

June 12, 2009

Dear WRPC Member,

Critics of Kennecott's financially-troubled Eagle nickel-copper project on the Upper Peninsula's Yellow Dog Plains were present at Rio Tinto's annual meeting in London in April to remind the company of the substantial local opposition to the project. Jon Magnuson, a Lutheran pastor from Marquette, Michigan, presented a document signed by one hundred religious leaders in Marquette, Baraga and Keweenaw counties. "Around the world, there's a new unprecedented consciousness rising up about human rights, ethics, and the environment. Rio Tinto and its Kennecott mining operations in Michigan, in its cavalier dismissal of the claims of the Keweenaw Bay Indian Community, represents a dying world of one dimensional reality, bad science, old colonialism, and unfettered capitalism: a culture of death. We've travelled here with a message from 10,000 citizens and 100 community leaders from 10 faith traditions to say, 'No thank you. There's a better way.'"

Of particular concern to the Keweenaw Bay Indian Community (KBIC) is that Kennecott's lease area contains the tribe's sacred site, Eagle Rock, where the company plans to construct a mine portal. The lease allows the company to fence off 120 acres of public land for over 40 years, effectively destroying tribal members' ability to use Eagle Rock for tribal ceremonies. KBIC recently applied to the Michigan DNR for a land use permit so that they would continue to have access to Eagle Rock. The DNR denied the request, stating that KBIC's ceremonial use could "conflict with other approved uses and activities in the vicinity."

Gabriel Caplett from North Woods Wilderness Recovery in the U.P. accused the company of fraud and incompetence in the design of its proposed mine, which he said would run a grave risk of collapse. Scientific support for Caplett's charge is provided by Jack Parker, a mining expert who testified in the contested case hearing on Kennecott's mine permit and who recently completed a 33-page report outlining severe problems with the underground portion of Kennecott's Eagle Mine application. The report, entitled *KEMC Eagle Project: A Fraudulent Permit Application?* documents problems such as the lack of sound mining analysis to prevent the mine from collapsing and the doctoring of design data.

In the introduction to his report, Parker writes "After three years of studying the application and related documents my original opinion has not changed, but I would add a conclusion that either the writers and all of the reviewers were not experienced and competent in mining and geology, or that their intent was to deceive, to ensure that permits would be issued without delay. Maybe both." For a copy of Parker's report, go to [www.savethewildup.org/blog/wp-content/uploads/2009/05/jack-parkers-report.pdf](http://www.savethewildup.org/blog/wp-content/uploads/2009/05/jack-parkers-report.pdf)

On Saturday August 1 and Sunday August 2, the 2<sup>nd</sup> annual Protect the Earth Gathering will take place in Marquette, MI and will include speakers, music and dance, workshops, a film premiere and displays about current environmental issues in the Great Lakes Basin. Sunday will begin with an annual walk to Eagle Rock and will culminate with a lunch and a special ceremony for our land and water, including a memorial for Fred Rydholm with his family and friends. The gathering is sponsored by Keepers of the Water, Yellow Dog Summer and Students Against Sulfide Mining & Friends. For further information and maps, go to <http://yellowdogsummer.wordpress.com> or e-mail: [yellowdogsummer@gmail.com](mailto:yellowdogsummer@gmail.com) or call (906) 942-7325

In Wisconsin, there has been renewed interest in the Lynne mine site in Oneida County by a Canadian mining company, Tamerlane Ventures, with headquarters in Blaine, Washington (see enclosed article by Richard Moore of the *Lakeland Times* of Minocqua). Noranda Minerals of Toronto, Canada, had discovered the six million ton deposit of zinc-lead-silver, with copper and gold, in the town of Lynne in 1990 on county-owned forestland several miles southwest of the Willow Flowage. Most of the proposed mine would be located in wetlands and lake beds. The site is one-half mile from important walleye

spawning areas of the Willow River. Directly downstream from the site are the Willow and Rice flowages, lakes Nokomis, Killarney, and Mohawksin, and the Willow, Little Rice, Tomahawk and Wisconsin Rivers. The Willow Flowage has been designated as an Outstanding Resource Water (ORW) by the State of Wisconsin. This classification forbids the discharge of mine wastewater into the river.

The Lynne site is 30 miles south of the Lac du Flambeau Chippewa reservation, but is part of the Chippewa ceded territory where tribes retain hunting, fishing, and gathering treaty rights. The area was one of the hotbeds of militancy against Chippewa spearfishing, but local environmentalists nevertheless built a working relationship with the tribe after Noranda announced its plans in 1990. Sportsmen also joined the opposition, to protect the rich fishing and hunting grounds around the Willow Flowage. In addition, the DNR established that a lake bed extends into the minesite as well as the proposed tailings disposal area. Wisconsin mining law forbids destroying or filling a lake bed. Furthermore, many of the wetlands at the site are classified as shoreland-wetlands, which cannot be rezoned for development if that may harm wetlands, groundwater, fish spawning, or wildlife habitat.

The unexpectedly strong opposition, combined with questions about the mine's potential damage to wetlands, convinced Noranda to withdraw from the project in 1993. Since that time the state has passed a Mining Moratorium Law which requires an applicant to demonstrate that a metallic sulfide mine in the U.S. or Canada has operated for at least 10 years without polluting ground or surface water, and that the same mine has been closed for at least 10 years without polluting ground or surface waters. So far, no company has been able to provide such an example.

What makes Tamerlane think they can overcome the obstacles that prevented Noranda from proceeding? Is Tamerlane even aware of this history and current mining regulations? So far the Oneida County Forestry Committee has demonstrated complete historical amnesia about this record or the track record of Tamerlane's chairwoman, Margaret Kent. According to Richard Moore's report, one of Ms. Kent's former mining ventures, Royal Oak, went bankrupt and left the Canadian taxpayers with a \$250 million cleanup bill for 237,000 tons of one of the most toxic arsenic forms in existence. Royal Oak held a lease for the mine property without any security required for cleanup or reclamation. Oneida County residents need to educate their representatives about the history of this project and the track record of Tamerlane.

Sincerely,

Al Gedicks, Exec. Sec.