



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 HR 5515

Dear Chairman McCain and Ranking Member Reed:

The undersigned groups strongly oppose S. Amdt. 2523 to HR 5515, 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 HR 5515 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 HR 5515 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 HR 5515 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 HR 5515 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 HR 5515 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 HR 5515 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  
Humming for Bees  
Honor the Earth  
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:**

Alliance for the Wild Rockies  
American Rivers  
Blue Mountains Biodiversity Project  
Center for Biological Diversity  
Coalition to SAVE the Menominee River, Inc.  
Crawford Park District  
Concerned Citizens of Big Bay  
Conservation Congress  
Deer Tail Press  
Earthjustice  
Earthworks  
Environmental Justice Coalition for Water  
Escarpment Biosphere Conservancy  
Farms Not Factories  
Flint River Watershed Coalition  
For Love of Water  
Freshwater Future  
Friends of Bell Smith Springs  
Friends of the Bitterroot  
Friends of Jean Klock Park  
Friends of the Land of Keweenaw (FOLK)  
The Front 40  
Genesee Valley Audubon Society  
Great Old Broads for Wilderness – Boise Chapter  
Grosse Ile Nature and Land Conservancy  
Heartwood  
Hoosier Environmental Council  
IHM Sisters Justice, Peace and Sustainability Office  
Impact Fund  
Information Network for Responsible Mining  
John Muir Project of Earth Island Institute  
Keweenaw Bay Indian Community  
Kootenai Environmental Alliance  
Lake Superior Watershed Conservancy Inc.  
League of Conservation Voters

Milwaukee Riverkeeper  
National Parks Conservation Association  
Natural Resources Defense Council  
Northwoods Alliance Inc.  
Religious Coalition for the Great Lakes  
RESTORE: The North Woods  
Rock Creek Alliance  
Save Our Cabinets  
Sequoia ForestKeeper  
Sierra Club National  
Sierra Club John Muir Chapter  
Swan View Coalition  
The Lands Council  
Upper Peninsula Environmental Coalition  
WildEarth Guardians  
WildWest Institute  
Wisconsin League of Conservation Voters  
Wisconsin Resources Protection Council  
Yellowstone to Uintas Connection