



**Julie C. Lucas, Executive Director of MiningMinnesota  
Testimony for the September 13, 2023 U.S. House Committee on Oversight and Accountability Hearing  
on Unsuitable Litigation: Oversight of Third-Party Litigation Funding**

Chair Comer, Ranking Member Raskin, and members of the committee.

My name is Julie Lucas.

I am here today from the Land of 10,000 Lakes, Lake Superior, the Boundary Waters Canoe Area Wilderness, and the headwaters of the Mighty Mississippi. In northern Minnesota, home first and still to the Ojibwe People, we are defined by our clean, plentiful water and we hold immense pride in that identity. Our identity has also been shaped by the Land beneath our feet and the abundant minerals found within it.

I am the Executive Director of MiningMinnesota, a coalition of industry leaders who advocate for safe, responsible, and well-regulated mining in our state. I'm here today to share our region's hope for the development of a mineral resource essential to building a clean energy economy – a resource containing copper, nickel, cobalt, platinum, palladium, and gold.

Much as the nation has depended on Minnesota for iron ore, our country could turn to Minnesota-sourced minerals to build the batteries, windmills, solar panels, and other products needed to achieve carbon-free energy goals.

These resources would be under development today if not for extended, repeated litigation and continued appeals focused on delaying this progress.

We currently have three proposed critical minerals projects in Minnesota. These projects are all in different phases of development and include: NewRange Copper Nickel near the communities of Aurora and Hoyt Lakes, Twin Metals Minnesota in Ely and Babbitt, and Talon Metals in Tamarack. These are small, rural communities with only Ely topping 3,000 people.

The near constant active litigation or threat of other legal challenges does more than impact a project. It negatively impacts our communities.

The first impact is the loss of funding for local communities and local schools.

Minnesota law requires non-iron mining companies to pay an additional tax as soon as projects are permitted and able to begin construction, with those millions of dollars in taxes going directly to support local communities and schools. Litigation delays those investments.

The second impact is on students state-wide.

School trust lands are publicly managed lands established within Minnesota's state constitution with the sole goal of generating revenue for public schools throughout the state through different means, including mineral development.

The third impact is uncertainty. Uncertainty about our future.

As lawyers battle over how a process-focused decision was or was not made or attempt to use the courts to make new policy, people in our communities are forced to make and consider other decisions. Should a town build additional housing for new workers? Should childcare opportunities be expanded? Will a recent graduate have to leave their beloved community to seek employment hundreds of miles away?

As neighbors to proposed projects, we value stringent environmental review and permitting processes. We recognize the importance of a litigation process as originally envisioned to ensure regulators and regulated entities are held accountable to protecting and minimizing effects on our air, water, and land.

However, the litigation process that was developed to protect communities like ours is being abused today. Too often it is solely used to delay projects and drain the funding of companies with the hope investors will give up and leave Minnesota. These actions are not designed to make a project stronger. They are actions by groups who will never support or accept that not only do we need Minnesota's minerals, but that there are proven and effective ways to realize the potential of this resource.

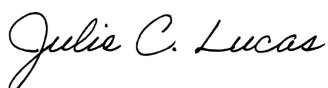
As time and money is increasingly invested into litigation and legal support teams, our communities are held in limbo. Too often we watch in frustration as our nation looks overseas for minerals we could provide.

The environmental review and permitting processes allow for extensive community engagement and multiple checkpoints along the way. *Trust must be restored in our regulatory process.* If there are known flaws to be challenged on a legal basis, they are known prior to or immediately following issuance of permits. The timeline for filing lawsuits could be shortened significantly while still meeting the intent and spirit of the laws as originally designed. Too often they are strategically filed at the last moment and nearly five years after a decision to maximize delay.

If our nation is going to drive the unprecedented demand for these minerals, we must be responsible for our own consumption and we cannot be afraid to say "yes."

Yes to a low-carbon future, yes to protection of natural resources, yes to high labor standards, yes to our communities, and yes to accessing these minerals domestically.

Thank you,

A handwritten signature in cursive script that reads "Julie C. Lucas".

Julie C. Lucas  
Executive Director