

October 23, 2009

Dear WRPC Member,

The long-awaited decision in the contested case hearing on Kennecott's Eagle Project on the Yellow Dog Plains in Michigan's Upper Peninsula came in August. Administrative Law Judge Richard Patterson sided with Kennecott and Michigan's Department of Environmental Quality (MDEQ) on all issues except the use of Eagle Rock as the portal (entryway) for the mine. In response to the objections of the Keweenaw Bay Indian Community (KBIC), the Huron Mountain Club, the National Wildlife Federation and the Yellow Dog Watershed Preserve, the judge recommended that the portal be moved elsewhere and that the Rock, which is a sacred site for KBIC, not be fenced in and therefore accessible by Native and non-Native alike. Patterson stated that Kennecott and the MDEQ "did not properly address the impact on the sacred rock outcrop known as Eagle Rock as a place of worship."

At the very least, the ruling will delay the project. Michelle Halley, attorney for the National Wildlife Federation, said "Kennecott has claimed for years that Eagle Rock is the only possible location for the mine's portal. Without that option, this mine could be halted or, at the very least, require a complete overhaul of the mining plan. We are pleased that Eagle Rock will be protected, assuming that MDEQ Director Steve Chester follows the judge's recommendations on this issue."

While the ruling on Eagle Rock is a major victory, the judge's decision ignores many other fatal flaws in the mine permit, including the very design of the mine itself. Dr. David Sainsbury, a rock mechanics expert commissioned by the MDEQ, called the mine design "indefensible

Michelle Halley said that the petitioners would file their written exceptions to Judge Patterson's ruling by September 18. These, along with the judge's recommendations, will be forwarded to MDEQ Director Chester for his final ruling. If Chester agrees with the recommendations, Kennecott will have to develop a new mining plan that moves their portal from Eagle Rock. At that point, the petitioners will file an appeal on all points they wish to pursue in the appeal process to the Ingham County Circuit Court.

In the meantime, several groups opposed to metallic sulfide and uranium mining have formed the Michigan Save Our Water Committee and will be collecting more than 300,000 signatures of Michigan voters for a proposed Michigan ballot measure (on the November 2010 ballot) that calls for tougher laws to protect the Great Lakes, inland lakes, rivers and the environment from mining pollution.

This is the time that we ask our members to use the return envelope to renew their membership in WRPC. If the date on your mailing is 08 or 09, it means your annual membership is due (\$15 regular or \$5 senior/low income). Thank you for your continued support.

Sincerely,

Al Gedicks, Exec. Sec.