know -- thanks.

On Tue, Dec 11, 2018 at 11:51 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Amanda,
>
> What room should we head to? Is there a number we should give security downstairs?
>
> Thanks,
> Tim
>
> **From:** Kaster, Amanda <akaster@blm.gov>
> **Sent:** Friday, December 7, 2018 10:06 AM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Cc:** James Voyles <james_voyles@ios.doi.gov>
> **Subject:** Re: [EXTERNAL] Meeting Request - Thursday, Dec. 13th btw 2-6 pm
>
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>
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>>
>> Thanks for your time and consideration.
>>
>> Best,

AMERICAN OVERSIGHT

Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
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tim.martin@wilmerhale.com

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U.S. Department of the Interior
o: (202) 208-3027

--
Amanda Kaster-Averill
Bureau of Land Management
U.S. Department of the Interior
o: (202) 208-3027

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Cc: Goncalves, Monica; tracie_lassiter@ios.doi.gov
Subject: RE: [EXTERNAL] October 3-4
Date: Wednesday, September 12, 2018 2:55:34 PM

Terrific. Thank you

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Wednesday, September 12, 2018 2:47 PM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Cc: Goncalves, Monica <Monica.Goncalves@wilmerhale.com>; tracie_lassiter@ios.doi.gov
Subject: Re: [EXTERNAL] October 3-4

Rob:

It looks like I will be around and I would love to get an opportunity to meet. I've copied my assistant, Tracie, to find a good time on one of these days.

Joe

Sent from my iPhone

On Sep 12, 2018, at 1:41 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> I am glad to hear you will have some time in DC coming up. I wanted to see if you might be available on October 3-4th to meet Kelly Osborne, the new CEO of Twin Metals. The only current meeting we have is on Oct 3 at 10:30 but we will be flexible if you are available to meet.
>
> Thank you for considering this request.
>
> Best.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
> +1 202 663 6363 (f)
> rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From:	Joseph Balash
To:	Lehman, Rob
Subject:	Re: [EXTERNAL] POTUS going to MN on June 20th doing a mining roundtable (I am sure you knew this already but just in case)
Date:	Wednesday, June 13, 2018 9:33:37 PM

I had not heard of this. Very interesting

Sent from my iPhone

On Jun 13, 2018, at 9:34 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
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rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: RE: [EXTERNAL] Quick Status Check
Date: Tuesday, July 17, 2018 11:02:59 AM

Great, thank you.

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Tuesday, July 17, 2018 10:57 AM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: [EXTERNAL] Quick Status Check

Correct - it is currently scheduled to be published in the Federal Register on the 27th.

On Tue, Jul 17, 2018 at 9:56 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi James,
>
> We understand that the package has been cleared by the Department. I wanted to check in and confirm?
>
> If so, does that mean it is headed over to EPA for publication?
>
> Thanks,
> Tim
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Thursday, July 12, 2018 4:14 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Quick Status Check
>
> Hi Tim,
>
> That is correct. Once it is cleared by the Department it will go to the EPA for publication.
>
> On Thu, Jul 12, 2018 at 2:00 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
> > Hi James,
> >
> > We learned today that the NOA has cleared the BLM Washington Office's review process. That's great. We're just curious about next steps.
> >
> > Would something like this have to the EPA for publishing?
> >
> > Thanks,
> > Tim

AMERICAN OVERSIGHT

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Wednesday, July 11, 2018 4:53 PM

To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: [EXTERNAL] Quick Status Check

Hi Tim,

There are a few layers of review depending on the specific approval package. I need to check on this one.

On Wed, Jul 11, 2018 at 1:30 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Great, thanks.
>
> Who do the edits run through in DC?
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Wednesday, July 11, 2018 1:23 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
>
> **Subject:** Re: [EXTERNAL] Quick Status Check
>
> Hi Tim,
>
> I spoke with Tim Shannon last night. His Solicitor asked for edits that should be finalized soon, at which point the document will go for approval.
>
> Happy to answer any other questions.
>
> On Wed, Jul 11, 2018 at 1:12 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
>> Hi James,
>>
>> Hope you had nice 4th of July. I was just checking in to see if there were any further updates on this front?
>>
>> We understand BLM Nevada State Office (NVSO) advisor Tim Shannon has reviewed and revised NOA documents and he is posting to the tracking system. Hopefully a good sign?
>>
>> Thanks for your help.
>>
>> Best,
>> Tim

AMERICAN OVERSIGHT

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Tuesday, June 26, 2018 5:36 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Cc: Willens, Todd <todd_willens@ios.doi.gov>

Subject: Re: [EXTERNAL] Quick Status Check

Hi Tim,

I just left you a voicemail. Please feel free to call back when you have a moment.

On Tue, Jun 26, 2018 at 2:27 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> James and Todd,
>
> Greatly appreciated. Thank you.
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Tuesday, June 26, 2018 12:53 PM
> **To:** Willens, Todd <todd_willens@ios.doi.gov>; Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Quick Status Check
>
> Hi Tim,
>
> I've pinged the appropriate people on your request and will let you know the status as soon as I have one.
>
> > ---------- Forwarded message ----------
> > From: **Martin, Timothy** <Timothy.Martin@wilmerhale.com>
> > Date: Tue, Jun 26, 2018 at 11:12 AM
> > Subject: [EXTERNAL] Quick Status Check
> > To: "todd_willens@ios.doi.gov" <todd_willens@ios.doi.gov>
> >
> > Hi Todd,
> >
> > I hope you are well.
> >
> > I was hopeful you might have some insight into the status of the Gold Rock Mine Project Final Environmental Impact Statement, which has been in Washington, DC awaiting approval for publication of the Notice of Availability since December.

AMERICAN OVERSIGHT

Here is a link to the publicly available Draft EIS https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=49330

We learned from Ass. Sec. Balash that he has approved and the package is currently in the Front Office. Would this require the sign-off of Deputy Secretary Bernhardt or Secretary Zinke or both?

We are just trying to gauge next steps?

Happy to chat by phone if that is easier.

Thanks as always for your time.

Best,
Tim

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--
Best,
James

James Voyles
Senior Counsel

AMERICAN OVERSIGHT

Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

--
Best,
James

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Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
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AMERICAN OVERSIGHT

--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: RE: [EXTERNAL] Quick Status Check
Date: Tuesday, July 17, 2018 9:57:11 AM

Hi James,

We understand that the package has been cleared by the Department. I wanted to check in and confirm?

If so, does that mean it is headed over to EPA for publication?

Thanks,
Tim

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Thursday, July 12, 2018 4:14 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: [EXTERNAL] Quick Status Check

Hi Tim,

That is correct. Once it is cleared by the Department it will go to the EPA for publication.

On Thu, Jul 12, 2018 at 2:00 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi James,
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> We learned today that the NOA has cleared the BLM Washington Office's review process. That's great. We're just curious about next steps.
>
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> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
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> **Sent:** Wednesday, July 11, 2018 1:23 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
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> **Subject:** Re: [EXTERNAL] Quick Status Check
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>>
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>>
>> We understand BLM Nevada State Office (NVSO) advisor Tim Shannon has reviewed and revised NOA documents and he is posting to the tracking system. Hopefully a good sign?
>>
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>>
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>> Tim
>>
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>> **Sent:** Tuesday, June 26, 2018 5:36 PM
>> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
>> **Cc:** Willens, Todd <todd_willens@ios.doi.gov>
>>
>> **Subject:** Re: [EXTERNAL] Quick Status Check
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> I've pinged the appropriate people on your request and will let you know the status as soon as I have one.
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> We learned from Ass. Sec. Balash that he has approved and the package is currently in the Front Office. Would this require the sign-off of Deputy Secretary Bernhardt or Secretary Zinke or both?
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AMERICAN OVERSIGHT

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Best,
James

James Voyles
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U.S. Department of the Interior
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AMERICAN OVERSIGHT

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Best,
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James Voyles
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Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Voyles, James
Subject:	RE: [EXTERNAL] Quick Status Check
Date:	Thursday, July 12, 2018 4:36:57 PM

Thank you.

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Thursday, July 12, 2018 4:14 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: [EXTERNAL] Quick Status Check

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> Thanks,
> Tim
>
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> **Sent:** Wednesday, July 11, 2018 4:53 PM
>
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Quick Status Check
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>> **From:** Voyles, James <james_voyles@ios.doi.gov>
>> **Sent:** Wednesday, July 11, 2018 1:23 PM

AMERICAN OVERSIGHT

To: Martin, Timothy <Timothy.Martin@wilmerhale.com>

Subject: Re: [EXTERNAL] Quick Status Check

Hi Tim,

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> **Sent:** Tuesday, June 26, 2018 5:36 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Cc:** Willens, Todd <todd_willens@ios.doi.gov>
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>> **From:** Voyles, James <james_voyles@ios.doi.gov>
>> **Sent:** Tuesday, June 26, 2018 12:53 PM

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: RE: [EXTERNAL] Quick Status Check
Date: Thursday, July 12, 2018 2:00:54 PM

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Thanks,
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From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Wednesday, July 11, 2018 4:53 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
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AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Voyles, James
Subject:	RE: [EXTERNAL] Quick Status Check
Date:	Wednesday, July 11, 2018 4:55:28 PM

No problem. We appreciate it.

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Wednesday, July 11, 2018 4:53 PM
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Subject: Re: [EXTERNAL] Quick Status Check

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[redacted]

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AMERICAN OVERSIGHT

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To: Voyles, James
Subject: RE: [EXTERNAL] Quick Status Check
Date: Wednesday, July 11, 2018 1:31:33 PM

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: RE: [EXTERNAL] Quick Status Check
Date: Wednesday, July 11, 2018 1:12:48 PM

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AMERICAN OVERSIGHT

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From: Martin, Timothy
To: Voyles, James; Willens, Todd
Subject: RE: [EXTERNAL] Quick Status Check
Date: Tuesday, June 26, 2018 2:27:11 PM

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AMERICAN OVERSIGHT

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From: Martin, Timothy
To: Voyles, James
Subject: RE: [EXTERNAL] Quick Status Check
Date: Thursday, August 2, 2018 10:58:06 AM

Hi James,

Thanks again for all your help in getting the NOA published.

Do you foresee any issues having the ROD signed? Any idea on timing or next steps?

As always, your guidance is greatly appreciated.

Best,
Tim

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Tuesday, July 17, 2018 10:57 AM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: [EXTERNAL] Quick Status Check

Correct - it is currently scheduled to be published in the Federal Register on the 27th.

On Tue, Jul 17, 2018 at 9:56 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi James,
>
> We understand that the package has been cleared by the Department. I wanted to check in and confirm?
>
> If so, does that mean it is headed over to EPA for publication?
>
> Thanks,
> Tim
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Thursday, July 12, 2018 4:14 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Quick Status Check
>
> Hi Tim,
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> That is correct. Once it is cleared by the Department it will go to the EPA for publication.
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Hi Tim,

There are a few layers of review depending on the specific approval package. I need to check on this one.

On Wed, Jul 11, 2018 at 1:30 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Great, thanks.
>
> Who do the edits run through in DC?
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Wednesday, July 11, 2018 1:23 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
>
> **Subject:** Re: [EXTERNAL] Quick Status Check
>
> Hi Tim,
>
> I spoke with Tim Shannon last night. His Solicitor asked for edits that should be finalized soon, at which point the document will go for approval.
>
> Happy to answer any other questions.
>
> On Wed, Jul 11, 2018 at 1:12 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
>> Hi James,
>>
>> Hope you had nice 4th of July. I was just checking in to see if there were any further updates on this front?

AMERICAN OVERSIGHT

We understand BLM Nevada State Office (NVSO) advisor Tim Shannon has reviewed and revised NOA documents and he is posting to the tracking system. Hopefully a good sign?

Thanks for your help.

Best,
Tim

From: Voyles, James <james_voyles@ios.doi.gov>
Sent: Tuesday, June 26, 2018 5:36 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Cc: Willens, Todd <todd_willens@ios.doi.gov>

Subject: Re: [EXTERNAL] Quick Status Check

Hi Tim,

I just left you a voicemail. Please feel free to call back when you have a moment.

On Tue, Jun 26, 2018 at 2:27 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> James and Todd,
>
> Greatly appreciated. Thank you.
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Tuesday, June 26, 2018 12:53 PM
> **To:** Willens, Todd <todd_willens@ios.doi.gov>; Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Quick Status Check
>
> Hi Tim,
>
> I've pinged the appropriate people on your request and will let you know the status as soon as I have one.
>
> > ---------- Forwarded message ----------
> > From: **Martin, Timothy** <Timothy.Martin@wilmerhale.com>
> > Date: Tue, Jun 26, 2018 at 11:12 AM
> > Subject: [EXTERNAL] Quick Status Check

AMERICAN OVERSIGHT

To: "todd_willens@ios.doi.gov" <todd_willens@ios.doi.gov>

Hi Todd,

I hope you are well.

I was hopeful you might have some insight into the status of the Gold Rock Mine Project Final Environmental Impact Statement, which has been in Washington, DC awaiting approval for publication of the Notice of Availability since December.

Here is a link to the publicly available Draft EIS https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=49330

We learned from Ass. Sec. Balash that he has approved and the package is currently in the Front Office. Would this require the sign-off of Deputy Secretary Bernhardt or Secretary Zinke or both?

We are just trying to gauge next steps?

Happy to chat by phone if that is easier.

Thanks as always for your time.

Best,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

--
Best,
James

AMERICAN OVERSIGHT

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Best,
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U.S. Department of the Interior
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--
Best,
James

James Voyles
Senior Counsel

AMERICAN OVERSIGHT

Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477

AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Re: Touch base
Date: Wednesday, May 1, 2019 8:33:45 PM

Try my desk first (202) 208-6036, then my cell (b) (6)

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

> On May 1, 2019, at 8:31 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> Sure what number would be best
>
> Sent from my iPhone
>
>> On May 1, 2019, at 8:07 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:
>>
>> EXTERNAL SENDER
>>
>>
>>
>> Can we talk first thing tomorrow morning? I have a 9:00 that should
>> last an hour.
>>
>> Joe Balash
>> Assistant Secretary
>> Land and Minerals Management
>> Department of the Interior

AMERICAN OVERSIGHT

From: Taylor Playforth
To: Martin, Timothy
Subject: Re: [EXTERNAL] Sorry I missed you
Date: Wednesday, June 12, 2019 2:29:14 PM

Will do.

Sent from my iPhone

On Jun 12, 2019, at 2:28 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Taylor,
>
> Give me a buzz whenever you can. (b) (6)
>
> **Tim Martin | WilmerHale**
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6539 (t)
> +1 202 663 6363 (f)
> tim.martin@wilmerhale.com
>
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AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Sorry to bother you can we speak briefly in am it's timely
Date: Thursday, December 13, 2018 12:02:13 AM

Sure. I will be in around 8:00

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

> On Dec 12, 2018, at 10:45 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> Cell (b) (6) or desk 2026636907
> Thank you
>
> Sent from my iPhone

AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Sorry we have been unable to connect is there a time on Friday you might be available?
Date: Wednesday, December 19, 2018 6:57:51 PM

My afternoon is pretty flexible. 1:30? 3:00?

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

On Dec 19, 2018, at 5:36 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Sorry we have been unable to connect is there a time on Friday you might be available?
Date: Wednesday, December 19, 2018 7:56:12 PM

Yep

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

On Dec 19, 2018, at 7:09 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> 3 pm is great. Do you want to call my cell (b) (6) ?
>
> ---
>
> **From:** Joseph Balash <joseph_balash@ios.doi.gov>
> **Sent:** Wednesday, December 19, 2018 6:58 PM
> **To:** Lehman, Rob <Rob.Lehman@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Sorry we have been unable to connect is there a time on Friday you might be available?
>
> My afternoon is pretty flexible. 1:30? 3:00?
>
> Joe Balash
> Assistant Secretary
> Land and Minerals Management
> Department of the Interior
>
> On Dec 19, 2018, at 5:36 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
> +1 202 663 6363 (f)
> rob.lehman@wilmerhale.com
>
> **Please consider the environment before printing this email.**

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AMERICAN OVERSIGHT

From: Voyles, James
To: Raya.Treiser@wilmerhale.com
Cc: Martin, Timothy
Subject: Re: [EXTERNAL] Speaker Invitation - ABA Event on NEPA Reform and Permitting Streamlining
Date: Wednesday, December 5, 2018 9:27:52 AM

Good morning,

Thank you for considering me for this event. I am interested in participating and will work with DOI ethics to make sure that their are no issues or conflicts prior to formally committing. With the government being closed today, I'll start working with ethics tomorrow and hopefully have an answer to you by the end of the week or early next. Does that timeline work?

Any additional information you can provide about the event would be helpful.

On Tue, Dec 4, 2018 at 10:55 AM Treiser, Raya B. <Raya.Treiser@wilmerhale.com> wrote:

> Hi James,
>
> I hope you are doing well. We met several weeks ago with my colleague Tim Martin. I wanted to reach out because I am chairing the American Bar Association's Public Lands Committee this year, and we are organizing an event in partnership with the Environmental Law Institute focused on the recent efforts to improve the implementation of NEPA and the federal permitting of large infrastructure projects. I know you are continuing to lead many of these efforts within the Department of the Interior, so we would be honored to have you as a speaker. We are aiming to host this event in January or February, so if you're interested and available, please let me know some dates that would work well on your end. This will be a widely attended gathering and will be hosted at ELI's Washington DC office. Please let me know if I can provide any additional information.
>
> Thanks for considering this, and I hope you can join us!
>
> Best,
>
> Raya
>
> **Raya B. Treiser | WilmerHale**
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6002 (t)

AMERICAN OVERSIGHT

+1 202 663 6363 (f)
raya.treiser@wilmerhale.com

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--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477



AMERICAN OVERSIGHT

From: Voyles, James
To: Raya.Treiser@wilmerhale.com
Cc: Martin, Timothy
Subject: Re: [EXTERNAL] Speaker Invitation - ABA Event on NEPA Reform and Permitting Streamlining
Date: Wednesday, December 5, 2018 10:11:50 AM

This is very helpful - thank you.

Will be back with you soon.

On Wed, Dec 5, 2018 at 10:04 AM Treiser, Raya B. <Raya.Treiser@wilmerhale.com> wrote:

> James,
>
> Thanks very much for considering this. That timeline works well, and we'll look forward to hearing back from you. This event will be sponsored by the American Bar Association and hosted at the Environmental Law Institute's Washington DC office. The event will be advertised and open to participation by general members of the public. I can provide updates on number of RSVPs after we post the event, but we expect 30-40 people in person. We hope to also have a webinar so our committee members who are not in DC can join virtually. The entire event will be closed to the press and subject to Chatham House rules. We'll make that announcement at the outset of the event. Other participants who have confirmed include: Ted Boling, CEQ; Angie Colamaria, OMB; Eric Beightel, WSP; and we may also be joined by the new FPISC Executive Director, Alex Herrgott. I will be moderating the panel and will work with all of you to come up with a set of questions that tee up a discussion of the key reforms to NEPA and environmental permitting.
>
> Happy to answer any questions or accommodate any suggestions by the ethics office to ensure that this event complies with any restrictions on our federal participants.
>
> Thank you again, and I hope we have an opportunity to work on this together.
>
> Best,
>
> Raya
>
> **From:** Voyles, James <james_voyles@ios.doi.gov>
> **Sent:** Wednesday, December 5, 2018 9:27 AM
> **To:** Treiser, Raya B. <Raya.Treiser@wilmerhale.com>
> **Cc:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: [EXTERNAL] Speaker Invitation - ABA Event on NEPA Reform and Permitting Streamlining

AMERICAN OVERSIGHT

Good morning,

Thank you for considering me for this event. I am interested in participating and will work with DOI ethics to make sure that their are no issues or conflicts prior to formally committing. With the government being closed today, I'll start working with ethics tomorrow and hopefully have an answer to you by the end of the week or early next. Does that timeline work?

Any additional information you can provide about the event would be helpful.

On Tue, Dec 4, 2018 at 10:55 AM Treiser, Raya B. <Raya.Treiser@wilmerhale.com> wrote:

> Hi James,
>
> I hope you are doing well. We met several weeks ago with my colleague Tim Martin. I wanted to reach out because I am chairing the American Bar Association's Public Lands Committee this year, and we are organizing an event in partnership with the Environmental Law Institute focused on the recent efforts to improve the implementation of NEPA and the federal permitting of large infrastructure projects. I know you are continuing to lead many of these efforts within the Department of the Interior, so we would be honored to have you as a speaker. We are aiming to host this event in January or February, so if you're interested and available, please let me know some dates that would work well on your end. This will be a widely attended gathering and will be hosted at ELI's Washington DC office. Please let me know if I can provide any additional information.
>
> Thanks for considering this, and I hope you can join us!
>
> Best,
>
> Raya

AMERICAN OVERSIGHT

Raya B. Treiser | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6002 (t)
+1 202 663 6363 (f)
raya.treiser@wilmerhale.com

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Best,

James

James Voyles

Senior Counsel

Office of the Deputy Secretary

U.S. Department of the Interior

202-733-7477



--

AMERICAN OVERSIGHT

Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior
202-733-7477



AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: Re: [EXTERNAL] Thank you
Date: Tuesday, May 15, 2018 7:07:07 AM

That would be great I will call you

Sent from my iPhone

On May 15, 2018, at 6:33 AM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> No problem. How about 9:00 am?
>
> Sent from my iPhone
>
> On May 14, 2018, at 8:57 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> > Joe,
> >
> > We really appreciate the time you pent with us last week. Do you have time for a very brief call as a follow up to our other meetings?
> >
> > My cell is (b) (6) or office 202 663 6907
> >
> > Thanks again
> >
> > Rob
> >
> > Sent from my iPhone

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: Re: [EXTERNAL] Thank you
Date: Tuesday, May 15, 2018 7:06:49 AM

That would be great I will call you

Sent from my iPhone

On May 15, 2018, at 6:33 AM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> No problem. How about 9:00 am?
>
> Sent from my iPhone
>
> On May 14, 2018, at 8:57 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> > Joe,
> >
> > We really appreciate the time you pent with us last week. Do you have time for a very brief call as a follow up to our other meetings?
> >
> > My cell is (b) (6) or office 202 663 6907
> >
> > Thanks again
> >
> > Rob
> >
> > Sent from my iPhone

AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Thank you
Date: Tuesday, May 15, 2018 6:33:01 AM

No problem. How about 9:00 am?

Sent from my iPhone

On May 14, 2018, at 8:57 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> We really appreciate the time you pent with us last week. Do you have time for a very brief call as a follow up to our other meetings?
>
> My cell is (b) (6) or office 202 663 6907
>
> Thanks again
>
> Rob
>
> Sent from my iPhone

AMERICAN OVERSIGHT

From: Voyles, James
To: Martin, Timothy
Subject: Re: [EXTERNAL] Thank You
Date: Wednesday, October 17, 2018 10:37:56 AM

Should be a great game - enjoy!

On Wed, Oct 17, 2018 at 10:33 AM Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> James,
>
> Thanks again for the time last week. We are going to Michigan v. Mich St this weekend as my wife is a Sparty!
>
> Best,
>
> Tim
>
> **Tim Martin | WilmerHale**
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6539 (t)
> +1 202 663 6363 (f)
> tim.martin@wilmerhale.com
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--
Best,
James

James Voyles
Senior Counsel
Office of the Deputy Secretary
U.S. Department of the Interior

AMERICAN OVERSIGHT

202-733-7477



AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] Victoria trip
Date: Thursday, July 19, 2018 11:48:21 AM

Thanks, Rob. I'll keep an eye out for him. I am going to be connecting with Dan Jiron next week to catch up on where we stand on the various withdrawals under review.

Sent from my iPhone

On Jul 17, 2018, at 11:14 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> I hope you're doing well. One of my partners, Andy Spielman mentioned he was going to be at an event in Victoria tomorrow and Friday and you were the keynote speaker. Andy is a top notch public lands, environment lawyer, but he is even a better person. I told him if he had an opportunity he should say hello to you. I told him with your travel schedule it's hard to keep up with you! I hope when you are back in town or if you get bored on the road we can catch up on a couple issues, no rush whenever it works for you.
>
> Best.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
> +1 202 663 6363 (f)
> rob.lehman@wilmerhale.com
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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: RE: [EXTERNAL] Victoria trip
Date: Wednesday, July 25, 2018 7:42:25 PM

Joe,

Let me know when you might be available next week for coffee or a quick call.

Rob

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Thursday, July 19, 2018 11:48 AM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] Victoria trip

Thanks, Rob. I'll keep an eye out for him. I am going to be connecting with Dan Jiron next week to catch up on where we stand on the various withdrawals under review.

Sent from my iPhone

On Jul 17, 2018, at 11:14 AM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> I hope you're doing well. One of my partners, Andy Spielman mentioned he was going to be at an event in Victoria tomorrow and Friday and you were the keynote speaker. Andy is a top notch public lands, environment lawyer, but he is even a better person. I told him if he had an opportunity he should say hello to you. I told him with your travel schedule it's hard to keep up with you! I hope when you are back in town or if you get bored on the road we can catch up on a couple issues, no rush whenever it works for you.
>
> Best.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
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> rob.lehman@wilmerhale.com
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AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Subject: Re: [EXTERNAL] We are getting reporters asking for comments that BLM is making announcement on our leases today
Date: Monday, December 17, 2018 3:24:36 PM

I'm told it's not ready. This had been their target but they still need a couple days. I will call soon.

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

On Dec 17, 2018, at 2:54 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> I assume they are getting that from opponents but just wanted to let you know
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6907 (t)
> +1 202 663 6363 (f)
> rob.lehman@wilmerhale.com
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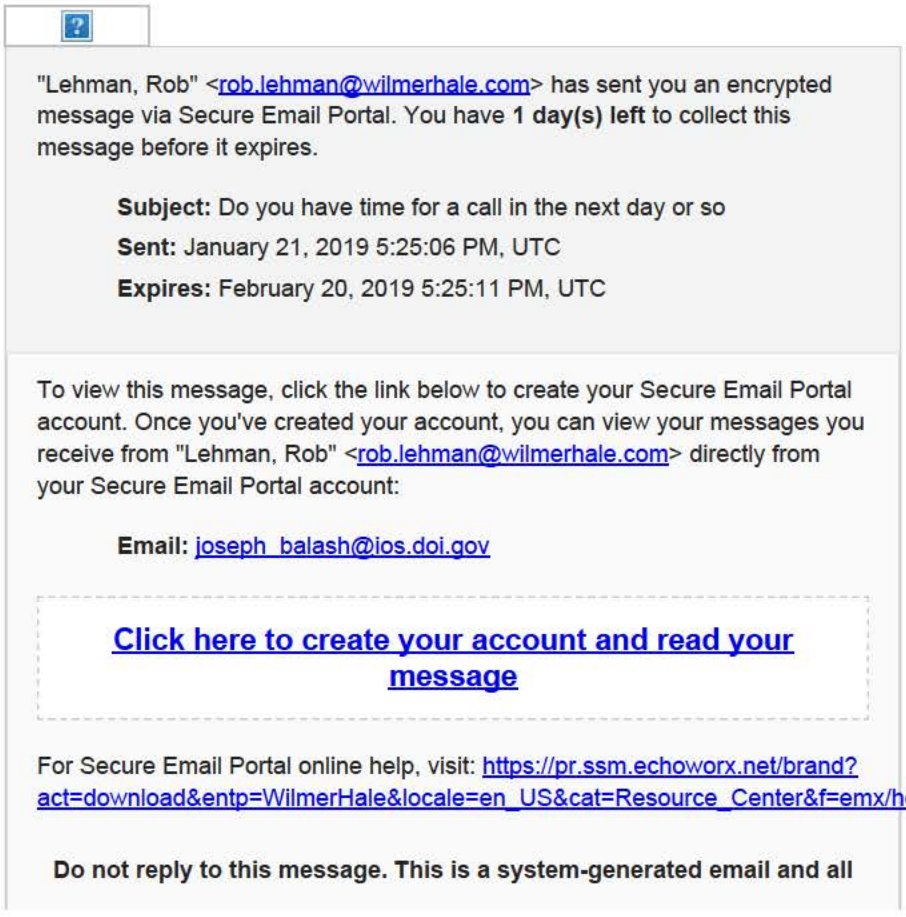
AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: Re: [EXTERNAL] Your Secure Email Portal Activation Information
Date: Wednesday, February 20, 2019 12:11:52 AM

Shoot I was tied up in meetings. With the storm are you still getting out tomorrow? I am pretty free tomorrow except for a couple conference calls

Sent from my iPhone

On Feb 19, 2019, at 1:18 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> I'm traveling unexpectedly. Are you free in the next hour? Or tomorrow morning?
>
> Joe Balash
> Assistant Secretary
> Land and Minerals Management
> Department of the Interior
>
> On Feb 19, 2019, at 11:25 AM, Lehman, Rob <rob.lehman@wilmerhale.com> wrote:
>
> 
> "Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **1 day(s) left** to collect this message before it expires.
>
> **Subject:** Do you have time for a call in the next day or so
> **Sent:** January 21, 2019 5:25:06 PM, UTC
> **Expires:** February 20, 2019 5:25:11 PM, UTC
>
> To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:
>
> **Email:** joseph_balash@ios.doi.gov
>
> **Click here to create your account and read your message**
>
> For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html
>
> **Do not reply to this message. This is a system-generated email and all**

AMERICAN OVERSIGHT

replies will be discarded.

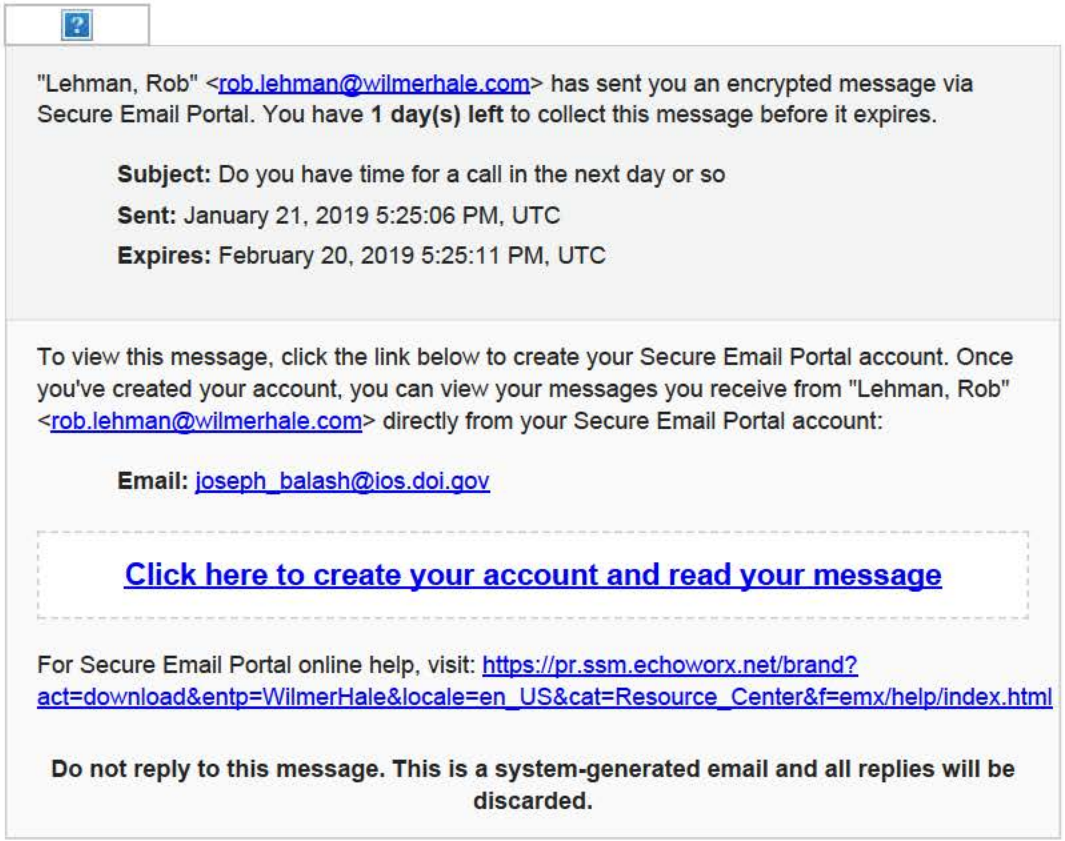
AMERICAN OVERSIGHT

From: Joseph Balash
To: rob.lehman@wilmerhale.com
Subject: Re: [EXTERNAL] Your Secure Email Portal Activation Information
Date: Tuesday, February 19, 2019 1:18:16 PM

I'm traveling unexpectedly. Are you free in the next hour? Or tomorrow morning?

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

On Feb 19, 2019, at 11:25 AM, Lehman, Rob <rob.lehman@wilmerhale.com> wrote:



"Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **1 day(s) left** to collect this message before it expires.

Subject: Do you have time for a call in the next day or so

Sent: January 21, 2019 5:25:06 PM, UTC

Expires: February 20, 2019 5:25:11 PM, UTC

To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:

Email: joseph_balash@ios.doi.gov

Click here to create your account and read your message

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

Do not reply to this message. This is a system-generated email and all replies will be discarded.

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: Re: [EXTERNAL] Your Secure Email Portal Activation Information
Date: Monday, January 21, 2019 11:04:54 PM

Thx. My cell is (b) (6) Desk 202 663 6907

Sent from my iPhone

On Jan 21, 2019, at 8:30 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> I'll give you a call in the morning.
>
> Joe Balash
> Assistant Secretary
> Land and Minerals Management
> Department of the Interior
>
> On Jan 21, 2019, at 12:25 PM, Lehman, Rob <rob.lehman@wilmerhale.com> wrote:
>
> 
>
> "Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **30 day(s) left** to collect this message before it expires.
>
> **Subject:** Do you have time for a call in the next day or so
> **Sent:** January 21, 2019 5:25:06 PM, UTC
> **Expires:** February 20, 2019 5:25:11 PM, UTC
>
> To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:
>
> **Email:** joseph_balash@ios.doi.gov
>
> **Click here to create your account and read your message.**
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>
> **Do not reply to this message. This is a system-generated email and all replies will be discarded.**

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Joseph Balash
To: rob.lehman@wilmerhale.com
Subject: Re: [EXTERNAL] Your Secure Email Portal Activation Information
Date: Monday, January 21, 2019 8:29:52 PM

I'll give you a call in the morning.

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

On Jan 21, 2019, at 12:25 PM, Lehman, Rob <rob.lehman@wilmerhale.com> wrote:



"Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **30 day(s) left** to collect this message before it expires.

Subject: Do you have time for a call in the next day or so

Sent: January 21, 2019 5:25:06 PM, UTC

Expires: February 20, 2019 5:25:11 PM, UTC

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Email: joseph_balash@ios.doi.gov

Click here to create your account and read your message.

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: "Joseph Balash"
Subject: RE: [EXTERNAL] Your Secure Email Portal Activation Information
Date: Wednesday, February 20, 2019 9:59:36 AM

I am home because of snow catching up on calls. Let me know what time works for you. My cell is (b) (6) [redacted]

From: Joseph Balash <joseph_balash@ios.doi.gov>
Sent: Wednesday, February 20, 2019 12:17 AM
To: Lehman, Rob <Rob.Lehman@wilmerhale.com>
Subject: Re: [EXTERNAL] Your Secure Email Portal Activation Information

I'm already in Houston...will be interesting to see if I make it home tomorrow night.

I'm at a conference pretty much all day but can get away to do calls. Let me know what works for you

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

On Feb 19, 2019, at 11:11 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Shoot I was tied up in meetings. With the storm are you still getting out tomorrow? I am pretty free tomorrow except for a couple conference calls
>
> Sent from my iPhone
>
> On Feb 19, 2019, at 1:18 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:
>
> > I'm traveling unexpectedly. Are you free in the next hour? Or tomorrow morning?
> >
> > Joe Balash
> > Assistant Secretary
> > Land and Minerals Management
> > Department of the Interior
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AMERICAN OVERSIGHT

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- **Subject:** Do you have time for a call in the next day or so
- **Sent:** January 21, 2019 5:25:06 PM, UTC
- **Expires:** February 20, 2019 5:25:11 PM, UTC

To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:

- **Email:** joseph_balash@ios.doi.gov

Click here to create your account and read your message

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

Do not reply to this message. This is a system-generated email and all replies will be discarded.

AMERICAN OVERSIGHT

From: Martin, Timothy
To: MacGregor, Katharine; Anderson, Michael
Subject: RE: Follow Up
Date: Wednesday, May 31, 2017 8:40:35 AM

Hi Kate,

Thanks for the call and the note. I am sorry I missed you.

Michael – I can work around Kate's very busy schedule. Whatever works on her end and thanks for the help.

Best,
Tim Martin

From: MacGregor, Katharine [mailto:katharine_macgregor@ios.doi.gov]
Sent: Tuesday, May 30, 2017 7:18 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>; Anderson, Michael <michael_anderson@ios.doi.gov>
Subject: Re: Follow Up

Hey Tim - Looping you in with Michael - I should have an opening late next week that might work to catch up.
-Kate

On Tue, May 30, 2017 at 5:55 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Kate,
>
> I hope you had a nice long weekend and a little time to relax.
>
> I was hopeful you might have a few minutes to chat by phone regarding the Interior Approps Committee hearing last week. Just wanted to hear your thoughts.
>
> If it easier to work with your assistant – happy to do that as well.
>
> Thanks for your consideration.
>
> Best,
>
> **Tim Martin | WilmerHale**
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6539 (t)
> +1 202 663 6363 (f)
> tim.martin@wilmerhale.com

AMERICAN OVERSIGHT

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--

Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-208-3671 (Direct)

AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: RE: Good Chatting with You
Date: Monday, March 4, 2019 4:35:50 PM

Hi Taylor,

Any chance you were able to find the response from the Nov. 5th letter?

Thanks,
Tim

From: Martin, Timothy
Sent: Friday, March 1, 2019 4:05 PM
To: 'taylor_playforth@ios.doi.gov' <taylor_playforth@ios.doi.gov>
Subject: Good Chatting with You

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Cc: joseph.hayes@boem.gov
Subject: Re: Hope you"re well
Date: Wednesday, March 14, 2018 8:51:38 PM

Thanks Joe. I look forward to catching up. I read about your speech at the press club, I think you are 100 percent on target with your priorities.

Rob

Sent from my iPhone

On Mar 14, 2018, at 8:21 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> Rob:
>
> Great to hear from you! I tried calling you back but it was too late into the afternoon. I've copied my assistant to identify a time that we can get on the phone —or if you prefer, a meeting in the office.
>
> Joe
>
> Sent from my iPhone
>
> On Mar 14, 2018, at 4:08 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
>
> > Joe,
> >
> > Congrats again on your "new" position. I was hoping when you had some time we could visit.
> >
> > Best.
> >
> > Rob
> >
> > **Rob Lehman | WilmerHale**
> > Senior Public Policy Advisor
> > 1875 Pennsylvania Avenue NW
> > Washington, DC 20006 USA
> > +1 202 663 6907 (t)
> > +1 202 663 6363 (f)
> > rob.lehman@wilmerhale.com
> >
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AMERICAN OVERSIGHT

From: Joseph Balash
To: Lehman, Rob
Cc: joseph.hayes@boem.gov
Subject: Re: Hope you"re well
Date: Wednesday, March 14, 2018 8:20:12 PM

Rob:

Great to hear from you! I tried calling you back but it was too late into the afternoon. I've copied my assistant to identify a time that we can get on the phone—or if you prefer, a meeting in the office.

Joe

Sent from my iPhone

On Mar 14, 2018, at 4:08 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:

> Joe,
>
> Congrats again on your "new" position. I was hoping when you had some time we could visit.
>
> Best.
>
> Rob
>
> **Rob Lehman | WilmerHale**
> Senior Public Policy Advisor
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>
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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Cc: joseph.hayes@boem.gov
Subject: Re: Hope you"re well
Date: Wednesday, March 14, 2018 8:51:49 PM

Thanks Joe. I look forward to catching up. I read about your speech at the press club, I think you are 100 percent on target with your priorities.

Rob

Sent from my iPhone

On Mar 14, 2018, at 8:21 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:

> Rob:
>
> Great to hear from you! I tried calling you back but it was too late into the afternoon. I've copied my assistant to identify a time that we can get on the phone —or if you prefer, a meeting in the office.
>
> Joe
>
> Sent from my iPhone
>
> On Mar 14, 2018, at 4:08 PM, Lehman, Rob <Rob.Lehman@wilmerhale.com> wrote:
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> > Joe,
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> > Congrats again on your "new" position. I was hoping when you had some time we could visit.
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> > Best.
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AMERICAN OVERSIGHT

From:	Martin, Timothy
To:	Kaster, Amanda
Subject:	RE: Introduction
Date:	Thursday, July 20, 2017 5:11:16 PM
Attachments:	image001.png image002.png image003.png

Hi Amanda,

Just wanted to circle back here. Any chance next week might work for a quick call?

Thanks for your time.

Best,
Tim

From: Martin, Timothy
Sent: Friday, July 14, 2017 4:36 PM
To: 'Kaster, Amanda' <amanda_kaster@ios.doi.gov>
Subject: RE: Introduction

Hi Amanda,

No need to apologize. I know how slammed you all are over there so I just appreciate you circling back.

If you have time Monday/Tuesday – I can make it work. Or, anytime around your schedule for that matter.

Sincerely,
Tim
From: Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov]
Sent: Friday, July 14, 2017 4:31 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Introduction

Hi Tim, sincerest apologies for the delay. Any chance we could chat sometime next week?

On Tue, Jul 11, 2017 at 9:41 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Jeff – thanks for the introduction.
>
> Amanda – it is nice to meet you via email :) Do you think you might have a few minutes to chat by phone this week? It would be great to connect on this issue.
>
> Thanks for your consideration.

AMERICAN OVERSIGHT

Sincerely,
Tim

From: Small, Jeff [mailto:Jeff.Small@mail.house.gov]
Sent: Friday, July 7, 2017 5:20 PM
To: amanda_kaster@ios.doi.gov; Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Introduction

Hi Tim and Amanda,

Wanted to connect the two of you.

Tim works over at WilmerHale now. He worked in Congressman Tipton's office previously and handled his Resources issues. He is working on the Minnesota mining issue amongst other issues. Great guy.

Amanda used to work in Secretary's Zinke's Congressional office and handled his Resources issues. She now works for the Department. She is awesome and doing an amazing job.

Hope you both have a great weekend.

Sincerely,

Jeff Small
Executive Director | Congressional Western Caucus
Senior Advisor | Congressman Paul A. Gosar, D.D.S.
2057 Rayburn HOB | Washington, DC 20515
(202) 225-2315 main
jeff.small@mail house.gov



--

Amanda Kaster-Averill
Advisor to the Secretary
Office of Congressional and Legislative Affairs
U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov

AMERICAN OVERSIGHT

From: Kaster, Amanda
To: Martin, Timothy
Subject: Re: Introduction
Date: Tuesday, July 25, 2017 12:53:09 PM

---

(202) 208-3337. And thank you for being so flexible.

On Tue, Jul 25, 2017 at 12:49 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Yes. What is the best number to call?
>
> Thanks for making the time.
>
> **From:** Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov]
> **Sent:** Tuesday, July 25, 2017 12:46 PM
> **To:** Martin, Timothy
> **Subject:** Re: Introduction
>
> Does 2:30pm work?
>
> On Tue, Jul 25, 2017 at 9:30 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
> Sure... what time?
>
> Sent from my iPhone
>
> On Jul 24, 2017, at 3:02 PM, Amanda Kaster <amanda_kaster@ios.doi.gov> wrote:
>
> > I hate do this, but would tomorrow morning work? My schedule has just been crazy today.
> >
> > Sent from my iPhone
> >
> > On Jul 20, 2017, at 5:17 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
> >
> > > Absolutely, you name the time. I appreciate it.
> > >
> > > Best,

AMERICAN OVERSIGHT

Tim

From: Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov]
Sent: Thursday, July 20, 2017 5:14 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Introduction

Absolutely, could Monday work? I am so sorry we haven't been able to connect, it has been incredibly busy here.

On Thu, Jul 20, 2017 at 5:10 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Amanda,
>
> Just wanted to circle back here. Any chance next week might work for a quick call?
>
> Thanks for your time.
>
> Best,
>
> Tim
>
> ---
>
> **From:** Martin, Timothy
> **Sent:** Friday, July 14, 2017 4:36 PM
> **To:** 'Kaster, Amanda' <amanda_kaster@ios.doi.gov>
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>
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>
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AMERICAN OVERSIGHT

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Sincerely,

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Subject: Re: Introduction

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> Thanks for your consideration.
>
> Sincerely,
>
> Tim
>
> ---
>
> **From:** Small, Jeff [mailto:Jeff.Small@mail.house.gov]
> **Sent:** Friday, July 7, 2017 5:20 PM
> **To:** amanda_kaster@ios.doi.gov; Martin, Timothy <Timothy.Martin@wilmerhale.com>

AMERICAN OVERSIGHT

Subject: Introduction

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(202) 225-2315 main
jeff.small@mail house.gov
<image001.png><image002.png><image003.png>

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Amanda Kaster-Averill

Advisor to the Secretary

Office of Congressional and Legislative Affairs

U.S. Department of the Interior

AMERICAN OVERSIGHT

(202) 208-3337

amanda_kaster@ios.doi.gov

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Amanda Kaster-Averill

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Advisor to the Secretary
Office of Congressional and Legislative Affairs
U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov

AMERICAN OVERSIGHT

From: Kaster, Amanda
To: Martin, Timothy
Subject: Re: Introduction
Date: Tuesday, July 25, 2017 12:45:58 PM

Does 2:30pm work?

On Tue, Jul 25, 2017 at 9:30 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Sure... what time?
>
> Sent from my iPhone
>
> On Jul 24, 2017, at 3:02 PM, Amanda Kaster <amanda_kaster@ios.doi.gov> wrote:
>
> > I hate do this, but would tomorrow morning work? My schedule has just been crazy today.
> >
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> > > Absolutely, you name the time. I appreciate it.
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> > > **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
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> > >
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To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
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> Amanda – it is nice to meet you via email :) Do you think you might have a few minutes to chat by phone this week? It would be great to connect on this issue.
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> Thanks for your consideration.
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> Sincerely,
>
> Tim
>
> ---
>
> **From:** Small, Jeff [mailto:Jeff.Small@mail.house.gov]
> **Sent:** Friday, July 7, 2017 5:20 PM
> **To:** amanda_kaster@ios.doi.gov; Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Introduction
>
> Hi Tim and Amanda,
>
> Wanted to connect the two of you.
>
> Tim works over at WilmerHale now. He worked in Congressman Tipton's office previously and handled his Resources issues. He is working on the Minnesota mining issue amongst other issues. Great guy.
>
> Amanda used to work in Secretary's Zinke's Congressional office and handled his Resources issues. She now works for the Department. She is awesome and doing an amazing job.
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> Hope you both have a great weekend.

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Sincerely,

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Office of Congressional and Legislative Affairs

U.S. Department of the Interior

(202) 208-3337

amanda_kaster@ios.doi.gov

AMERICAN OVERSIGHT

--
Amanda Kaster-Averill
Advisor to the Secretary
Office of Congressional and Legislative Affairs
U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Kaster, Amanda
Subject: RE: Introduction
Date: Tuesday, July 25, 2017 2:55:40 PM

Amanda – it was great to connect. Thanks.

Have a good week,
Tim

From: Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov]
Sent: Tuesday, July 25, 2017 12:53 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Introduction

(202) 208-3337. And thank you for being so flexible.

On Tue, Jul 25, 2017 at 12:49 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Yes. What is the best number to call?
>
> Thanks for making the time.
>
> **From:** Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov]
> **Sent:** Tuesday, July 25, 2017 12:46 PM
> **To:** Martin, Timothy
> **Subject:** Re: Introduction
>
> Does 2:30pm work?
>
> On Tue, Jul 25, 2017 at 9:30 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
> Sure... what time?
>
> Sent from my iPhone
>
> On Jul 24, 2017, at 3:02 PM, Amanda Kaster <amanda_kaster@ios.doi.gov> wrote:
>
>> I hate do this, but would tomorrow morning work? My schedule has just been crazy today.
>>
>> Sent from my iPhone
>>
>> On Jul 20, 2017, at 5:17 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>>
>>> Absolutely, you name the time. I appreciate it.
>>>
>>> Best,

AMERICAN OVERSIGHT

Tim

From: Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov]
Sent: Thursday, July 20, 2017 5:14 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Introduction

Absolutely, could Monday work? I am so sorry we haven't been able to connect, it has been incredibly busy here.

On Thu, Jul 20, 2017 at 5:10 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Amanda,
>
> Just wanted to circle back here. Any chance next week might work for a quick call?
>
> Thanks for your time.
>
> Best,
> Tim
>
> ---
>
> **From:** Martin, Timothy
> **Sent:** Friday, July 14, 2017 4:36 PM
> **To:** 'Kaster, Amanda' <amanda_kaster@ios.doi.gov>
> **Subject:** RE: Introduction
>
> Hi Amanda,
>
> No need to apologize. I know how slammed you all are over there so I just appreciate you circling back.
>
> If you have time Monday/Tuesday – I can make it work. Or, anytime around your schedule for that matter.
>
> Sincerely,
> Tim
> **From:** Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov]
> **Sent:** Friday, July 14, 2017 4:31 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: Introduction
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> Hi Tim, sincerest apologies for the delay. Any chance we could chat sometime next week?

AMERICAN OVERSIGHT

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> Jeff – thanks for the introduction.
>
> Amanda – it is nice to meet you via email :) Do you think you might have a few minutes to chat by phone this week? It would be great to connect on this issue.
>
> Thanks for your consideration.
>
> Sincerely,
> Tim
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> ---
>
> **From:** Small, Jeff [mailto:Jeff.Small@mail.house.gov]
> **Sent:** Friday, July 7, 2017 5:20 PM
> **To:** amanda_kaster@ios.doi.gov; Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Introduction
>
> Hi Tim and Amanda,
>
> Wanted to connect the two of you.
>
> Tim works over at WilmerHale now. He worked in Congressman Tipton's office previously and handled his Resources issues. He is working on the Minnesota mining issue amongst other issues. Great guy.
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> Amanda used to work in Secretary's Zinke's Congressional office and handled his Resources issues. She now works for the Department. She is awesome and doing an amazing job.
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> Hope you both have a great weekend.
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> Sincerely,
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> **Jeff Small**
> *Executive Director | Congressional Western Caucus*
> *Senior Advisor | Congressman Paul A. Gosar, D.D.S.*
> 2057 Rayburn HOB | Washington, DC 20515
> (202) 225-2315 main
> jeff.small@mail.house.gov
> <image001.png><image002.png><image003.png>

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AMERICAN OVERSIGHT

U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov

AMERICAN OVERSIGHT

From: Amanda Kaster
To: Martin, Timothy
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Date: Monday, July 24, 2017 3:01:52 PM

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Attachments: image001.png
image002.png
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Micah Chambers
Subject: RE: Letter for Secretary Zinke
Date: Tuesday, May 30, 2017 5:48:00 PM

Would that be Kate and Kathy?

From: Micah Chambers [mailto:micah_chambers@ios.doi.gov]
Sent: Tuesday, May 30, 2017 5:46 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Letter for Secretary Zinke

Thanks Tim. I've forwarded to the BLM and ASLM leads.

Sent from my iPhone

On May 30, 2017, at 1:41 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Micah,
>
> I hope you are well. Would you happen to know who would be best to send the attached letter at DOI? We're just looking for some direction.
>
> Thanks,
>
> **Tim Martin | WilmerHale**
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6539 (t)
> +1 202 663 6363 (f)
> tim.martin@wilmerhale.com
>
> **Please consider the environment before printing this email.**
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> This email message and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately—by replying to this message or by sending an email to postmaster@wilmerhale.com—and destroy all copies of this message and any attachments. Thank you.
>
> For more information about WilmerHale, please visit us at http://www.wilmerhale.com.
>
> <Twin Metals Letter - May 26 2017.pdf>

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Chambers, Micah
Subject: RE: New Coordinates
Date: Thursday, March 23, 2017 5:42:27 PM

Hi Micah,

Any chance you are available tomorrow after my meeting with Kathy at 10 am? I have an updated letter that is soon to be emailed your way, but I thought I could drop a paper copy off to you, if that works?

Thanks and have a great evening.

Best,
Tim

From: Chambers, Micah [mailto:micah_chambers@ios.doi.gov]
Sent: Tuesday, March 21, 2017 3:00 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: New Coordinates

I'm free at 4. My office number is 202.208.5348

On Tue, Mar 21, 2017 at 2:57 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> I'm free at 4 pm if you want to give me a buzz?
>
> Sent from my iPhone
>
> On Mar 21, 2017, at 2:38 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:
>
> > Hi Tim. Sorry for the slow reply. Be glad to chat at some point. I'm free most of this afternoon.
> >
> > Micah
> >
> > On Thu, Mar 16, 2017 at 11:54 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
> >
> > > Hi Micah,
> > >
> > > First, let me just apologize for the duplication of emails. I had originally sent this email to the address you gave me upon your exit from the House.
> > >
> > > Congratulations and I hope the Secretary and Team Zinke are getting settled. You all are going to do a great job.
> > >
> > > I've also departed the House and Congressman Rodney Davis' office to start

AMERICAN OVERSIGHT

at WilmerHale on their Public Policy team in February. It was a difficult decision because Mr. Davis is such a fantastic member. On the bright side, I can't tell you how excited I am to be working Natural Resource issues again. I loved my time as Mr. Tipton's NR LA.

It's in the vein that I was hoping to chat with you about an issue I am working on and perhaps you'll have some direction for me.

I am available anytime that works for you.

Thanks for your consideration.

Best,
Tim

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Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

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Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs

AMERICAN OVERSIGHT

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From: Martin, Timothy
To: Chambers, Micah
Subject: Re: New Coordinates
Date: Thursday, March 23, 2017 9:18:03 AM

Hi Micah,

Do you have a number for Doug Domenech?

Thank you,
Tim

Sent from my iPhone

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AMERICAN OVERSIGHT

Office of Congressional & Legislative Affairs
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AMERICAN OVERSIGHT

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Subject: Re: New Coordinates
Date: Tuesday, March 21, 2017 2:58:22 PM

I'm free at 4 pm if you want to give me a buzz?

Sent from my iPhone

On Mar 21, 2017, at 2:38 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:

> Hi Tim. Sorry for the slow reply. Be glad to chat at some point. I'm free most of this afternoon.
>
> Micah
>
> On Thu, Mar 16, 2017 at 11:54 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
> > Hi Micah,
> >
> > First, let me just apologize for the duplication of emails. I had originally sent this email to the address you gave me upon your exit from the House.
> >
> > Congratulations and I hope the Secretary and Team Zinke are getting settled. You all are going to do a great job.
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> > It's in the vein that I was hoping to chat with you about an issue I am working on and perhaps you'll have some direction for me.
> >
> > I am available anytime that works for you.
> >
> > Thanks for your consideration.

AMERICAN OVERSIGHT

Best,

Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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--

Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Chambers, Micah
Subject: Re: New Coordinates
Date: Tuesday, March 21, 2017 2:58:10 PM

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Sent from my iPhone

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Office of the Secretary of the Interior

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Chambers, Micah
Subject: Re: New Coordinates
Date: Tuesday, March 21, 2017 2:47:18 PM

What is the best number to reach you? Thank you.

Sent from my iPhone

On Mar 21, 2017, at 2:38 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:

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Office of the Secretary of the Interior

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Chambers, Micah
Subject: Re: New Coordinates
Date: Tuesday, March 21, 2017 2:47:05 PM

What is the best number to reach you? Thank you.

Sent from my iPhone

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Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

AMERICAN OVERSIGHT

From: Chambers, Micah
To: Martin, Timothy
Subject: Re: New Coordinates
Date: Tuesday, March 21, 2017 2:37:21 PM

Hi Tim. Sorry for the slow reply. Be glad to chat at some point. I'm free most of this afternoon.

Micah

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Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Micah Chambers
Subject: RE: New Coordinates
Date: Friday, March 24, 2017 9:05:06 AM

Not a problem.

From: Micah Chambers [mailto:micah_chambers@ios.doi.gov]
Sent: Thursday, March 23, 2017 6:54 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: New Coordinates

I won't be back in my office until 11 probably

Sent from my iPhone

On Mar 23, 2017, at 5:42 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Micah,
>
> Any chance you are available tomorrow after my meeting with Kathy at 10 am? I have an updated letter that is soon to be emailed your way, but I thought I could drop a paper copy off to you, if that works?
>
> Thanks and have a great evening.
>
> Best,
> Tim
>
> **From:** Chambers, Micah [mailto:micah_chambers@ios.doi.gov]
> **Sent:** Tuesday, March 21, 2017 3:00 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: New Coordinates
>
> I'm free at 4. My office number is 202.208.5348
>
> On Tue, Mar 21, 2017 at 2:57 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
>> I'm free at 4 pm if you want to give me a buzz?
>>
>> Sent from my iPhone
>>
>> On Mar 21, 2017, at 2:38 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

--
Micah Chambers
Special Assistant / Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Voyles, James
Subject: RE: Process Q
Date: Thursday, November 29, 2018 6:21:52 PM

Hi James,

I hope you and the family had a nice holiday.

I wanted to follow up on this one and see if you might have further information?

Thanks,
Tim

From: Martin, Timothy
Sent: Monday, November 19, 2018 12:42 PM
To: Voyles, James <james_voyles@ios.doi.gov>
Subject: Process Q

Hi James,

I was hoping you might have a little insight into this one. The BLM notice cancelling the withdrawal in the Superior National Forest in Minnesota has not yet been posted. It is our understanding that the notice has completed surnaming and has been with the Executive Secretariat for the past month.

Do you have any idea of the timeframe when this final step will be completed before publication?

As always appreciate the guidance and happy to chat by phone whenever if need be.

Best,
Tim

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tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: RE: Quick Call
Date: Tuesday, February 26, 2019 12:54:53 PM

Taylor,

Great chatting with you and thanks for the help. In short, we are trying to determine the status of the GCC Energy Royalty Rate Reduction application. We need to know where it is in the surnaming process and who else needs to review and sign off before it's finalized and approximately how long they think it will take.

Thanks so much,
Tim
(b) (6)

From: Martin, Timothy
Sent: Tuesday, February 26, 2019 11:29 AM
To: 'taylor_playforth@ios.doi.gov' <taylor_playforth@ios.doi.gov>
Subject: Quick Call

Hi Taylor,

I was hoping you might have five minutes to chat today. I have a quick question about the status/next steps of the Royalty Rate Reduction request for GCC Energy which I believe Rep. Tipton's office has been tracking.

My cell is (b) (6)

Thanks so much,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
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tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: MacGregor, Katharine
Cc: Tracie Lassiter
Subject: RE: Recess
Date: Wednesday, August 9, 2017 2:20:07 PM

Great, thank you.

Tracie – whatever works best for Kate. I will make it happen.

Thanks,
Tim

From: MacGregor, Katharine [mailto:katharine_macgregor@ios.doi.gov]
Sent: Wednesday, August 9, 2017 1:46 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Cc: Tracie Lassiter <tracie_lassiter@ios.doi.gov>
Subject: Re: Recess

Yep - I think we can find 20 mins - looping in our Executive Assistant Tracie Lassiter to set this up.
-K

On Wed, Aug 9, 2017 at 11:53 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Kate,
>
> I hope things are well and thanks for all your hard work over at DOI. Do you have time to chat by phone for a few minutes next week? I have some updates on the project I would like to share and hear your thoughts.
>
> Happy to work through your scheduler as well, given your hectic schedule.
>
> Thanks for your time and consideration.
>
> Best,
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--

Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-208-3671 (Direct)

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Willens, Todd
Subject: RE: Re-Connect
Date: Tuesday, July 18, 2017 9:45:19 AM

Hi Todd,

Great chatting with you and thank you for the time. Please let me know if you have any questions.

Have a great day.

Best,
Tim

From: Willens, Todd [mailto:todd_willens@ios.doi.gov]
Sent: Wednesday, July 12, 2017 6:09 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>; Gulac, Catherine <catherine_gulac@ios.doi.gov>
Subject: Re: Re-Connect

Tim,

Phone calls are easy. 15 minutes?

I am looping in Cathy in my office to assist with setting that up.

Todd Willens
Assistant Deputy Secretary
U.S. Department of the Interior
1849 C Street, NW -- MIB Room 6116
Washington, DC 20240
office: 202-208-6291
cell: 202-706-9041

On Wed, Jul 12, 2017 at 11:08 AM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Todd,
>
> I hope you are well and congrats on the transition. I'm not sure if you remember me from my Rep. Tipton days but we worked together on a few natural resources issues, including fun times with the Western Caucus. Since my days with Mr. Tipton and few more Hill stops, I've landed here and I'm enjoying working on natural resources projects again.
>
> Completely understanding the time constraints on your end, if you have just a few minutes for a brief phone call – I just wanted to brief you and ask for your guidance re: a public lands issues I'm working.
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> Thanks for your time and consideration.

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Willens, Todd; Gulac, Catherine
Subject: RE: Re-Connect
Date: Thursday, July 13, 2017 9:00:52 AM

Todd,

Thank you for the time.

Hi Cathy – any availability Todd has for this phone call, I will make it work. Thank you very much.

Best,
Tim
From: Willens, Todd [mailto:todd_willens@ios.doi.gov]
Sent: Wednesday, July 12, 2017 6:09 PM
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Willens, Todd
Subject: RE: Re-Connect
Date: Wednesday, September 13, 2017 10:17:07 AM

Hi Todd,

I hope your first few months on the job are going well. I was hopeful you might have 15 minutes for a phone call to circle back on our last conversation. I have some updates I would like to share and garner your thoughts. Happy to work around your schedule as always.

Thanks for the consideration.

Best,
Tim

From: Willens, Todd [mailto:todd_willens@ios.doi.gov]
Sent: Wednesday, July 12, 2017 6:09 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>; Gulac, Catherine <catherine_gulac@ios.doi.gov>
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AMERICAN OVERSIGHT

From:	Katharine MacGregor
To:	Heiple, Bonnie
Cc:	Martin, Timothy; Tracie Lassiter; ymackthompson@blm.gov
Subject:	Re: Speaker Invitation - Women in Energy and Infrastructure Conference
Date:	Saturday, September 9, 2017 1:52:10 PM

Hey Bonnie - This sounds like a great event and I would love to participate assuming ethics signs off on this. I'm CC'ing our EAs, Tracie and Yolando to work with you on getting this on the calendar. Thanks for the opportunity and for thinking of me.
- Kate

On Sep 6, 2017, at 2:04 PM, Heiple, Bonnie <Bonnie.Heiple@wilmerhale.com> wrote:

> Kate,
>
> On behalf of WilmerHale, I invite you to participate as a speaker at an upcoming conference we're hosting in Washington, D.C. on November 2, 2017, titled ***Women in Energy and Infrastructure—Powering the Future***. We think you'd be a perfect fit for the first panel of the day, **"The Future of US Energy Development,"** will forecast the overall direction of the industry in light of the current political climate and unique regulatory challenges. The panel currently is scheduled for 9:45-10:45am. I will serve as the moderator and will work with you and other panel speakers to prepare for an engaging session.
>
> The conference is being structured as a definitive forum for discussion regarding issues driving energy innovation, as well an exchange of ideas on the future of our nation's infrastructure development. Speakers and attendees will include C-level executives, in-house counsel, and industry association and public sector representatives.
>
> Other conference sessions will include a CEO forum and a discussion with former US Trade Representative, Ambassador Charlene Barshefsky on US energy dominance and trade. Those sessions will be structured around three additional panels, covering federal review of energy and infrastructure projects, corporate advocacy in the age of partisan politics, and how to anticipate legal challenges.
>
> This event will be structured to comply with the "widely attended gathering" guidelines, will be open and advertised to the public, and is free of charge. We would be happy to provide any additional information you may need.
>
> Please let me know if you are interested and available to join us for what promises to be a thought provoking day and excellent networking opportunity.
>
> Thanks,
>
> **Bonnie Heiple | WilmerHale**

AMERICAN OVERSIGHT

60 State Street
Boston, MA 02109
617-526-6745
Bonnie.Heiple@wilmerhale.com

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Domenech, Douglas
Subject: RE: Tim Martin - Friend of Mitch Butler
Date: Thursday, March 16, 2017 5:46:36 PM

Bob McFarlin of Twin Metals Minnesota has been sharing information with Kathy Benedetto. I know her well from my time in Rep. Tipton's office on the NR Committee.

I just spoke with Melissa Simpson today as well.

From: Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
Sent: Thursday, March 16, 2017 5:39 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Tim Martin - Friend of Mitch Butler

Have you talked to our political in BLM?

Doug Domenech
Senior Advisor
US Department of the Interior

On Thu, Mar 16, 2017 at 5:35 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Antofagasta Minerals which owns Twin Metals.
>
> **From:** Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
> **Sent:** Thursday, March 16, 2017 5:32 PM
>
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: Tim Martin - Friend of Mitch Butler
>
> I am familiar with the issue. Who is your client?
>
> Doug Domenech
> Senior Advisor
> US Department of the Interior
>
> On Thu, Mar 16, 2017 at 5:18 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
>
> > Doug,

AMERICAN OVERSIGHT

Thank you for the response. Understood, and a 10 minute phone call, if you can swing it, would be incredibly helpful. The issue is Twin Metals in Minnesota. I can forward along as much or as little background as you need before we chat?

Happy to work around your schedule. Hopefully, this isn't too much to ask but would you mind if Rob Lehman of our group here at the firm joined?

Thanks again,
Tim Martin

From: Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
Sent: Thursday, March 16, 2017 4:41 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Tim Martin - Friend of Mitch Butler

Difficult for me to get out for coffee. Can you do this with a call or by email?

Doug Domenech
Senior Advisor
US Department of the Interior

On Wed, Mar 15, 2017 at 5:39 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Doug,
>
> It's been a while, but when I was working for Mitch Butler we all worked together on Sunday hunting… that was a fun and gratifying issue ☺
>
> Since then I've spent the better part of the last 4 years on the Hill and just transitioned to WilmerHale on their Gov't Affairs team. I'm very excited to be working Natural Resource issues again and Mitch suggested I shoot you a note.
>
> I have a mining issue I'm working in Minnesota and I'd greatly appreciate an opportunity to fill you in and hear your advice as we move forward. Any chance you might have time for a quick chat this week or a coffee?
>
> I truly appreciate your time and consideration.
>
> Have a great day.
>
> Best,
>
> **Tim Martin | WilmerHale**
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6539 (t)

AMERICAN OVERSIGHT

+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Domenech, Douglas
Subject: RE: Tim Martin - Friend of Mitch Butler
Date: Thursday, March 16, 2017 5:36:09 PM

Antofagasta Minerals which owns Twin Metals.

From: Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
Sent: Thursday, March 16, 2017 5:32 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Tim Martin - Friend of Mitch Butler

I am familiar with the issue. Who is your client?

Doug Domenech
Senior Advisor
US Department of the Interior

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> Thanks again,
> Tim Martin
>
> **From:** Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
> **Sent:** Thursday, March 16, 2017 4:41 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: Tim Martin - Friend of Mitch Butler
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> Doug Domenech
> Senior Advisor
> US Department of the Interior

AMERICAN OVERSIGHT

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> I have a mining issue I'm working in Minnesota and I'd greatly appreciate an opportunity to fill you in and hear your advice as we move forward. Any chance you might have time for a quick chat this week or a coffee?
>
> I truly appreciate your time and consideration.
>
> Have a great day.
>
> Best,
>
> **Tim Martin | WilmerHale**
> 1875 Pennsylvania Avenue NW
> Washington, DC 20006 USA
> +1 202 663 6539 (t)
> +1 202 663 6363 (f)
> tim.martin@wilmerhale.com
>
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>
> ---
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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Domenech, Douglas
Subject: RE: Tim Martin - Friend of Mitch Butler
Date: Thursday, March 16, 2017 5:19:44 PM

Doug,

Thank you for the response. Understood, and a 10 minute phone call, if you can swing it, would be incredibly helpful. The issue is Twin Metals in Minnesota. I can forward along as much or as little background as you need before we chat?

Happy to work around your schedule. Hopefully, this isn't too much to ask but would you mind if Rob Lehman of our group here at the firm joined?

Thanks again,
Tim Martin

From: Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
Sent: Thursday, March 16, 2017 4:41 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Tim Martin - Friend of Mitch Butler

Difficult for me to get out for coffee. Can you do this with a call or by email?

Doug Domenech
Senior Advisor
US Department of the Interior

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> Hi Doug,
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>
> I truly appreciate your time and consideration.

AMERICAN OVERSIGHT

Have a great day.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Domenech, Douglas
Subject: RE: Tim Martin - Friend of Mitch Butler
Date: Wednesday, March 22, 2017 4:52:32 PM

Hi Doug,

Thank you for all your help on this issue. I am sitting down with Kathy to discuss on Friday at 10 am. Anything I should know beforehand?

Let me know if any further information/updates on my end would be helpful.

Best,
Tim

From: Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
Sent: Thursday, March 16, 2017 5:39 PM
To: Martin, Timothy <Timothy.Martin@wilmerhale.com>
Subject: Re: Tim Martin - Friend of Mitch Butler

Have you talked to our political in BLM?

Doug Domenech
Senior Advisor
US Department of the Interior

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> **From:** Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
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> **Subject:** Re: Tim Martin - Friend of Mitch Butler
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> Doug Domenech
> Senior Advisor
> US Department of the Interior

AMERICAN OVERSIGHT

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>
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>
> Happy to work around your schedule. Hopefully, this isn't too much to ask but would you mind if Rob Lehman of our group here at the firm joined?
>
> Thanks again,
> Tim Martin
>
> **From:** Domenech, Douglas [mailto:douglas_domenech@ios.doi.gov]
> **Sent:** Thursday, March 16, 2017 4:41 PM
> **To:** Martin, Timothy <Timothy.Martin@wilmerhale.com>
> **Subject:** Re: Tim Martin - Friend of Mitch Butler
>
> Difficult for me to get out for coffee. Can you do this with a call or by email?
>
> Doug Domenech
> Senior Advisor
> US Department of the Interior
>
> On Wed, Mar 15, 2017 at 5:39 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:
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> > Since then I've spent the better part of the last 4 years on the Hill and just transitioned to WilmerHale on their Gov't Affairs team. I'm very excited to be working Natural Resource issues again and Mitch suggested I shoot you a note.
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> > I have a mining issue I'm working in Minnesota and I'd greatly appreciate an opportunity to fill you in and hear your advice as we move forward. Any chance you might have time for a quick chat this week or a coffee?
> >
> > I truly appreciate your time and consideration.
> >
> > Have a great day.
> >
> > Best,

AMERICAN OVERSIGHT

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joseph Balash
Subject: Re: Touch base
Date: Wednesday, May 1, 2019 8:31:48 PM

Sure what number would be best

Sent from my iPhone

> On May 1, 2019, at 8:07 PM, Joseph Balash <joseph_balash@ios.doi.gov> wrote:
>
> EXTERNAL SENDER
>
>
>
> Can we talk first thing tomorrow morning? I have a 9:00 that should
> last an hour.
>
> Joe Balash
> Assistant Secretary
> Land and Minerals Management
> Department of the Interior

AMERICAN OVERSIGHT

From: Macgregor, Katharine
To: Martin, Timothy; Anderson, Michael
Subject: Re: Update on D.C. Visits
Date: Tuesday, April 18, 2017 8:58:32 PM

Tim - I'm putting you in touch with Michael in my office to see if we could find 15 minutes next week to chat.
-Kate

On Tue, Apr 18, 2017 at 2:34 PM, Martin, Timothy <Timothy.Martin@wilmerhale.com> wrote:

> Hi Kate,
>
> I wanted to follow up on this email. Last week I sat down with Andrew, Josh, and Chris at House NR Committee to discuss the Twin Metals project. They suggested I reach out to notify you of some important updates. The CEO of the parent company Antofagasta/Twin Metals will be in DC on May 2 and morning of May 3rd. We would very much like to have him meet with Secretary Zinke. The letter attached and has been submitted through formal scheduling channels.
>
> As you know, this potential project could mean 1,000 jobs and $2 billion investment. If you have 10-15 minutes before the visit, I'd greatly appreciate an opportunity to update you on where the projects stands and gather your insight.
>
> Thanks for your time and consideration.
>
> Best,
>
> Tim
>
> ---
>
> **From:** Martin, Timothy
> **Sent:** Thursday, March 30, 2017 11:01 AM
> **To:** Katharine_MacGregor@ios.doi.gov
> **Subject:** Request for a Meeting
>
> Hi Kate,

AMERICAN OVERSIGHT

I hope my email finds you well, as I'm sure you are slammed. Congratulations! I really enjoyed working with you and the NR Committee during my time in Rep. Tipton's office DOI is very lucky to have you.

I was hopeful you might have some time next week to meet briefly. I would like to pick your brain a bit on a Natural Resource issue I am working on.

I had the opportunity to sit down with Kathy Benedetto and Marshall Critchfield last week. It was productive, but I thought it would be beneficial to discuss with you as well.

Happy to work around your busy schedule. Keep up the good work.

Best,

Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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--
Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

AMERICAN OVERSIGHT

202-208-3671 (Direct)

AMERICAN OVERSIGHT

From: Martin, Timothy
To: katharine_macgregor@ios.doi.gov
Subject: Recess
Date: Wednesday, August 9, 2017 11:54:38 AM

Hi Kate,

I hope things are well and thanks for all your hard work over at DOI. Do you have time to chat by phone for a few minutes next week? I have some updates on the project I would like to share and hear your thoughts.

Happy to work through your scheduler as well, given your hectic schedule.

Thanks for your time and consideration.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Todd_Willens@ios.doi.gov
Subject: Re-Connect
Date: Wednesday, July 12, 2017 11:09:05 AM

Hi Todd,

I hope you are well and congrats on the transition. I'm not sure if you remember me from my Rep. Tipton days but we worked together on a few natural resources issues, including fun times with the Western Caucus. Since my days with Mr. Tipton and few more Hill stops, I've landed here and I'm enjoying working on natural resources projects again.

Completely understanding the time constraints on your end, if you have just a few minutes for a brief phone call – I just wanted to brief you and ask for your guidance re: a public lands issues I'm working.

Thanks for your time and consideration.

Best,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
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tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: Katharine_MacGregor@ios.doi.gov
Subject: Request for a Meeting
Date: Thursday, March 30, 2017 11:02:12 AM

Hi Kate,

I hope my email finds you well, as I'm sure you are slammed. Congratulations! I really enjoyed working with you and the NR Committee during my time in Rep. Tipton's office DOI is very lucky to have you.

I was hopeful you might have some time next week to meet briefly. I would like to pick your brain a bit on a Natural Resource issue I am working on.

I had the opportunity to sit down with Kathy Benedetto and Marshall Critchfield last week. It was productive, but I thought it would be beneficial to discuss with you as well.

Happy to work around your busy schedule. Keep up the good work.

Best,
Tim

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: taylor_playforth@ios.doi.gov
Subject: Sorry I missed you
Date: Wednesday, June 12, 2019 2:28:12 PM

Hi Taylor,

Give me a buzz whenever you can. (b) (6)

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash
Subject: Sorry to bother you can we speak briefly in am it's timely
Date: Wednesday, December 12, 2018 10:45:12 PM

Cell (b) (6) or desk 2026636907
Thank you

Sent from my iPhone

AMERICAN OVERSIGHT

From: Martin, Timothy
To: Deeley, Blake
Subject: Sorry to have missed you
Date: Tuesday, October 31, 2017 11:42:07 AM

Hi Blake,

I hope you had a nice weekend. Just following up on our conversation on Friday.

If you get a free minute, I hope we can connect again.

Thanks,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
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tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: Sorry we have been unable to connect is there a time on Friday you might be available?
Date: Wednesday, December 19, 2018 5:36:21 PM

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: MacGregor, Katharine
Subject: Southwest Colorado
Date: Tuesday, December 5, 2017 4:37:59 PM

Hi Kate,

I hope you are well. I was hoping you might have time for a five minute conversation this week?

I'm trying to find out where small lease modification review stand in the process at your agency.

Thanks for your time and consideration.

Best,
Tim

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
tim.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Kelly Osborne
To: joseph_balash@ios.doi.gov
Subject: Thank you
Date: Tuesday, October 9, 2018 4:08:02 PM

Dear Joe,

I want to thank you for the opportunity to discuss our Twin Metals Minnesota project during my visit to Washington, D.C. last week. As the new CEO for Twin Metals, I understand this to be an incredible opportunity to create thousands of jobs and infuse billions of dollars into the regional economy, while unlocking one of the world's largest deposits of strategic minerals that includes copper, nickel, platinum, gold, and silver.

Your efforts and insight are greatly appreciated as we move forward with this critical project. While we've made significant progress recently, there is no doubt the road ahead will involve challenges and require additional hard work and sizeable investment. However, I believe the potential to create thousands of jobs and bring billions of new investments into rural Minnesota is a worthwhile and valuable endeavor.

Your continued interest and efforts to support policies to enhance job creation are greatly appreciated. Any additional thoughts or suggestions that would assist in our efforts of this project are welcome.

I and my team are available at any time to discuss this project with you. Thank you for your time and I look forward to continuing this productive dialogue.

Sincerely,
Kelly Osborne

AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: Thank you
Date: Thursday, November 15, 2018 10:09:31 AM

One internal milestone we hoped to have completed by year end was completion of leases, not sure if that is still doable on your-end, but appreciate all of your leadership on this and other issues.

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
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+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Joseph Balash
To: Rob.Lehman@wilmerhale.com
Subject: Touch base
Date: Wednesday, May 1, 2019 8:06:46 PM

Can we talk first thing tomorrow morning? I have a 9:00 that should last an hour.

Joe Balash
Assistant Secretary
Land and Minerals Management
Department of the Interior

AMERICAN OVERSIGHT

From: Lehman, Rob
To: katharine_macgregor@ios.doi.gov
Subject: Twin Metals Meeting today
Date: Tuesday, July 25, 2017 3:22:56 PM

Kate,

Thank you for participating in the meeting today, sorry we didn't get to talk in person. I know many folks speak very highly of you. I look forward to visiting in person in the coming weeks.

Best.

Rob

Rob Lehman | WilmerHale
Senior Public Policy Advisor
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rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Martin, Timothy
To: "MacGregor, Katharine"
Subject: Update
Date: Tuesday, July 25, 2017 9:43:09 AM

Hi Kate,

I hope you are well. I had a quick question in regards to the meeting tomorrow. Please let me know if you have any short windows to speak or you can call me anytime today. Thanks for your consideration.

Best,

Tim Martin | WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6539 (t)
+1 202 663 6363 (f)
timothy.martin@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: Joe Balash (joseph_balash@ios.doi.gov)
Subject: We are getting reporters asking for comments that BLM is making announcement on our leases today
Date: Monday, December 17, 2018 2:55:00 PM

I assume they are getting that from opponents but just wanted to let you know

Rob Lehman | WilmerHale
Senior Public Policy Advisor
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA
+1 202 663 6907 (t)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: Your Secure Email Portal Activation Information
Date: Tuesday, February 5, 2019 12:25:24 AM

"Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **16 day(s) left** to collect this message before it expires.

Subject: Do you have time for a call in the next day or so

Sent: January 21, 2019 5:25:06 PM, UTC

Expires: February 20, 2019 5:25:11 PM, UTC

To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:

Email: joseph_balash@ios.doi.gov

Click here to create your account and read your message.

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

Do not reply to this message. This is a system-generated email and all replies will be discarded.

AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: Your Secure Email Portal Activation Information
Date: Monday, January 21, 2019 12:25:21 PM

"Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **30 day(s) left** to collect this message before it expires.

Subject: Do you have time for a call in the next day or so

Sent: January 21, 2019 5:25:06 PM, UTC

Expires: February 20, 2019 5:25:11 PM, UTC

To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:

Email: joseph_balash@ios.doi.gov

Click here to create your account and read your message.

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

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AMERICAN OVERSIGHT

From: Lehman, Rob
To: joseph_balash@ios.doi.gov
Subject: Your Secure Email Portal Activation Information
Date: Tuesday, February 19, 2019 12:25:29 PM

"Lehman, Rob" <rob.lehman@wilmerhale.com> has sent you an encrypted message via Secure Email Portal. You have **1 day(s) left** to collect this message before it expires.

Subject: Do you have time for a call in the next day or so

Sent: January 21, 2019 5:25:06 PM, UTC

Expires: February 20, 2019 5:25:11 PM, UTC

To view this message, click the link below to create your Secure Email Portal account. Once you've created your account, you can view your messages you receive from "Lehman, Rob" <rob.lehman@wilmerhale.com> directly from your Secure Email Portal account:

Email: joseph_balash@ios.doi.gov

Click here to create your account and read your message

For Secure Email Portal online help, visit: https://pr.ssm.echoworx.net/brand?act=download&entp=WilmerHale&locale=en_US&cat=Resource_Center&f=emx/help/index.html

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AMERICAN OVERSIGHT