



December 12, 2018

Honorable Chuck Schumer  
Senate Minority Leader  
322 Hart Senate Office Building  
Washington, DC 20510

Honorable Nancy Pelosi  
House Minority Leader  
233 Cannon H.O.B.  
Washington, DC 20515

Honorable Raul Grijalva  
Ranking Member, House Natural Resources Committee  
1329 Longworth House Office Building  
Washington, DC 20515

Honorable Maria Cantwell  
Ranking Member, Senate Energy and Natural Resources Committee  
United States Senate  
Washington, DC 20510

Re: Poly Met Land Exchange Rider or Legislation

Dear Senator Schumer and Representative Pelosi, Representatives Grijalva and Cantwell:

The undersigned groups strongly oppose a rider or similar legislation that would mandate the exchange of 6,650 acres of irreplaceable Superior National Forest lands to PolyMet Mining Inc. for a proposed open pit copper-nickel sulfide ore mine.

A "PolyMet Rider" has been proposed for the PolyMet sulfide ore mine, which 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. On November 28, 2017, H.R. 3115, a measure to compel the PolyMet land exchange, passed the House of Representatives, 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 a PolyMet Rider or any similar language in any end of year legislation. Passage of a PolyMet land exchange rider would set a terrible precedent across the United States. It would also undercut due process, undermine bedrock environmental laws, and undervalue 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, a PolyMet Rider 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. A PolyMet Rider 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.

The Congress should let the federal courts do their job, uphold bedrock laws enacted to protect public lands, endangered species and the environment, and reject a PolyMet Rider or any similar legislative provision.

Sincerely,

**Minnesota Groups:**

Alliance for Sustainability  
Clean Water Action of Minnesota  
CURE (Clean Up River Environment)  
Environment Minnesota  
Friends of the Boundary Waters Wilderness  
Friends of the Cloquet Valley State Forest

Friends of Minnesota Scientific and Natural Areas  
Honor the Earth  
Humming for Bees  
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 Native Plant Society  
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  
Wilderness in the City

**Regional & National Groups:**

Alliance for the Wild Rockies  
American Rivers  
Arise for Social Justice  
Arizona Mining Reform Coalition  
Blue Mountains Biodiversity Project  
Center for Biological Diversity  
Coalition to SAVE the Menominee River, Inc.  
Conservation Congress  
Dakota Rural Action – Black Hills Chapter  
Deer Tail Press  
Defenders of Wildlife  
Earthjustice  
Earthworks  
Endangered Species Coalition  
Environmental Justice Coalition for Water  
Environmental Law and Policy Center  
Environmental Protection Information Center (EPIC)  
Escarpment Biosphere Conservancy  
Flathead-Lolo Bitterroot Citizen Task Force  
Flint River Watershed Coalition  
For Love of Water  
Freshwater Future

Friends of Bell Smith Springs  
Friends of the Bitterroot  
Friends of Blackwater  
Friends of the Clearwater  
Friends of Jean Klock Park  
Friends of the Kalmiopsis  
Friends of the Land of Keweenaw (FOLK)  
Friends of the Wild Swan  
Friends of the Wisconsin Wolf and Wildlife  
The Front 40  
Genesee Valley Audubon Society  
Great Lakes Wildlife Alliance  
Great Old Broads for Wilderness – Boise Chapter  
Heartwood  
Hoosier Environmental Council  
Idaho Sporting Congress, Inc.  
Impact Fund  
John Muir Project of Earth Island Institute  
Kanawha Forest Coalition  
Keep the Woods  
Keweenaw Bay Indian Community  
Klamath Forest Alliance  
Kootenai Environmental Alliance  
Lake Superior Watershed Conservancy  
League of Conservation Voters  
Massachusetts Forest Watch  
Menikanaehken (Menominee Rebuilders)  
Milwaukee Riverkeeper  
Mining Impact Coalition of Wisconsin  
National Parks Conservation Association  
Natural Resources Defense Council  
Northwood Alliance Inc.  
Protect the Willow  
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  
Water Protectors of Milwaukee  
Western Watersheds Project

WildEarth Guardians  
WildWest Institute  
Wilderness Watch  
Wisconsin Resources Protection Council