To: Hedman, Susan[hedman.susan@epa.gov]; Mathur, Bharat[mathur.bharat@epa.gov]; Henry, Timothy[henry.timothy@epa.gov]; tinka.hyde@epa.gov[tinka.hyde@epa.gov]; Rowan, Anne[rowan.anne@epa.gov]; Speizman, Elissa[speizman.elissa@epa.gov]; Cannon, Phillippa[Cannon.Phillippa@epa.gov]
Cc: Beckmann, Ronna Erin[beckmann.ronna@epa.gov]
From: Gawlinski, Denise
Sent: Mon 3/18/2013 10:11:46 PM
Subject: FW: Mining Journal: Road Commission's Iwanecki to testify in Congress on CR 595
image001.jpg

FYI

From: Wurfel, Brad (DEQ)
Sent: Monday, March 18, 2013 12:33 PM
To: Wyant, Dan (DEQ); Datema, Maggie (DEQ); Goodheart, James (DEQ); Casey, Steve (DEQ)
Cc: Silfven, Ken (GOV); Wurfel, Sara (GOV); Nyberg, David (GOV); Rustem, William (GOV)
Subject: Mining Journal: Road Commission's Iwanecki to testify in Congress on CR 595

Big piece in yesterday's Journal

http://www.miningjournal.net/page/content.detail/id/585411/D-C--hearing-to--address-CR-595-roadblocks.html?nav=5006

b

Brad Wurfel
Communications Director
Michigan Department of Environmental Quality
517-241-7395 - office
517-230-8006 - cell

D.C. hearing to address CR 595 roadblocks March 17, 2013 By JOHN PEPIN - Journal Staff Writer (jpepin@miningjournal.net<mailto:jpepin@miningjournal.net>) , The Mining Journal
Save<http://www.miningjournal.net/?page=mscontent.saveContentMsg&showlayout=0&id=585411&nav=5006> | MARQUETTE - The Marquette County Road Commission has approved letting its engineer-manager testify at a hearing next week on Capitol Hill about federal regulatory challenges encountered in the agency's unsuccessful attempt to have the County Road 595 project permitted.
Jim Iwanicki will testify at the request of U.S. Rep. Dan Benishek, R-Crystal Falls, before a House Natural Resources Committee hearing Thursday on "America's Mineral Resources: Creating Mining and Manufacturing Jobs and Securing America."
"I'm looking forward to Mr. Iwanicki sharing some Upper Peninsula commonsense in his testimony to the Natural Resources Committee next week," Benishek said. "The hearing will be a good chance for him to explain how the EPA -through its regulatory overreach- is killing many good-paying jobs here in Northern Michigan and throughout the country."
Article Photos
[cid:image001.jpg@01CE23D4.C0167820]
BENISHEK
Benishek is a member of the committee chaired by U.S. Rep. Doc Hastings, R-Washington.
In January, Iwanicki said the U.S. Environmental Protection Agency's refusal to remove objections to the project prevented the Michigan Department of Environmental Quality from issuing a permit which had the required federal backing.
The proposed 21-mile, north-south County Road 595 was slated to run from County Road AAA in Michigamme Township to U.S. 41 in Humboldt Township, providing a more direct hauling route for Rio Tinto and affording additional safety, recreational and economic development benefits for county residents.

Rio Tinto had agreed to fund the $82 million County Road 595 project, provided the permits required could be obtained and construction started by May 2013.
In early December, the EPA lifted a previous objection to the road commission's alternatives analysis for the County Road 595 project, but reaffirmed its objection on minimization of impacts and compensatory mitigation plans for impacts to wetlands, streams and wildlife.
EPA Regional Administrator Susan Hedman in Chicago said according to law, the DEQ had 30 days from Dec. 4 to satisfy the EPA's reaffirmed objection by issuing a permit that includes minimization and mitigation plans consistent with requirements outlined by the EPA, or notify the agency the DEQ intended to deny the road commission's permit application.
Absent such action by the DEQ, the authority to process the application would transfer to the U.S. Army Corps of Engineers. The application process would then have to restart.
In a letter, DEQ Director Dan Wyant wrote to Hedman announcing the DEQ would not be issuing a permit for the County Road 595, given the situation.
"As we have discussed previously, I believe that there are reasons to support the approval of this project," Wyant wrote. "However, this letter serves as formal notification that due to the short time frame allowed by statute and the complexity of the issues remaining, the Michigan DEQ is not issuing a permit for Marquette County Road 595."
On its website, the EPA said it had received Wyant's notification and the permitting authority had transferred to the Army Corps.
"Since April 2012, EPA has worked closely with Michigan DEQ and the County to develop a mitigation plan to finalize a state permit for the project," the EPA statement read.
With Rio Tinto's funding no longer available, no attempt was made by the road commission to restart the permit process with the Army Corps.
The basis for the EPA's objection was impacts to aquatic resources with the project were significant and proposed mitigation would not sufficiently compensate for impacts. In late August, a new proposal was announced for mitigation which would preserve 1,576 acres, including 647 wetland acres, near the McCormick Wilderness.
In addition, the road commission originally proposed filling 25.8 acres of wetlands and constructing 22 stream crossings in the building County Road 595. The county instead planned to fill 24.3 acres of wetlands, replace 19 steam crossings and build seven others.
Iwanicki said the EPA never liked the project from the start and for months worked to change expectations and requirements.
"They played a good game of bureaucratic nonsense," Iwanicki said of the EPA.
Next week, Iwanicki will spend a few minutes before the House committee offering his viewpoint on the events, which included months of study, public input, alterations and ultimately defeat of the project.
"I'm going to go and testify on how the 595 permit process went and what happened there and what hurdles were in the way," Iwanicki said. "We lost an opportunity. Trucks are going two-and-a-half times longer (distance). We had all the political support there was. It was a good thing and (we) couldn't get it done because the EPA decided environmental was more important than people."
John Pepin can be reached at 906-228-2500, ext. 206. His email address is jpepin@miningjournal.net<mailto:jpepin@miningjournal.net>