OFFICE OF THE CHAIR
MENOMINEE INDIAN TRIBE OF WISCONSIN

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Statement from the Chair

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Menominee Tribe Requests Government to Government Consultation with the EPA and Army Corps on the Back Forty Mine Project

KESHENA, WISCONSIN — The Menominee Indian Tribe of Wisconsin has formally requested government to government consultation with the Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (USACE) on the wetland permit required under the Clean Water Act. As part of the consultation the Tribe is requesting the EPA and USACE to make a specific jurisdictional determination for the Menominee River before moving forward with any wetland permit for the project

"The Tribe is aware that the Clean Water Act prohibits the United States from delegating wetland permitting authority to the State of Michigan in regard to certain waters of the United States. We believe there is sufficient evidence to demonstrate the waters at issue in the proposed Back 40 mine project are waters that cannot be delegated to the State of Michigan. In non-delegable waters, the proper permitting authority for the wetland permit is the US Army Corps, not Michigan" stated Menominee Tribal Chairman Gary Besaw.

Aquila Resources, Inc., a Canadian development stage company, has been granted three of the four permits required for the project. The company's efforts to obtain the fourth and most difficult permit, a wetland permit, have been unsuccessful to date. Aquila's was forced to withdraw their first wetland permit application in 2016 and their second application submitted in January 2017 has yet to be found administratively complete.

The highly controversial mining project is proposed to sit 50 yards from the Menominee River, an interstate boundary water separating Wisconsin and Michigan. Significant opposition to the project includes tribal governments, local counties in Michigan and Wisconsin, cities, towns, bi-partisan Wisconsin state legislators, citizens groups, environmental organizations and fishing organizations.

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