

Alaska Wilderness League * Alliance for the Wild Rockies * American Bird Conservancy
 American Rivers * Animal Welfare Institute * Arizona Mining Reform Coalition
 Audubon Naturalist Society * Bird Conservation Network * Blue Heron Productions
 Boise Idaho Chapter of Great Old Broads for Wilderness * Born Free USA
 Bronx River – Sound Shore Audubon Society * Brooks Range Council
 Californians for Western Wilderness * Center for Biological Diversity
 Central Westchester Audubon Society * Cetacean Society International
 Citizens Committee for the Environment * Clean Water Action
 Colorado Native Plant Society * Conservation Congress * Crescent Bird Club
 Cumberland – Harpeth Audubon Society * Defenders of Wildlife
 Delaware Ecumenical Council on Children and Families
 Delaware Valley Ornithological Club * Delaware – Otsego Audubon Society * Earthjustice
 Endangered Habitats League * Endangered Species Coalition * Environment Minnesota
 Environmental Action Committee of West Marin
 Environmental Protection Information Center * Friends of the Bitterroot
 Friends of the Boundary Waters Wilderness * Friends of the Earth US
 Friends of the Mississippi River * Friends of the Wild Swan
 Genesee Valley Audubon Society * Gila Conservation Coalition
 Gila Resources Information Project * Grand Canyon Trust * Great Basin Resource Watch
 Great Old Broads for Wilderness * Gulf Restoration Network
 Humane Society Legislative Fund * Humming for Bees * Idaho Conservation League
 Idaho Sporting Congress, Inc. * Information Network for Responsible Mining
 International Bird Rescue * International Fund for Animal Welfare
 International Marine Mammal Project of Earth Island Institute
 Kalmiopsis Audubon Society * Kentucky Heartwood * Keweenaw Bay Indian Community
 Klamath Forest Alliance * Kootenai Environmental Alliance
 Lac du Flambeau Band of Lake Superior Chippewa * League of Conservation Voters
 League of Women Voters Duluth * Los Angeles Audubon Society
 Lower Brazos Riverwatch * Marine Mammal Alliance Nantucket
 Maryland Ornithological Society
 Mining Action Group of the Upper Peninsula Environmental Coalition
 MiningWatch Canada * Minnesota Center for Environmental Advocacy
 Minnesota Division Izaak Walton League of America, Inc. * Mount Graham Coalition
 Multicultural Alliance for a Safe Environment * National Audubon Society
 National Parks Conservation Association * Natural Resources Defense Council
 New Hampshire Audubon * New Mexico Sportsmen * New Mexico Wilderness Alliance
 North Fork Audubon Society * North Shore Audubon Society
 Northcoast Environmental Center * Northern Alaska Environmental Center
 NY4WHALES * NYC Audubon * Ocean Conservancy * Ocean Conservation Research
 Oceana * Oneida County Clean Waters Action * Onondaga Audubon * Openlands
 Orange County Audubon Society * Oregon Natural Desert Association

Otsego County Conservation Association * PEER Environmental Committee
 Pollinate Minnesota * Pollinator Friendly Alliance
 Purple Martin Conservation Association * Quality Parks * Rock Creek Alliance
 Rockland Audubon Society * Rocky Mountain Wild * Salem Audubon Society
 San Juan Citizens Alliance * Sanctuary Education Advisory Specialists SEAS
 Save Lake Superior Association * Save Lynne's Willow Flowage * Save Our Cabinets
 Save Our Sky Blue Waters * Save the Manatee Club * Save Wolves Now Network
 Sequoia ForestKeeper® * Sierra Club * Sierra Club, Colorado Chapter
 Southern Adirondack Audubon Society * Southern Maryland Audubon Society
 Surfriders Foundation – Long Island Chapter * Swan View Coalition
 Tennessee Ornithological Society * The Humane Society of the United States
 The Progressive Leadership Alliance of Nevada * The Rewilding Institute
 The Urban Wildlands Group * The Wilderness Society * Trap Free Montana
 Trap Free Montana Public Lands * Uranium Watch * Vet Voice Foundation * WaterLegacy
 Western Environmental Law Center * Western Watersheds Project * Wetlands Action Group
 Whale and Dolphin Conservation * WildEarth Guardians * Wilderness Watch
 Wildlands Network * Wisconsin Resources Protection Council
 Yellow Dog Watershed Preserve * Yosemite Area Audubon Society
 Turtle Island Restoration Network

July 2, 2018

RE: Remove Anti-Environmental Riders from the NDAA

The Honorable John McCain
 Chairman
 Senate Armed Services Committee
 228 Russell Senate Office Building
 Washington, DC 20510

The Honorable Mac Thornberry
 Chairman
 House Armed Services Committee
 2216 Rayburn House Office Building
 Washington, DC 20515

The Honorable Jack Reed
 Ranking Member
 Senate Armed Services Committee
 228 Russell Senate Office Building
 Washington, DC 20510

The Honorable Adam Smith
 Ranking Member
 House Armed Services Committee
 2216 Rayburn House Office Building
 Washington, DC 20515

Dear Chairmen Thornberry and McCain and Ranking Members Smith and Reed:

We write to urge you to remove several harmful, controversial, and extraneous anti-environmental provisions included in the House and Senate versions of the National Defense Authorization Act (NDAA) for Fiscal Year 2019 (H.R. 5515). These provisions would undermine laws that safeguard our nation's wildlife, public lands, and water resources, and they must be removed in conference. These riders are political in nature, unrelated to national security, and will make passing a final NDAA more challenging in already partisan times. Most of these provisions have been included in

past NDAA bills, but were removed in conference, as past conferees responsibly recognized the senselessness in including these unnecessary riders. Once again, the NDAA is being used as a vehicle to advance unrelated measures that attack fundamental environmental protections. We ask that you work to remove these threats in conference and oppose any other provisions that would undermine fundamental environmental protections. While not all groups work on all the issues below, we are united in our desire to keep harmful riders off the conferenced NDAA legislation.

The anti-environmental riders, detailed below, would block or remove Endangered Species Act (ESA) protections for the greater sage-grouse, lesser prairie-chicken, and American burying beetle; weaken a core safeguard of the Marine Mammal Protection Act (MMPA); circumvent longstanding protections for National Wildlife Refuge System lands and other public lands by overriding National Environmental Policy Act (NEPA) protections for land withdrawals; override NEPA for hardrock mining projects; and authorize a harmful land exchange in Superior National Forest for the PolyMet mining company. All of these riders except the PolyMet rider are contained in the House legislation; the PolyMet rider is contained in the Senate legislation.

- **Weakening Endangered Species Act Protections** – This rider interferes with science-based decision making under the ESA and citizens’ access to courts. (*Section 314, Engrossed in House*)
 - **American Burying Beetle:** The provision immediately and permanently delists the endangered American burying beetle, even though the best available science shows us that the species is still far from being biologically recovered. A U.S. Fish and Wildlife Service (FWS) fact sheet that was last updated on March 12, 2018 explains that the species is nearing extinction.
 - **Sage-grouse:** The provision further prevents the FWS from listing the greater sage-grouse for at least 10 years. In 2015, FWS determined that the greater sage-grouse was not warranted for listing under the ESA citing the unprecedented, landscape-scale National Greater Sage-Grouse Planning Strategy as reducing threats to the species. Now, Secretary of the Interior Zinke has initiated a process that will reduce protections for species under the Planning Strategy even as sage-grouse populations continue to decline. Given the current administration’s apparent intention to undermine the Planning Strategy, the ability to protect sage-grouse under the ESA is more crucial than ever.
 - **Lesser Prairie-Chicken:** The provision would also block ESA protections for the imperiled lesser prairie-chicken for at least 10 years in complete disregard for the species’ biological status. FWS is currently reviewing the status for the lesser prairie-chicken, which occupies less than 15 percent of its former range and experienced a population drop of 50 percent between 2012 and 2013.
 - **Access to Courts:** Finally, the provision prevents members of the public from challenging these decisions in court, undermining a core value of our democracy.

- **Undermining Safeguards of the Marine Mammal Protection Act** – This rider would amend the Marine Mammal Protection Act (MMPA) of 1972 to extend the authorized period for permitting take of marine mammals by military readiness activities from five years to 10 years. Under current law, the military must review marine mammal take permits (known as Letters of Authorization, or LOAs) every five years, which ensures that the military uses up-to-date science and appropriate mitigation measures. During each five-year environmental review, the military (usually the Department of the Navy) must consult with the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service to analyze the impacts of its readiness activities, estimate incidental take of marine mammals, and determine appropriate mitigation measures in coordination with agency scientists. The U.S. Navy’s activities produce significant amounts of take through the use of sonar and explosives, among other means. During its most recent cycle, the Navy estimated that it would kill more than 250 whales and other marine mammals; cause permanent injury in 3,000, and disrupt vital behaviors like foraging and breeding more than 30 million times. Because marine mammals are extremely difficult to monitor in the wild, current federal law requires that the Department of Defense obtain authorization from wildlife agencies at intervals no greater than every five years. The rider would undermine this critical safeguard, which helps prevent these vulnerable species from becoming depleted or listed as threatened or endangered. *(Section 313, Engrossed in House)*
- **Circumventing Process for Withdrawal of Public Lands** – This rider would amend the Sikes Act by eliminating the U.S. Fish and Wildlife Service as the requisite agency to coordinate on preparation of integrated natural resources management plans for military installations. This needless change in policy could prevent the federal agency best equipped to advise on wildlife management and threatened and endangered species conservation from engaging in these planning processes. The rider also eliminates the Congressionally mandated renewal process under the National Environmental Policy Act for public lands proposed for withdrawal for military use, excluding robust, transparent public participation in decision-making and abdicating Congress’s role as final arbiter of these planning processes. These provisions threaten hundreds of thousands of acres of public land, including more than 800,000 acres of national wildlife refuge lands (such as Desert Refuge in Nevada), jeopardizing wildlife, public access and recreation, and affecting other lawful multiple uses. Another section in the rider would circumvent the current withdrawal and public review process by allowing the Secretary of the Interior to administratively permit temporary use of public lands for military purposes. Finally, provisions in the rider would allow the Secretary of the Interior to transfer administrative jurisdiction of parcels of public land up to 5,000 acres in size to military departments, excluding public input on these decisions. Entire refuges and national parks could be subsumed by military transfer under this provision. *(Section 2831, Engrossed in House)*

- **Overriding NEPA for Hardrock Mining on Public Lands** – This rider would weaken standards for mine permitting on public lands and exempt mining from the environmental review and public engagement processes established by NEPA, one of our nation’s bedrock environmental laws. NEPA requires mining companies to explain to the public how they are going to comply with applicable environmental laws. By making companies perform this due diligence and by allowing the public to review and comment, NEPA makes mines more responsible. This rider would eliminate that process and thereby disenfranchise rural communities and increase pollution of water resources. Furthermore, if this rider is included in final NDAA legislation, nearly anything pulled from the ground would be considered a critical mineral – even sand, gravel, and gold, which is primarily used for jewelry. Thus, mining companies would be able to bypass NEPA even for minerals that have little to do with national security. The rider would also allow state or local government reviews to supplant federal agency review, and it would remove requirements for indirect and cumulative impact analysis. *(Sections 5001-5006, Engrossed in House)*
- **Authorizing a Harmful Land Exchange in Superior National Forest** – This rider would mandate the immediate conveyance, without proper environmental review, of 6,650 acres of irreplaceable Superior National Forest lands to PolyMet Mining, Inc. for a proposed open pit copper-nickel sulfide ore mine, in exchange for the conveyance of lesser-quality private lands to the U.S. Forest Service. The rider would set a dangerous precedent by blocking the public’s right to access the courts and circumventing four active lawsuits which have raised serious concerns with the land exchange. The PolyMet mine poses a threat to the economy of the region, water quality, exceptional wetlands, endangered species, and treaty-reserved rights and resources. Inclusion of the extraneous PolyMet land exchange provision in the final defense bill would set a terrible precedent, as this provision undercuts due process, undermines bedrock environmental laws, and undervalues the high-quality public lands to be exchanged. *(Section 7518, Engrossed Amendment Senate)*

We ask that you work to remove these pernicious riders in conference, prevent their inclusion in a final conferenced bill, and reject any additional anti-environmental provisions. Thank you for your consideration.

Sincerely,

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CC: Conferees