



Save Lake Superior Association

Summer 2018

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Tina Smith, PolyMet, and the Toxic Path to Pollution

On June 5, 2018, Minnesota Senator Tina Smith sponsored Senate Amendment 2523 to the “must pass” National Defense Authorization Act (NDAA). Senator Klobuchar was a co-sponsor of Smith’s PolyMet amendment. The back room deal added a supposedly non-controversial “managers amendment” to a non-related defense bill. The purpose is to override four separate lawsuits brought against the U.S. Forest Service (USFS) decision to transfer 6,500+ acres of Superior National Forest lands to PolyMet, a foreign mining corporation.

The lawsuits are a right of citizens as part of the federal environmental review and approval process for PolyMet’s proposed NorthMet Mine Project and Land Exchange. 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 was acquired under the Weeks Act, which prohibits open pit mining on the National Forest land that PolyMet wants to destroy. Smith’s amendment will prevent federal courts from upholding these laws, repealing them in favor of a foreign mining company.

The U.S. Constitution gives citizens the fundamental right to challenge federal government decisions in court. The Smith/Klobuchar PolyMet amendment sets a dangerous precedent for future proposals that would seek the same exemption.

Tina Smith and the Glencore Connection

PolyMet is a cash-poor junior mining company that has never operated a mine before. The penny stock Canadian mining company has financial backing and a market agreement with Glencore, an Anglo-Swiss multinational commodity trading and mining company. Glencore received publicity for hiring Tony Hayward as chairman, after he was dismissed from British Petroleum following the disastrous 2010 BP Gulf Oil spill. At the present time, Glencore chief executive Ivan Glasenberg and senior executive Aristotelis Mistakidis are facing a \$1 billion law suit pertaining to a copper-cobalt mine in the Congo for alleged tax evasion, exploitation of workers, labor rights abuses, and environmental damages.

Prior to her accepting Franken’s senate seat, Senator Smith’s husband, Archie Smith, was Senior Portfolio Manager at Rothschild Capital Partners LLC. Nathaniel Rothschild’s financial group is invested in Glencore. Senator Smith has received campaign donations from PolyMet executives Brad Moore (former Commissioner of the Minnesota Pollution Control Agency who now works for PolyMet), Bruce Richardson, Jon Cherry, and Ryan Vogt. James Lawrence, CEO of Rothschild North America, and his wife, each made \$5,400 donations to Smith’s campaign. <http://docquery.fec.gov/pdf/972/201804160200241972/201804160200241972.pdf#navpanes=0>

So Tina Smith, who was appointed senator but has not yet been elected, and whose husband has financial connections to Glencore, has sponsored an amendment to transfer USFS land to that foreign corporation. Isn’t this the kind of corrupt insider dealing that causes citizens to lose all trust in government?

Mining gets a free pass

Neither of Minnesota’s “progressive” women senators is concerned about giving away thousands of acres of protected Superior National Forest public land for the benefit of foreign mining interests who have a history of

fraud, human rights abuses, and environmental damage. They claim that illegal and immoral mining practices will not be allowed to happen in Minnesota because the companies, evidently in Minnesota nice fashion, will follow our “supposedly strict” environmental standards--the ones that are not currently being applied to the existing taconite industry.

At the same time that they are touting our state’s tough environmental standards and process, Smith and Klobuchar are sponsoring a special favors bill that circumvents our bedrock environmental laws and bypasses our judicial system. Nor do our senators appear concerned about potential mine disasters. For example, the Mount Polley Canadian disaster occurred in 2014, when the tailings basin collapsed, spewing millions of tons of toxic sludge into a pristine watershed. The PolyMet tailings basin has the same design as that of Mount Polley. The senators seem to be unaware of recent record rainfall events now occurring on a regular basis.

Senators Smith and Klobuchar fail to acknowledge the views of a majority of citizens in the state who oppose toxic sulfide mining in the headwaters of Lake Superior. According to a Minnesota Environmental Partnership poll taken in February of 2017, 74% of Minnesota voters oppose PolyMet’s toxic copper-nickel sulfide mine. In a more detailed breakdown of the poll, 84% of women ages 18-49 oppose PolyMet, along with 63% of men in the same age category. (Minnesota Voters’ Environmental Priorities in 2017, Minnesota Environmental Partnership) Is this why Klobuchar is keeping a low profile, letting Smith take the lead, so as not to alienate a base of support for a potential 2020 presidential bid? What will happen if Smith and Klobuchar support weakening the Endangered Species Act, and the National Environmental Policy Act, both high on the Republican pro-development agenda?

Economies of Scale - The Glencore/Antofagasta Mining Complex

Tina Smith’s amendment is a version of Congressman Rick Nolan’s H. R. 3115, the Superior National Forest Land Exchange Act of 2017. Nolan has spent two terms in Congress forcefully advocating for permitting of PolyMet in the Lake Superior watershed, and Twin Metals, near the Boundary Waters--what would become one massive Glencore/Antofagasta mining district--polluting the headwaters of both Lake Superior and the Rainy River.

In a candidate interview back in 2016, state Senator Tom Bakk stated, referring to the proposed Twin Metals mine, “...the rest [of the waste material] would be shipped by rail into the Lake Superior watershed or by LTV where PolyMet is. Those two projects will probably be run as one someday... It would be better to have one large tailings basin than multiple tailings basins.”

Even before receiving any permit to mine, PolyMet has announced plans to increase its proposed 32,000 tons per day operation to 118,000 tons, and is considering expansion possibilities. Twin Metals could save a huge amount of start-up costs by sharing PolyMet’s infrastructure, tailings basin, and plant facilities (purchased from the bankrupt LTV steel mining company for less than the price of the scrap metal).

Eroding the Rule of Law / Dangerous Precedent

On June 20, President Trump, on his visit to Duluth, MN, in a move to “out-trump” Smith’s promotion of PolyMet, stated that his administration would soon be “taking the first steps” to rescind a move made in the final days of the Obama administration that potentially could make hundreds of thousands of acres in the Superior National Forest off-limits to mining. (Trump Vows to Open Minnesota’s Superior National Forest to Mines, Bloomberg, June 21, 2018)

Just last month, the Interior Department reinstated Twin Metals’ mineral leases after the Obama administration had declined to renew them. As of this week, three separate lawsuits have been filed against the U.S. Department of the Interior, seeking to overturn the government’s reinstatement of two federal mineral leases to Twin Metals.

Following Smith's senate amendment to override citizen/environmental lawsuits opposing the federal transfer of land to PolyMet, editor Marshall Helmsberger of the Timberjay penned an article entitled, "Eroding the Rule of Law, Allowing only one side access to the courts undermines the federal process." Helmsberger asks, "Will Sen. Smith and her allies in Congress now try to prevent environmentalists from challenging the Trump administration's decision to reinstate mineral leases for Twin Metals? "

Voter options

Rep. Nolan announced in February that he would not be running for another term in Congress, due to his daughter's illness. Michelle Lee, who is seeking to replace Nolan, has consistently spoken about the importance of our clean water resources in northeast Minnesota. According to Lee, "Water is our most strategic national resource and must be protected." She takes the position that "PolyMet's proposal to mine in a water rich environment is not worth the risk." (Michelle Lee for Congress)

Richard Painter is another candidate who speaks out against sulfide mining in Minnesota. He is running against Senator Smith, who was appointed by Governor Dayton following the ousting of Senator Al Franken.

When opting to oppose Smith in the primary, Richard Painter stated, "We are not going to allow foreign billionaires to come into this state and mine our natural resources, destroy our environment on a hit-and-run and get out." He has also tweeted "My position on sulfide mining near waterways is unambiguous. So is the position of the vast majority of Minnesotans. We will defend our waterways, we will not back down, and we will not allow this mine or any other like it to open in our State."

King Solomon's judgment: Cut the baby in half

Senate Amendment 2523 passed the Senate on June 15, and is awaiting full passage of the NDDA. Senators Smith and Klobuchar have sealed their legacy as the women liberals behind the perpetual pollution of our waters and the destruction of vast areas of northeast Minnesota--for the children of today and all future generations.

Where does Governor Dayton want his legacy to lie? The Governor has said "protecting the waters of the BWCA is one of our generation's sacred responsibilities." He has also said, "My concern is for the inherent risks associated with any mining operation in close proximity to the BWCAW."

Governor Dayton is aware of the "inherent risks" associated with sulfide mining. Yet on October 24, 2017, he switched from being 'genuinely undecided' on the PolyMet proposal to being a 'genuine supporter' of the project.

Governor Dayton's political solution to the controversial sulfide mine dilemma is to cut the baby in half: allow the pollution of the Lake Superior watershed but protect the BWCAW. Exactly how does one cut flowing water in half?

The largest population centers in northern Minnesota live downstream of the risky PolyMet mine and tailings basin. This includes the Fond du Lac Indian Reservation, as well as the cities of Carlton, Cloquet, and Duluth. By promoting PolyMet, the Governor has made the St. Louis River watershed and its people into a sacrifice zone.

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We appreciate your interest as well as your support.

To claim that the state can give PolyMet a permit to mine and stop Twin Metals is unrealistic. The only way to stop the opening of a Glencore/Antofagasta mining district is to declare that sulfide mining is too risky for the watersheds, environment, and health of northeast Minnesota. PolyMet has never had to explain how its operations will impact people, because the environmental review is fraudulent – no human health risk analysis was done.

Governor Dayton will finish his term in office at the end of 2018. As of now, his legacy parallels those of Smith and Klobuchar--the selling out of

northeast Minnesota to foreign mining conglomerates, who will take our metals and leave future generations with polluted water, risky tailings basins and toxic mine pits--one large Glencore/Antofagasta mining district.

Or Governor Dayton could do the right thing and say “No” to these dangerous sulfide mining projects. The PolyMet environmental and permitting process contains so many flaws that the Commissioners of the DNR and MPCA under Governor Dayton should reject final approval for PolyMet’s mine.

You can contact Governor Dayton at 651-201-3400 or 800-657-3717. The choice, the responsibility, and the legacy are ultimately his to decide.

For more info got to: www.sosbluewaters.org

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This article appeared in the Duluth Reader, "Tina Smith, PolyMet, and the Toxic Path to Pollution," June 28, 2018.

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