GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

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● MEMBER TRIBES ●

MICHIGAN	WISCONSIN		MINNESOTA
Bay Mills Community	Bad River Band	Red Cliff Band	Fond du Lac Band
Keweenaw Bay Community	Lac Courte Oreilles Band	St. Croix Chippewa	Mille Lacs Band
Lac Vieux Desert Band	Lac du Flambeau Band	Sokaogon Chippewa	

Via Electronic Mail / Original by Mail

May 20, 2008

Mr. Ross Micham
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

Dear Mr. Micham,

Staff of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) have been involved in the review of the proposed Kennecott "Eagle" or "Yellow Dog" mine project in the Upper Peninsula of Michigan. As you know, GLIFWC is an agency of eleven Ojibwe tribes that hold off-reservation treaty reserved rights in territories ceded to the United States in the 1800's. The proposed mine would be located within the territory ceded in the treaty of 1842. GLIFWC staff, working closely with the Keweenaw Bay Indian Community, have submitted numerous comments on the mine proposal and permits to the Michigan Department of Environmental Quality (DEQ).

According to the Mine Permit Application (MPA) and the Michigan Department Of Environmental Quality permit conditions, part of the stormwater control program involves pumping of excess contaminated stormwater into the mine during periods of high flow (MPA Section 8.1.5.1 and Permit Condition H-20). The lack of detail provided in the MPA makes it impossible to determine if the contaminated stormwater (contact water) would be pumped in such a way that it could be later removed from the mine. However, mine design and operations indicate that the lowest portion of the mine would be mined and backfilled first (Eagle Project EIA Appendix B-1 Table 14). If the lower mine levels are allowed to flood with groundwater during later stages of operations, as is typically done at underground mines, it might be impossible to segregate and recover the contaminated stormwater that is pumped into the mine. Contaminated stormwater could commingle with the bedrock aquifer and migrate through discontinuities, affecting the aquifer down-gradient of the mine.

Without additional detail as to how stormwater that had been pumped into the mine would be stored and recovered, one must assume that recovery may be impossible. Permanent disposal of contaminated stormwater would likely necessitate an injection well permit. Given that such disposal of stormwater would be conducted under an emergency situation, the appropriate permits for such disposal should be obtained prior to the commencement of mining.

Because there is little information in the permit materials concerning this pumping of stormwater into the mine, we would appreciate your help in clarification of this proposed activity and the permits needed for handling stormwater in this way. We look forward to further discussions with the EPA concerning this issue. Please contact Ann McCammon Soltis (715-682-6619) or me (608-263-2873) at your convenience.

Sincerely,

John Coleman

John Coleman
Environmental Section Leader

cc: Neil Kmiecik, GLIFWC Biological Services Director
Ann McCammon Soltis, Director, Division of Intergovernmental Affairs

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