

## Indigenous Environmental Network

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### **The Sale of Federal Lands to a Mining Company in the 1854 Treaty Area of Minnesota**

Representative James Oberstar from Minnesota's 8th congressional district has introduced HR 4292 in the U.S. House of Representatives. This act, titled - the Superior National Forest Land Adjustment Act of 2007 - would, require the Secretary of Agriculture to sell certain lands in Superior National Forest in Minnesota to Polymet Mining Company within 180 days of enactment. The act requires:

- (1) The sale of 6,700 acres of Forest Service lands;
- (2) The first offer for the sale of the lands under this Act is to be made to Poly Met Mining, Inc explicitly for the purposes of strip mining;
- (3) Elimination of the requirement for public disclosure and environmental review under the National Environmental Policy Act (NEPA). Compliance under NEPA is usually met by the writing and review of an Environmental Impact Statement (EIS) that informs the Secretary, affected federally recognized Tribes, and the public about possible environmental impacts of a federal land exchange. A major environmental impact will be the mining company dredging or filling with mine waste 1,200 acres of wetlands included in this sale adjacent to the Partridge River, a tributary of the St. Louis River. The St. Louis River flows through the Fond du Lac Indian reservation on it's way to Lake Superior.
- (4) There can be no administrative appeal of the sale.
- (5) The sale must take place within 180 days of the enactment of the act.

This legislation would create a precedent by which the Superior National Forest could sell public lands each time a mine gets close to the permitting phase of development. This act relieves the Forest Service from their responsibilities to protect public lands here in Minnesota. This could become a precedent elsewhere each time a federal land agency chooses to ignore it's mandated management responsibilities on order to expedite mining operations.

Exchanges of federal land routinely happen all over the country. The Bureau of Land management and U.S. Forest Service conduct approximately three hundred land exchanges annually. There is a process delineated in law (the Federal Land Policy and Management Act of 1976) that describes how this happens for both Bureau of Land Management holdings as well as U.S. Forest Service. There is no need to introduce legislation that circumvents existing law. There is a time tested federal process in place that gives the Secretary of Agriculture, the public, and Federally Recognized Indian tribes input into the land exchange process. While this process does not guarantee that all concerns are addressed, it guarantees that concerns are heard. The proposed legislation would take away the right for all citizens as well as other state, tribal, and federal agencies to have their voices heard on this land exchange.

This sale will have, as yet, undetermined impacts on treaty-reserved rights in the 1854 treaty area. There will be both short-term significant environmental consequences in the form of filling or draining approximately 1,200 acres of wetland and long term environmental and water quality degradation in the form of discharge from large waste rock piles. Loss of wetlands coupled with runoff from the mine waste stored on this site can adversely affect water quality as well as other cultural, and natural resources for miles downstream from the mine site. Chemicals from existing iron mines have already been detected in the St. Louis River where it enters the Fond du Lac Indian Reservation.

Let the Minnesota congressional delegation know that there is no need to sell this Forest Service land as proposed in HR 4292; there is an existing land exchange process that should not be circumvented. Let them know that all U.S. citizens and the tribes in the region have a right to express their views on the fate of this land. Let them know that there is an existing process for this type of transaction and that you favor the use of that process.

The author of H.R. 4292, The Superior National Forest Adjustment Act of 2007, is:  
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In the Senate, Amy Klobuchar is considering the introduction of companion legislation:

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