



June 11, 2018

Honorable John McCain
Chairman, Senate Committee on Armed Services
218 Russell Senate Office Building
Washington, DC 20510

Honorable Jack Reed
Ranking Member, Senate Committee on Armed Services
728 Hart Senate Office Building
Washington, DC 20510

Re: S. Amdt. 2523 to S. 2987

Dear Chairman McCain and Ranking Member Reed:

The undersigned groups strongly oppose S. Amdt. 2523 to S. 2987, an amendment that would mandate the immediate transfer of 6,650 acres of irreplaceable Superior National Forest lands to the PolyMet Mining Inc. for a proposed open pit copper-nickel sulfide ore mine.

The PolyMet mine is deeply controversial and poses a threat to water quality, exceptional wetlands, endangered species, and Treaty-reserved rights and resources. Recent polling shows that a majority of Minnesotans are opposed to the proposal. The House companion text to S. Amdt. 2523, H.R. 3115, to compel the PolyMet land exchange passed the House of Representatives on November 28, 2017 in a divided vote and has been referred to the Senate Committee on Agriculture, Nutrition and Forestry. No standalone companion Senate bill to H.R. 3115 has been introduced.

We urge you not to support S. Amdt. 2523 to S. 2987 or any similar legislation in the Senate.

Passage of a PolyMet land exchange amendment would set a terrible precedent across the United States. An amendment like S. Amdt. 2523 to S. 2987 undercuts due process, undermines bedrock environmental laws, and undervalues public land.

Undercuts due process – There are currently four separate lawsuits pending against the PolyMet land exchange. These lawsuits address issues that tens of thousands of citizens have raised in public comments on the environmental review of PolyMet’s proposed mine. If passed, S. Amdt. 2523 to S. 2987 would substitute political judgment for the deliberative judgment of the federal court system. It is rare and highly unusual for the U.S. Congress to intervene in a

land exchange while the courts are considering whether that land exchange is legal.

Undermines bedrock environmental laws - The lawsuits filed against the PolyMet land exchange argue the exchange violates bedrock U.S. environmental laws, including the Endangered Species Act, the Federal Land Policy and Management Act, and the National Environmental Policy Act. The land in question is home to the threatened Canada Lynx and was acquired under the Weeks Act, which prohibits open pit mining on this National Forest land. S. Amdt. 2523 to S. 2987 would prevent federal courts from upholding these laws in this exchange – in effect repealing them for PolyMet and for future proposals that would seek the same exemption.

Undervalues public land – One core principle of public land exchanges is that the public must benefit. In this case, 6,650 acres of contiguous public land, including thousands of acres of irreplaceable wetlands at the headwaters of the largest U.S. tributary to Lake Superior were valued for exchange at a paltry \$550 per acre. The appraiser was specifically instructed to ignore the fact that a mining company wants to mine this site when valuing the land. There is a long and sordid history of public land giveaways to industry in the U.S., and the public suffers when resources are traded away at bargain basement prices.

PolyMet’s mine proposal has not received a single federal or state permit and may never be in a position to use the lands proposed for exchange, yet S. Amdt. 2523 to S. 2987 would transfer National Forest lands to this mining company. The Senate should let the federal courts do their job, uphold bedrock laws enacted to protect public lands, endangered species and the environment, and reject S. Amdt. 2523 to S. 2987 or any similar legislative provision.

Sincerely,

Minnesota Groups:

Alliance for Sustainability
Clean Water Action of Minnesota
Friends of the Boundary Waters Wilderness
Friends of the Cloquet Valley State Forest
Honor the Earth
Humming for Bees
Izaak Walton League – Headwaters Chapter
Izaak Walton League – Minnesota Division
League of Women Voters Duluth
League of Women Voters Minnesota
Mankato Area Environmentalists
Minnesota Center for Environmental Advocacy
Minnesota Environmental Partnership
Minnesota Ornithologist’s Union
MN350

Pollinator Friendly Alliance
Renewing the Countryside
Save Lake Superior Association
Save Our Sky Blue Waters
Sierra Club North Star Chapter
Voyageurs National Park Association
WaterLegacy
Wetland Action Group

Regional & National Groups:

American Rivers
Blue Mountains Biodiversity Project
Center for Biological Diversity
Conservation Congress
Deer Tail Press
Defenders of Wildlife
Earthjustice
Earthworks
Environmental Justice Coalition for Water
Endangered Species Coalition
Freshwater Future
Friends of Bell Smith Springs
Friends of the Bitterroot
Friends of the Clearwater
Friends of the Land of Keweenaw (FOLK)
The Front 40
Great Old Broads for Wilderness – Boise Chapter
Heartwood
Impact Fund
Information Network for Responsible Mining
John Muir Project of Earth Island Institute
Keweenaw Bay Indian Community
Kootenai Environmental Alliance
League of Conservation Voters
Mining Impact Coalition of Wisconsin
MiningWatch Canada
National Parks Conservation Association
Natural Resources Defense Council
Northwood Alliance Inc.
Rock Creek Alliance

Save Our Cabinets
Sequoia ForestKeeper
Sierra Club National
Sierra Club John Muir Chapter
Silver Valley Community Resource Center
Swan View Coalition
The Lands Council
Upper Peninsula Environmental
Coalition WildEarth Guardians
Wilderness Watch
Wisconsin Resources Protection Council
Yellowstone to Uintas Connection Ok