

Exhibit 3 to Complaint

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September 20, 2019

Via E-Mail kaalexander@blm.gov

Keiosha Alexander, Acting FOIA Officer
Bureau of Land Management
ATTN: FOIA Office (WO-640)
1849 C St. N.W.
Washington, DC 20240

Re: FOIA Request to Bureau of Land Management

Dear BLM FOIA Officer:

This is a request for certain documents under the Freedom of Information Act. The documents requested generally relate to

(1) the Bureau of Land Management's ("BLM") Decision on "Addition of Terms, Conditions, and Stipulations for Renewal of Hardrock Minerals Leases MNES 01352 and MNES 01353, dated May 15, 2019 ("Lease Renewal Decision");

(2) BLM's Draft Environmental Assessment for the Addition of Terms and Conditions for the Renewal of Hardrock Leases, MNES 01352 and MNES 01353, dated December 2018 ("Draft EA"); and

(3) BLM's Final Environmental Assessment for the Addition of Terms and Conditions for the Renewal of Hardrock Leases, MNES 01352 and MNES 01353 dated May 15, 2019 ("Final EA").

(4) BLM's statement that its renewal of hardrock mineral leases MNES 01352 and MNES 01353 is "consistent" with Executive Order 13817, *A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals* (December 20, 2017) and Secretarial Order 3359, *Critical Mineral Independence and Security* (December 21, 2017). See <https://www.blm.gov/press-release/blm-renews-hardrock-mineral-leases-superior-national-forest>.

Requests

Pursuant to the Freedom of Information Act, we request hardcopy or electronic Adobe Acrobat (.pdf) format copies of the following documents and materials enumerated below.

Request 1: The Letter dated February 8, 2019, from Twin Metals Minnesota LLC ("Twin Metals") to the Bureau of Land Management ("BLM"), which describes TMM's intended basic mine design, as referenced on page 54 of the Final EA.

Request 2: All communications or notes reflecting communications with Twin Metals, Franconia Minerals (US) LLC ("Franconia Minerals"), Antofagasta PLC, or their affiliates, joint ventures, subsidiaries, parents, representatives, and employees, relating to the preparation of or content in the Draft EA or Final EA, other than the comment submitted to BLM by Twin Metals dated January 22, 2019.

Request 3: All communications or notes reflecting communications with Twin Metals, Franconia Minerals, Antofagasta PLC, or their affiliates, joint ventures, subsidiaries, parents, representatives, and employees after December 20, 2018, the public release date of the BLM's Draft EA, other than the comment submitted to BLM by Twin Metals dated January 22, 2019.

Request 4: All documents related to Twin Metals' 2012 request for a special use permit for the purpose of collecting baseline hydrogeologic environmental data, which is referred to on page 57 of the Final EA as the "Twin Metals Hydrogeologic Study."

Request 5: All documents concerning the inclusion of special stipulations sections 14(b), "Diligence and Renewal," and 14(c), "Suspension," in the May 2019 renewal lease forms for MNES 01352 and MNES 01353 (attached to the Final EA) including, but not limited to, documents concerning the need for the stipulations to be included in the lease forms, the timing of when the decision to include the stipulations was made, and any assessment of need regarding an environmental assessment or environmental impact statement on the terms of those stipulations.

Request 6: All documents concerning the modification of BLM Form 3520-7 (Aug. 2016) as compared to the lease offered to Franconia Minerals in the Lease Renewal Decision, other than modifications listed in Section 14, titled "Special Stipulations."

Request 7: All communications, or notes reflecting communications, with the following tribes concerning the Draft EA, Final EA, or BLM's renewal of MNES 01352 and MNES 01353:

Bois Forte Band of Lake Superior Chippewa,

Fond du Lac Band of Lake Superior Chippewa,

Grand Portage Band of Lake Superior Chippewa/Grand Portage
Reservation,

Mille Lacs Band of Ojibwe,
Minnesota Chippewa Tribe,
Red Lake band of Chippewa,
White Earth Band of Chippewa,
Lower Sioux Indian Community,
Mdewakanton Sioux Community,
Upper Sioux Community,
Prairie Island Indian Community, and
The Leech Lake Band of Ojibwe.

Request 8: A signed, executed copy of Secretarial Order 3359, *Critical Mineral Independence and Security* (December 21, 2017).

Request 9: All intra- or inter-agency communications, communications with third parties, notes or other documentation concerning the BLM's recommendations concerning proposed "critical minerals" in response to Section 4(b) of Secretarial Order No. 3359, which states: "Within 30 days of the issuance of this Order, the Director, USGS, in coordination with the Bureau of Land Management, shall provide a proposed list of minerals defined as 'critical minerals' to the Secretary of the Interior." This request includes, but is not limited to, BLM comments provided to the U.S. Geological Survey as noted on page iii of the Draft critical mineral list - Summary of methodology and background information - U.S. Geological Survey technical input document in response to Secretarial Order No. 3359: U.S. Geological Survey Open-File Report 2018-1021, <https://doi.org/10.3133/ofr20181021>.

Request 10: The BLM's list of recommendations to the Secretary of the Interior in response to the Section 4(d) of Secretarial Order No. 3359, which states: "Within 60 days of the President's signing of the December 20, 2017 E.O., each bureau head with land management responsibilities shall submit to the Secretary a list of recommendations to improve access to lands to explore for and develop critical minerals; streamline permitting and review processes related to critical minerals development; and otherwise increase critical mineral discovery, production, and domestic refining." *See also* 83 FR 23295, Final List of Critical Minerals 2018 (May 18, 2018).

Fee Waiver

Our firm represents the Friends of the Boundary Waters (Friends), a 501(c)(3) non-profit organization, and this request is being made on their behalf. Because

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this request is being made on behalf of the Friends, we are requesting a fee waiver for the BLM's response to this FOIA request. As a non-profit, the Friends has no commercial interest in the documents and responsive documents are likely to provide an increase of public understanding concerning the role of the BLM in renewal mineral leases, as well as assessing the appropriateness of the terms and conditions of those leases.

Should the BLM deny the foregoing request for a fee waiver, we are willing to pay up to a maximum of \$150 in fees. In the event you anticipate fees to exceed this limit, please contact me before processing the full scope of the request. I can be reached during business hours by phone at 612-349-0937, or by email at SJamsa@RobinsKaplan.com.

* * *

If you have any questions regarding this request, or wish to discuss this request, or any of the specific documents and materials requested above, please contact me at the previously provided phone number or email address.

Sincerely,

A handwritten signature in blue ink, appearing to read "Siobhan M. Jamsa". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Siobhan M. Jamsa