

Northwoods Wilderness Recovery Wildlands Update



December, 2007

Land Sales Threaten to Change UP Landscape

Two years ago, I had the opportunity to canoe nearly 150 miles of the Menominee River, from the UP town of Kingsford, to Lake Michigan's twin cities of Menominee, MI/ Marinette, WI. This was the second leg of a nearly 300 mile trek - "Connecting Water, Connecting People" - held to raise awareness about metallic sulfide mining & its potential threats to our water-rich Upper Peninsula. We had 8 meetings & met with about 200 people along the way.

A rumor heard several times involved We Energies plans to sell significant waterfront holdings along the Menominee River & its tributaries. Power company land sales had not yet surfaced as a conservation issue.

That changed at the end of December, when Upper Peninsula Power Company (UPPCO) announced it would sell over 7300 acres around 6 hydroelectric reservoirs in the central & western UP. UPPCO soon faced fierce opposition on its plans to develop water access for planned housing tracts. Proposed actions significantly violated management plans UPPCO entered into with the Federal Energy Regulatory Commission.

In the summer of 2006, We Energies announced its plans to sell 11,000 acres of "non-project" land. This included the Sturgeon River Gorge Wilderness in-holding & 2,600 acres upstream at Tibbets Falls. To the south along the Menominee River & its tributaries, 6,400 acres, & dozens of miles of waterfront were up for sale. We Energies entered into negotiations with natural resource agencies, Trust for Public Lands, & realtors. Over the

next year, negotiations were kept confidential.

In September 2007, the purchase of Sturgeon River Gorge was announced. In November the Michigan DNR announced it was working on the purchase of 1500 acres, along the Sturgeon, Paint, & Menominee Rivers. Only 3,500 acres of the land will make it into the public trust, & 7,400 acres have already been sold to a realtor.



Quiver Falls
photo Doug Cornett

Land sales by large industrial land holders are rapidly changing the landscape of the UP. Land once held for timber production is now being subdivided & developed. These lands were open to the public for hunting & fishing, but are now being shut to public use.

An Opportunity?

Over the past year, I've met with a number of folks from conservancies, environmental organizations, tribes, & local government. There is strong support to protect water front and public access. However, current players like larger conservancies, the DNR, and national forests are financially stretched & don't have extra resources to commit to additional purchases. A new way is needed to facilitate purchases of our threatened water front lands.

The precipitous decline in the real estate market has also slowed water front land sales here in the UP, providing an opportunity to counter the loss of water front access we are now experiencing. Over the winter months we will be working to look at possibilities to raise money & keep important land in the public trust. If interested in helping, contact doug@northwoodswild.org or (906) 226-6649

Inside Wildlands

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Ad Campaign Begins

NWR recently launched an ad campaign to educate people on the proposed DNR "Surface Use Land Lease" and to generate comments opposing the lease of public land at Kennecott's proposed Eagle Mine site in northern Marquette County. A local Marquette business, UpFront & Co., has provided a generous donation for the campaign & is partnering with us to get letters into the DNR director and Natural Resource Commission. UpFront now has letter packets available for people to sign. Help us achieve our goal of 5000 letters! Visit UpFront in downtown Marquette to sign letters.

Letters Needed

The public can still provide comment on the "Metallic Mineral Mining Operations Surface Use Lease," for Kennecott Mineral's Eagle Mine Project. The DNR Natural Resources Commission will discuss the issue at its regular meeting, on December 6, 2007, with a possible decision at the January 14, 2008 NRC Meeting. Comments will be accepted on the land use permit until the NRC meeting where the decision is made.

Kennecott has yet to receive approval from the Michigan Department of Environmental Quality for its Mining, Air & Groundwater Discharge permits, as well as a Wetlands Permit. Also, the EPA has yet to issue an Underground Injection Control (UIC) permit & the Mining Safety Health Administration has not yet received a permit application. These permits must be fulfilled before the DNR considers the Surface Use Lease, which would close off 120 acres of state land to the public for 35 years. Mail comments to:

Rebecca Humphries, Director
Dept. of Natural Resources
P.O. Box 30028
Lansing, MI 48909
humphrir@michigan.gov

Large Turnout at Mine Hearings

In August 2007 the Department of Environmental Quality (DEQ) resumed its review of Kennecott's Eagle Project Mine permit application, by reinstating its earlier proposed decision to approve the permits. The first application was withdrawn, earlier this year, after DEQ employee Joe Maki had omitted a report critical of construction plans & stability of the mine.

In September the DEQ hosted a series of public hearings on the proposed mine. Over 1300 people attended the meetings & at least 300 people gave testimony. Over 90% of those speaking were against the mine. The DEQ also received over 3000 letters, with a large majority against Kennecott's plans.

A decision was due in November, but postponed & will be announced December 14.

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Will Dam Be Rebuilt?

In 2003, two dams on the Dead River failed after a 5-inch rain storm. The Dead River originates in northern Marquette County near the McCormick Wilderness, and flows 30 miles into Lake Superior at Marquette's Upper Harbor. Silver Lake Basin, near the headwaters of the river, had a levee fail, releasing millions of gallons of water into the already swollen river. Downstream in Marquette, the Tourist Park Basin's dam collapsed, damaging a small hydroelectric plant, inundating roads below, severing power lines, and flooding the WE Energies Presque Isle power plant.



River Channel & Old Logging Dam Remains
photo Doug Cornett

At Tourist Park, eroded banks have been stabilized & most of the land once under water is now growing trees. A waterfall now dominates the site of the dam. The river has found its original channel, and in many places gravel beds are now exposed. Thanks largely to Mother Nature, restoration of the river is well on its way.

Although a settlement from UPPCO is not enough to rebuild the dam, & power generation wouldn't be profitable, the Marquette City Commission has pressured the Bd. of Light & Power to support rebuilding.

Benefits of leaving this section of the river un-dammed are many, including the restoration of a cold-water fishery. Let public officials know that restoring the channel & flood plain of the Dead River makes good ecological and economical sense. Ask FERC to require environmental assessments.

Kirby Juntilla, Marquette Board of Light & Poer, 2200 Wright St., Marquette, MI 49855.
web: www.mblp.org

Federal Energy Regulatory Commission, Ms. Magalie R. Salas, 888 First Street, N.E., Washington, D.C. 20426. Reference FERC Project # 2589 in the heading.

This issue of Wildlands Update was funded in part by:

Freshwater Future

P.O. Box 2479, Petoskey, MI 49770
freshwaterfuture.org

Gentle Warrior

By Nick VanDerPuy

Roscoe Churchill's activism & spirit will benefit all of us for generations.

Roscoe Churchill wasn't a United States military combat veteran, but he served as a general in the late 20th century Manufacturers Resource War against the Earth. Churchill fought on the side of responsible government, clean water, fertile soil, untainted fish, wild rice, & big trees. The anti-mining activist died in February 2007 at the age of 90.

The minister at the church funeral in Ladysmith told fetching stories about young Roscoe & his brother, back in the 1920s, meeting bears in the woods while picking raspberries. The boys thought about giving chase, but on second thought walked back to the farmhouse. On the lunch table in the church basement following the funeral there was a photo placemat showing Roscoe sitting by his kitchen wood cook stove, his restored model A car, his farm & horses, & as an old man joyfully catching bluegills. Roscoe himself once said he "lived a delicious life."

Roscoe was a true son of Wisconsin. For the past 30 years Roscoe united conservationists, Native American tribes, sport fishing groups, some trade unionists & students into a community (one might even describe it as a tribe) resisting a mining district in northern Wisconsin. Hundreds of these folks showed up in Ladysmith to say goodbye to Roscoe & re-affirm their connection & a memorial service we called a "Fond Farewell."

Sandy Lyon, a community organizer who also happens to be my wife, often jokes, "Roscoe & Evelyn Churchill ruined my ordinary life." Sandy, Evelyn & Roscoe, sitting around the Churchill's farm kitchen in the mid-'90s, came up with a challenge for the multi-national mining companies: "Show us a successfully re-claimed metallic sulfide mine that hasn't polluted the water." The mining companies never could, & in 1998 the Wisconsin Legislature & Governor Tommy Thompson enacted the Churchill Mining Moratorium bill. Because of the bill, which would not have passed without the fierce & sustained activism of a broad & diverse coalition consisting of thousands of people who care about the earth, Wisconsin remains the least attractive political climate for mining in North America.

Artist Judy Gosz brought cedar from the Stockbridge Munsee Reservation & dozens & dozens of pies to Roscoe's farewell. Roscoe loved stopping for pie. Our daughters Annie & Sage passed small cedar branches to everyone in the circle. Judy's husband-folksinger Skip

Jones opened the gathering with a song by Kate Wolf called "Gentle Warrior." Roscoe was known widely as the kind & gentlemanly warrior from rural Wisconsin.

The heartbeat of the movement, the drum from Mole Lake, sat in the middle with tribal judge Fred Ackley & the other Anishinaabe singers. Songs on this drum, during the mining moratorium rallies, called in an eagle over the state capital building. Eagle flight over the capital had not been seen in modern times.

Frannie Van Zile carried in the women's eagle feather water staff festooned with tobacco prayer tie offerings. "There'd be a Crandon mine if it weren't for Roscoe Churchill," Frannie, lead warrior woman of the Mole Lake So-kaogon Chippewa, once said. During the mining resistance fight, Exxon henchman Jerry Goodrich at a Forest County board meeting threw some tobacco ties he'd found at the proposed mine site, exclaiming, "Those people are nuts to think tobacco is gonna stop this mine." Goodrich was misinformed about the power of Anishinaabe prayers.

At the community ceremony two combat veterans, one Anishinaabe, the other Pottawatomie, stepped forth to dance the feathers for the woman's water staff. Tying the feathers on the staff honored Roscoe's contribution as an ogichidaa (warrior). Sandy & Frannie invited Roscoe's family & friends to join in the dance around the drum. Many followed, while the singers sang the Eagle Song. Roscoe's oldest daughter happily reported that the eagle had been sitting in a tree over Roscoe's gravesite.

Then Skip & Judy honored Laura Furtman with a Pendleton blanket. The blue & green "Creation" blanket showed turtles & butterflies, symbolizing the work Roscoe & his dear friend Laura have put into the newly-published book *The Buzzards have Landed: The Real Story of the Flambeau Mine*.

When the women draped Laura with this gorgeous blanket & danced around the circle, carrying the water staff, several people, including a minister, were moved to tears.

We were transformed once again by the ceremony into one heart & mind, remembering the lyrics from Kate Wolf's song *Gentle Warrior*:

*Brother Warrior
There are none of us
Who walk this path alone*

*We are crying for a vision
That all living things can share
And those who care
Are with us everywhere*



Roscoe Honored on Earth Day
photo Sue Erickson

We Energies Land Sale

In August 2006, We Energies announced intentions to sell 11,000 acres of waterfront property in MI's Upper Peninsula. WE claimed these lands are no longer needed for hydroelectric operations. The company owns approximately 40,000 acres in the UP & Wisconsin. Its Menominee River land is widely recognized by wildlife agencies as an important movement corridor for birds & large mammals.

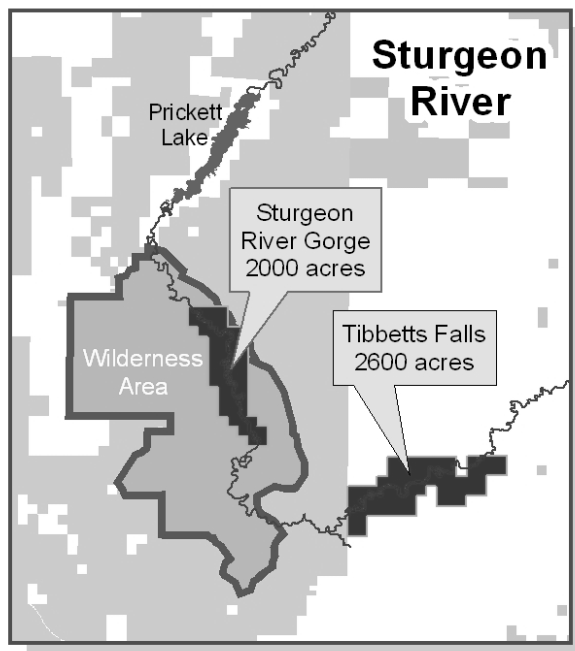
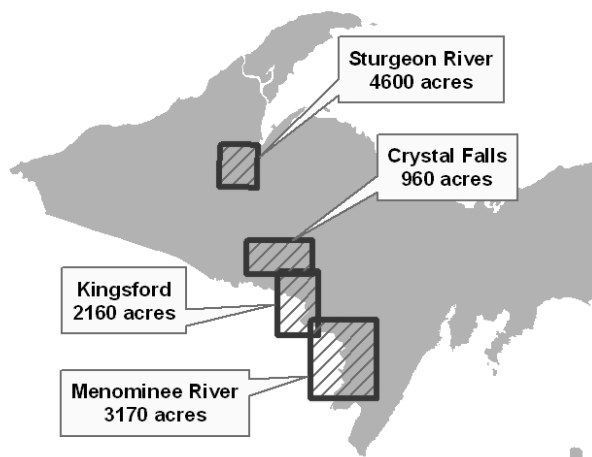
Through the Wilderness Shores Settlement Agreement, WE offered to sell lands to state & federal resource agencies & conservation groups first. Remaining land was recently sold to Wild Rivers Realty.

WE states the sale is different from the controversial UPPCO land sale to Naterra Lands, & claims these properties have never been used as part of the company's utility business.

WE land sale maps contradict their claim, for at least some lands. The proposed Sturgeon River sale in Dickinson County is current listed as "project lands" for the recently removed Sturgeon River hydroelectric project.

Additionally, any "non-project" land has been used for forestry, where the company gets huge tax breaks, & provides significant revenue for stockholders. WE has obligations to provide citizens access for recreation on its lands in exchange for real estate tax breaks & the ability to run a monopoly to sell the electric power it generates.

The WE property has been used by recreationists for decades & treated as public domain. Public agencies & conservation groups should revisit the purchase for wa-



Above: Sturgeon Gorge & Tibbets Falls are for sale by We Energies. Lands surrounding Prickett Lake are proposed for development by Upper Peninsula Power Co. (UPPCO).

Bottom-right: Sturgeon River Gorge Falls photo Doug Cornett.

tershed protection & public use.

WE was quiet about the sale & the public never had an opportunity to comment on this important issue.

Sturgeon River Gorge

In September, the Ottawa National Forest & Trust for Public Lands (TPL) closed a deal to purchase a 2,000 acre in-holding in the Sturgeon River Gorge Wilderness. Congress appropriated \$1.5 million from the Land & Water Conservation Fund for the purchase, & \$1.8 million funding came from TPL. The inholding includes much of the Gorge & Sturgeon Falls & is completely surrounded by National Forest. In 1987 Congress designated the 14,000-acre Sturgeon River Gorge Wilderness, & later designated the Sturgeon River a National Wild & Scenic River. The 13-mile Gorge is the deepest in Michigan & offers outstanding back-country experiences.

Congress will soon establish its priorities for the Land & Water Conservation Fund in Fiscal Year 2008. Please contact your legislators & encourage them to support funding for the remainder of this important Wilderness inholding (see addresses below). Purchase is a priority for the Ottawa, & is supported by Congressman Stupak & Senators Levin & Stabenow.

Tibbets Falls

Just east of the Sturgeon River Gorge is the 2,600 acre Tibbets Falls tract, which flows through the Baraga Plains. A 3 mile stretch of the North Country Trail runs through the parcel. The tract contains over 8 miles of river frontage. The Michigan DNR has negotiated the purchase of only 681 acres here, through the Upper Peninsula Wild Rivers project.

Nearly 2,000 acres are now owned by a realtor who is seeking to sell the entire parcel to 1 party. In addition to nearly 6 miles of riverfront, the tract contains nearly 2 miles of the Lac Vieux Desert to L'Anse Trail—an historic Indian trail important to both the Lac Vieux Desert tribe & Keweenaw Bay Indian Community.

UP Wild Rivers

Totalling 11 1/2 river miles, the *Upper Peninsula Wild Rivers* project encompasses 1500 acres in selected parcels within the Copper Country State Forest. These parcels are adjacent to existing state forest & provide access to major rivers. Hunting, fishing, canoeing & other recreational opportunities will be protected with this purchase.

This project includes a funding request to the Natural Resource Trust Fund for \$1.9 million to acquire the 1500 acres. The 1st phase of the funding was approved by NRTF on December 5, 2007. The Conservation Fund is assisting the DNR with negotiations.

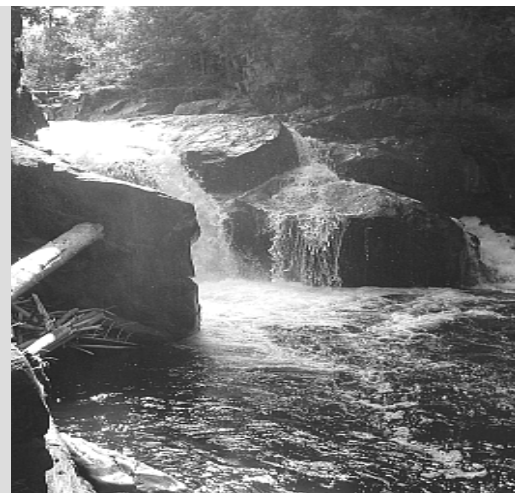
Contact Your Federal Legislators

Bart Stupak — US House of Representatives
2352 Rayburn House Office Building
Washington, D.C. 20515-2201
Phone: (202) 225 4735
Fax: (202) 225 4744 - Fax

Carl Levin — US Senate
269 Russell Senate Office Building
Washington, D.C. 20510-2202
Phone: (202) 224-6221
Fax: (202) 224-1388

Debbie A. Stabenow — US Senate
133 Hart Senate Office Building
Washington, D.C. 20510-2203
Phone: (202) 224-4822
E-mail: senator@stabenow.senate.gov

Visit congress.org to find other legislator's contact info.



UPPCO Land Sale

Upper Peninsula Power Company (UPPCO) is currently selling thousands of acres of land for development around six flowages in Michigan's UP. To date, over 1,300 acres have been sold to developer Naterra Lands. Originally, a 7,300 acre sale was planned. Citizens & agen-

cies participating in UPPCO's hydroelectric relicensing quickly pointed out violations of UPPCO's agreement with the Federal Energy Regulatory Commission, when the sale was announced in late December 2005. Public concern & outrage over the sale led to the

formation of the Upper Peninsula Public Access Coalition.

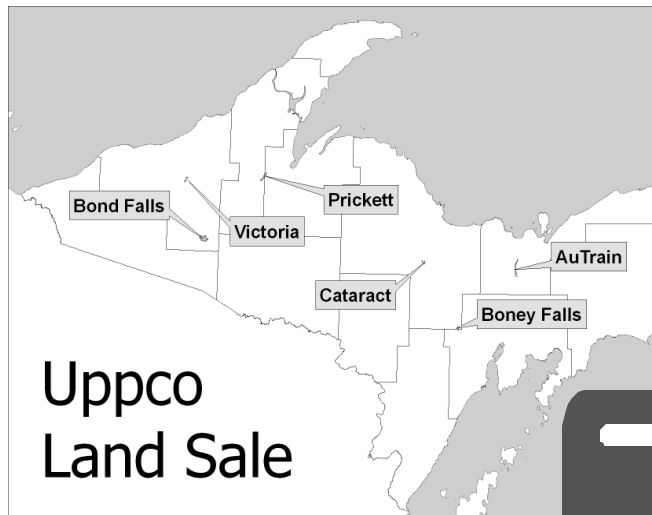
The settlement agreement guiding management of these reservoirs was signed in 2002, & the license was reissued in 2003. Surely, UPPCO knew of the planned sale before agreeing to the management plan.

Development, as proposed, is not compatible with the agreement, the license, or the Environmental Impact Statement

(EIS). Article 422 of the license requires any use to be "consistent with the purpose of protecting & enhancing the scenic, recreational, & environmental values..."

Sportsmen should be concerned with the loss of access to lands around these flowages, as well as loss of wildlife habitat. Removal of woody debris as first proposed at Prickett Reservoir represents a serious loss of fish habitat. Planned piers, docks, stairs, paths & powerlines are certain to be detrimental to wildlife, its habitat, & environment the EIS was devised to protect - especially forest in the buffer zone that is supposed to be managed for old-growth characteristics.

Local townships are threatened as large corporations from outside can challenge local zoning ordinances in court, backed by deep pockets. Rural townships may be ill-prepared to provide services required of such sudden growth. To allow significant development to impact project lands so soon after an extensive hearing & comment procedure undermines the democratic process.



What is a Public Utility?

A public utility is a private business providing an essential commodity, such as electricity, to the public. It is subject to government regulation, because it has characteristics of a monopoly. For electric power, it is most efficient to have a single supplier for an area. Because no competition exists for goods & services, public utilities are subject to price regulation & distribution of its goods.

In addition to Public Utility Commission regulation, power companies running hydroelectric facilities, such as We Energies & UPPCO, are subject to regulation by the Federal Energy Regulatory Commission. FERC has jurisdiction over all hydroelectric projects in US waterways. It regulates management of water flow, endangered species, recreation, etc., which is influenced by activities allowed on the surrounding lands.

Plan Now Available

UPPCO recently sent its revised Shoreline Management Plan to the Federal Regulatory Commission. Another comment period will be announced soon. UPPCO has scaled-back plans for some of the development, but still wants to provide private docks, which now violate the current management plan. For more info contact:

Upper Peninsula Public Access Coalition
c/o Northwoods Alliance
6063 Baker Lake Rd.
Conover, WI 54519
Web: www.uppac.com

How Many Docks do Developers Want?

Bond Falls: 8 Individual Docks, 42 Cluster Docks, (Contains 424 to 444 boat slips)

Victoria: 60 Boat Slips

Prickett: 87 Boat Slips

Boney Falls: 33 Boat Slips

AuTrain: 193 Boat Slips

Cataract: 40 Boat Slips

More Information

UPPCO: uppco.com

We Energies: we-energies.com

Naterra Land: naterraland.com

Akins Crisp: akinscrisp.com

PR Firm Guides Land Deals

Naterra & We Energies are listed as clients of AkinsCrisp Public Strategies - a slick public relations firm from Tennessee. According to its web site, AkinsCrisp assesses the political environment for its clients & identifies decision-makers & other key people influential in the targeted community. Messages are devised to pave the way to get fast results with county & township councils & zoning boards.

Naterra seems to play this game well. It comes in under the radar, making friends with local officials, & breezes through much of the bureaucratic process before the public gets wind of their plans.

Rural Subdivisions

In northern WI & the UP, real estate companies specializing in subdividing wilderness lands, have a horrible reputation. Most appear only interested in windfall profits from land division & development, not in protecting the environment or helping local economies.

Rural subdivisions may create initial growth in tax base, but as the infrastructure ages, it will always cost local towns more in services like road construction & maintenance, storm damage control, snow plowing, school bus routes, & policing. Many miles of roads will be required for accessing these now remote lands. With plans for 400 homes at Bond Falls, at least 100 miles of driveways & roads will be built, requiring millions of yards of fill.

Iron County Officials Plan To Sell Public Lands

Over the past few years, the Iron County Board of Commissioners has been trying to sell public lands that started out as a park system – one of the first of its kind in the nation. The sale of Me-Squa-I-Cum-E Park on the Paint River, could deprive Iron County residents & tourists a valuable year-round recreational site if county officials get their way. Since 2004, commissioners have been actively pursuing this sale.

In 2005, the Board authorized the sale of Me-Squa-I-Cum-E Park. However, the deed

sent a letter to the Road Commission indicating it desired to take over management of the undeveloped park.

The Parks Commission began to meet after the lawsuit dismissal. It voted to sell Me-Squa-I-Cum-E & rubber-stamped approval for development of Pentoga Park.

A local developer interested in the property denounced the Board's intentions when he learned details of the deal. The Board again advertised the property for sale in the local newspaper. No bids were received. Local real estate agencies won't handle the sale.

Later, bids on the entire Me-Squa-I-Cum-E property were received & not acted on. It was then divided into six water front parcels & again

advertised. To date, there have been no bids on the divided parcels. However, a committee has been formed to pursue the sale.

The land sale proposal continues to be unpopular with county residents. Nearly 1,200 persons have signed letters of protest.

Origins of Park System

Iron County Engineer Herbert Larson began to develop the first county park system in Michigan in 1919. This initial purchase of land along US-2 became Larson Park, probably the first US roadside park. Lands were added to the system with acquisitions of Be-Wa-Bic Park (Fortune Lake) & Me-Squa-I-Cum-E Park (Paint River site) in 1923, & Holmes Park in 1927. Peter & Agnes Helgemo gave land to the County in 1929 for a game preserve.

The Park Trustees/Road Commission saw the popularity of automobiles factor into their vision for public parks. In 1930, the Iron County Board instructed this commission to acquire more land. Gibson Lake Park was added in 1935, & additional lands purchased for Be-Wa-Bic & Pentoga Parks. In the mid-1960's Be-Wa-Bic was turned over to Michigan & is now a State Park.

A Citizen's Alternative

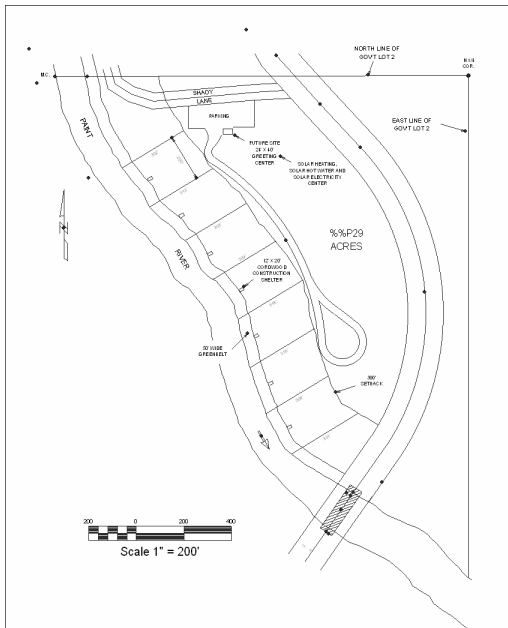
A plan for a small visitor's center, a rustic rental cabin, & walk-in camp sites has been developed as a revenue-generating alternative to Iron County's plan to sell Me-Squa-I-Cum-E Park. The site would be a tourist destination & help diversify Iron County's economic base, for years to come. *To donate, check **Paint River Project** on the Donation Return Form (p. 7).*

"Recreational centers must be provided for the mass of people, who cannot, and never will be able to own summer homes of their own."

— 1936 Report to Iron County Board.

"Our thought has been... to acquire desirable sites before private individuals or the woodsman's axe destroyed their beauty, saving the area for the future."

— 1937 Report Iron Co. Road Commission.



Above: Citizen's Proposal for rustic campground at Me-Squa-I-Cum-E Park

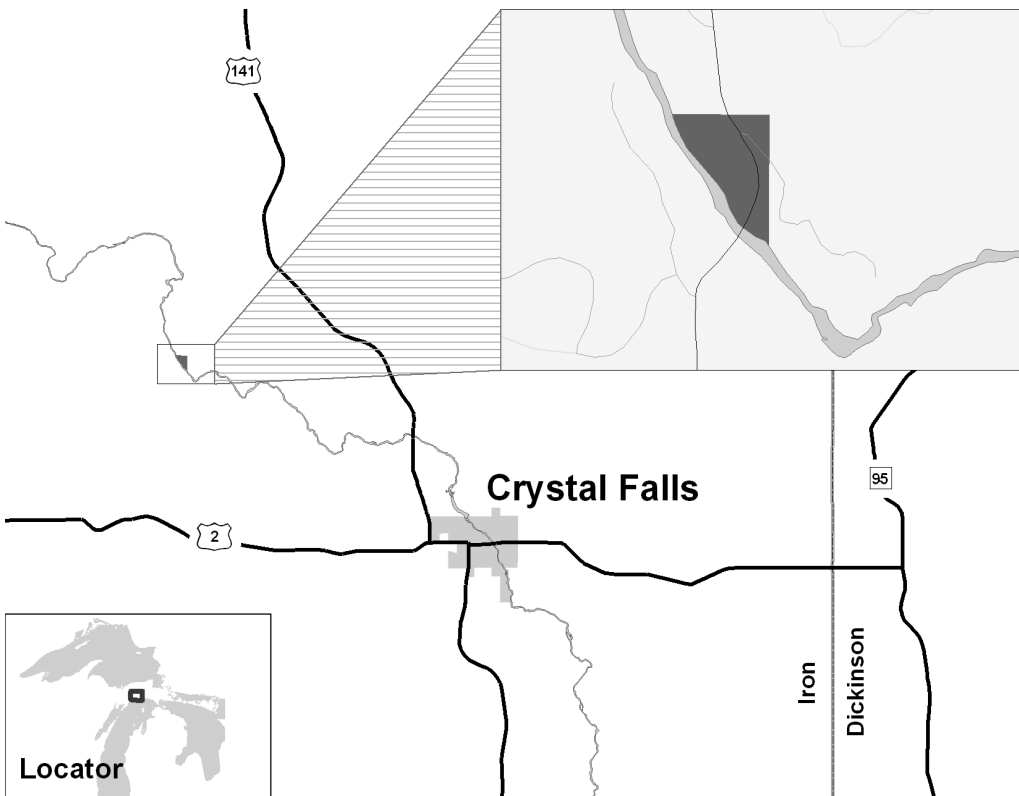
Bottom-right: Park Location.

title could not be insured, & the land was to be sold "as is," probably because of restrictions contained in the deed.

At that time, Me-Squa-I-Cum-E Park was in custody of the Road Commission. County Commissioner Chalmers McGreaham joined citizens Richard Sloat & Robert Rivera in a lawsuit to prevent the sale. The lawsuit challenged authority asserted by the county commission on what should have been a decision by the road commission.

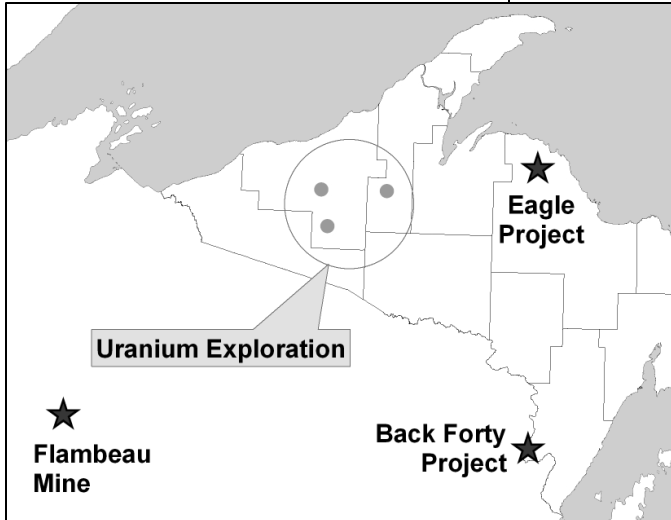
The Iron County Commission responded to the suit by forming the Parks Commission, & giving them custody over all Road Commission land. Although State law mandates it shall possess & preserve lands held for recreation & conservation purposes, the Park Commission voted to sell Me-Squa-I-Cum-E Park. McGreaham, as a County official, was obliged to withdraw. Without adequate legal representation, remaining plaintiffs Sloat & Rivera had their case dismissed over legal "standing."

The Road Commission passed a resolution of support for protecting Me-Squa-I-Cum-E, but was unable to join the suit. Bates Township



Uranium in the UP

In 2003, uranium giant Cameco, & Bitterroot, an exploration company, entered into a joint venture agreement & began exploring the western UP for uranium. Bitterroot notes that it has "completed 1,322 metres of core drilling in seven holes." Bitterroot previously collaborated with Kennecott Minerals in exploring for nickel, copper, platinum & palladium.



Cameco

Since opening its McArthur River Uranium Mine in 1999, Cameco is the world's largest uranium producer for nuclear reactors & weapons systems. However, this company has a long record of mining failures.

An April 2003 cave-in & flood of radioactive water at McArthur stopped production for 3 months. A Cameco consultant warned of caving & flooding as the mine didn't possess adequate water pumping & treatment capacity or proper contingency plans for accidents. Cameco engineering used non-standard methods & could not relate to standard industry practice.

Cigar Lake suffered its own setback, in October 2006, when that mine flooded. Cigar Lake is the world's largest undeveloped underground uranium mine & was expected to begin supplying 1/6 of the world's uranium by 2008. Production has been delayed at least a year.

Accidents

On November 24, 2005, a semi-truck transporting low-level radioactive mining materials for Cameco from Ontario to Utah, wrecked on M-117, just north of Engadine, MI in the eastern UP. The driver drove into a ditch while choking on beef jerky. M117 was closed to traffic for several hours. A Cameco hazardous materials team unloaded the cargo. Michigan State Police noted the incident caused "no known health threat."

Approval of Kennecott Application Withdrawn

On March 1, 2007, the Michigan Department of Environmental Quality (MDEQ) withdrew its proposed approval of Kennecott's Eagle Mine application. The decision was made after a crucial report was found to be omitted from the public record.

The report, commissioned by MDEQ, offered a revealing criticism of Kennecott's method of assessing the crown pillar stability & hydro-geology of the

"Many reports get lost or shredded." —Steve Wilson, DEQ

proposed mine: "The analysis techniques used to assess the crown pillar stability... do not reflect industry best-practice... the hydrologic stability of the crown pillar has not been considered..." It goes on to say that "conclusions... regarding crown pillar subsidence are not considered to be defensible..." Report author David Sainsbury also noted "The

procedure used to determine the equivalent UCS from the point-load test results is based upon a procedure no longer current within the mining industry."

The report also says Kennecott has made claims in its application that are untrue: "The Eagle Project Mining Permit Application states that both plastic & elastic deformations of the crown-pillar rock mass were evaluated... no analyses were conducted using plasticity theory to predict shear & tensile failure of the rock mass."

As a response to the missing report, state geologist Joe Maki was removed from his position. The DEQ hired its own consultant, Donald Inman, a retired DNR deputy director, for the investigation. Unsurprisingly, Inman found no fault in Maki's conduct, & recommended he be returned to his position. Inman attributed the faux pas to poor communication & staff not understanding their duties to the public in a contentious public process.

Back Forty Project

In 2001, a large metallic sulfide deposit was discovered near the Menominee River, about 30 miles northwest of Menominee, MI. Drilling in 2002-03 resulted in the zinc-gold Back Forty Project, operated now under Aquila Resources Inc. The project recently found investors to continue exploration, & has issued stock on the Toronto Exchange. Stock prices reached a high of \$2.50, but has plummeted to around \$0.50 a share.

This year, Aquila resumed drilling to further define the extent of the ore body. Addition-

ally, a purchase option for a "strategic property" (less than 100 acres) was entered into for a whopping \$11.7 million!



Shakey River Sloughs
photo Doug Cornett

Aquila recently hired Foth (previously Foth & VanDyke) a consulting & engineering firm, to conduct water well testing around the project site. In addition to working for Aquila, Foth has worked on Kennecott's Flambeau Mine in WI, "to assist in the permitting, development & final closure of the mine."

More recently, Kennecott retained Foth to produce the Environmental Impact Assessment (EIA) for the Eagle Project, near Big Bay, MI.

Mining Rules Adopted

In 2004, the Michigan State Legislature passed the Non-Ferrous Mining & Reclamation Act (HB 6243). Following passage, the Michigan Department of Environmental Quality (DEQ) continued to work with the group that drafted the law, to write rules interpreting the legislation. Public hearings were held on draft rules in Escanaba, Marquette, & Lansing in November & December, 2005.

The DEQ published revised rules in January, 2006. Despite overwhelming public support for strong rules, the DEQ weakened the final draft. Not included is siting criteria that would allow the agency to deny a mining permit in sensitive locations, such as wetlands. Also, agreed-upon provisions by the

"consensus" mining group were diminished. For example, the DEQ unilaterally reduced a required minimum 2 year flora & fauna study to 1 year.

In February, 2006, the Michigan Joint Committee on Administrative Rules raised no objection to rules presented by the DEQ. Shortly after, Kennecott Minerals Co. filed an application to permit its Eagle Project mine.

To view Part 632 rules, go to mich.gov/deq, & click on "Kennecott Eagle Project."

More Mining Articles

Visit northwoodswild.org to read more articles. Click the "Metallic Sulfide Mining" link at the top of our home page.



Minnesota Mining

Roughly a dozen mining companies are currently exploring for non-ferrous metals in northern MN. The Duluth Mafic Complex is the largest undeveloped deposit in the US & borders the Boundary Waters Wilderness.

PolyMet's NorthMet project, south of Babbitt, is poised to develop this deposit. They expect to begin extracting platinum, palladium, gold, copper, nickel, cobalt, & silver in 2008.

PolyMet acquired its mining development site

from Cliffs Erie LLC, a subsidiary of Cleveland-Cliffs Iron (CCI), & in 2006, purchased Cliff's rail connection, including a 120-railcar fleet, facilities, & approximately 6,000 adjacent acres. CCI acquired 7.7% of PolyMet's common stock in the deal.

The CCI Connection

CCI, which operates iron mines in Michigan, Minnesota, Canada & Brazil, is connected to other non-ferrous mineral projects in the Lake

Superior basin. For example, Prime Meridian Resources purchased a majority of its mineral rights in the UP from CCI.

In 2003, CCI appointed Randy L. Kummer Senior VP of Human Resources. Kummer held a similar position for Kennecott. Also, Joseph Carrabba is slated to become CCI's CEO this year. Carrabba worked for Rio Tinto for almost 20 years, most notably as President of Diavik Mines, a major producer of diamonds.

Flambeau Mine

Kennecott's Flambeau Mining Co. (FMC) recently obtained a Certificate of Completion (COC) for 149 acres of its Flambeau Mine site, in Rusk County, WI. In a contested case hearing, a 32 acre "Industrial Outlot" was removed from the COC because of continued elevated levels of contaminants. Surface water, sediments, soil & biota will be monitored over the next 5 years. An \$11 million reclamation bond was reduced to \$2 million & will be held for another 20 years.

Both Kennecott & Aquila Resources point to Flambeau as an example of a "successful" metallic sulfide mine, & have taken local MI officials on field trips to Rusk County to convince them that metallic sulfide mining is safe. However, surface & ground water contamination persists at the site.

China's Role



Over the past decade, China's expanding economy caused dramatic jumps in metal prices. Although a 30% decline in copper prices was predicted in 2007, Chinese demand continues record prices.

The rise of mining giant Rio Tinto is due largely to China's demand for iron, copper & other metals. While profitable for corporate shareholders, effects on America's working-class are devastating.

From 1989 to 2003, at least 1.5 million US jobs were displaced due to the growing trade deficit with China. Job loss more than dou-

bled following China's entry into the World Trade Organization. Michigan lost at least 50,000 jobs as a direct result.

Despite an expressed need for continued mineral extraction, most mining companies have made little investment in recycling. Recycled metal

represents more than 50% of US scrap exported to China. In 2002, China purchased 50,000 tons of metal from the destroyed World Trade Center. The reuse of our current metal supply, although not as profitable to mining company shareholders, could offset presumed needs for new mines.

Prime Meridian Connections to Kennecott

Prime Meridian Resources Corp. (PMR) has acquired over 31,000 "mineral acres" in

Baraga, Dickinson, Gogebic, Iron & Marquette counties, as well as in 2 Minnesota counties. The majority of PMR's UP leases



were purchased from Cleveland Cliffs (CCI).

Michael Senn is PMR's president & CEO. Senn worked for Kennecott Exploration until 1996 & was Regional Manager when Kennecott discovered the Eagle deposit. Also on PMR's board is Frank Joklik, a mining consultant who was Kennecott President & CEO from 1980 to 1993.

Drilling in 2007 is planned in Iron Co. near

Crystal Falls & northern Marquette Co. A press release notes that "Four of the six Baraga Basin targets are within [1/2 mile] of the Eagle Deposit."

An on-line report for PMR projects says "the current political environment concerning environmentally responsible metallic mining is considered favorable in... Minnesota & Michigan, particularly the Upper Peninsula."

We Need Your Support!

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Donation Return Form

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please mail to: **Northwoods Wilderness Recovery; P.O. Box 122; Marquette, MI 49855-0122.** Northwoods Wilderness Recovery is 501(c)(3) tax deductible.

Snowmobile Trail Lawsuit Dismissed — Chocoday Residents File New Claim

Judge Weber issued a decision in September dismissing a citizen's lawsuit against the operation of a DNR snowmobile trail through a Chocoday Township neighborhood, located just south of Marquette, MI. Weber ruled the case belongs in the Court of Claims. Since plaintiffs are not seeking monetary damages, they believe the Judge has erred, but are pursuing the suit through the Court of Claims in Lansing.

Over the past 2 years, NWR has assisted Chocoday Township residents in opposing the DNR snowmobile trail which now uses a railroad grade that crosses their neighborhood. The trail has been controversial from the start, when the DNR abandoned talks with the township & local residents over non-motorized use

& opted to unilaterally decide that a snowmobile trail was the best use of the land.

Chocoday Township responded by suing the DNR for violating local zoning that prohibits the motorized trail. The township won in local court, but lost when the DNR appealed. The snowmobile trail went in & has become a nuisance to Lakewood Lane residents.

Hundreds of complaints have been recorded by township police, resulting in the adoption of a 35 mph speed limit. Speeding, trespassing, excessive noise, running stop signs, urinating in public, & a host of other offenses continues. Some serious accidents have occurred, & one snowmobile that left the trail ran over & killed a family's dog.

In January 2006, a lawsuit was filed by 80 Chocoday residents. The Complaint cited nuisance & "inverse condemnation." In essence, the change of use from a seldom-used railroad to the snowmobile trail has led to a whole spectrum of nuisance complaints, prohibiting plaintiffs from enjoying their property. The change is radical—from a railroad operating once or twice a week, to a trail where, on a busy weekend, hundreds of speeding snowmobiles a day pass.

The suit asks the court to order a closure of this part of the trail to snowmobiles, & change the use to "non-motorized." A court date has not been set. *To donate, check **Chocoday Defense Fund** on the Donation Return Form (p. 7).*

Whitefish Bay Scenic Byway Plans Scaled Back

"You might think that no electricity, out-houses, pumping one's own water, cutting wood for fires, bathing in Lake Superior, no phones, TVs & all the other so-called "modern" conveniences, would discourage people from wanting to stay. However, the uniqueness of this type of camping has a wonderful, rejuvenating effect on a person's soul." - A camper's comment on the Whitefish Bay Project, Forest Service Project File

After 2 years of public comments & appeals on the Whitefish Bay Scenic Byway Project, the Hiawatha National Forest has scaled-back a development plan that would have radically changed the environment of the 26-mile scenic road. The Byway follows the mostly undeveloped Lake Superior shore, just west of Sault Ste. Marie, MI.

Most people opposed redeveloping the rustic Bay View Campground, by adding an RV loop, electric, & running water. Many were also



Spectacle Lake Overlook
photo Doug Cornett

outraged at plans to cut miles of "scenic views" between the road & Whitefish Bay.

There were some benefits in the plan - but fatal flaws doomed the project. District Ranger Martie Schramm withdrew the project

after receiving several appeals.

The Forest Service came back this year with a smaller, less objectionable, project focusing mostly on needed efforts like soil erosion control. However, plans for a parking lot & toilet at Spectacle Lake Overlook, led NWR & Heartwood to appeal this specific action because the Overlook is an important cultural site for the Bay Mills Tribe. We dropped objections after the Forest Service met with Bay Mills representatives to incorporate tribal concerns into the plan.

Today, most Forest Service recreation plans favor building facilities for motorized recreation. This is sadly evident across the Hiawatha, where many campgrounds have been "modernized" (asphalt for big rigs, running water, electricity) & are now run by private concessions. In the Hiawatha, many primitive camp sites that were once free now require permits through the Fee Demo Program.



Northwoods Wilderness Recovery

P.O. Box 122
Marquette, MI 49855

