October 26, 2016

To the Members of the Michigan Department of Environmental Quality,

Thank you for the opportunity to comment on the proposed open pit gold and zinc mine called The Back Forty that's would be built on the banks of the Menominee River.

We own a home in Wausaukee, Wisconsin on the Menominee River, less than a third of a mile downstream from the proposed mine. It's a log cabin that we bought just a year ago. Our dream was to retire there, enjoying the peace and beauty of this forested area.

We did not know about the mine that was planned for Stephenson, Michigan. That it would operate 24 hours a day, 7 days a week, 365 days a year. That there would be no peace from the drilling, the lights, the blasting, the noise of trucks and equipment, the dust that has been known to cause cancer and asthma in other drilling communities. Our peaceful paradise would turn into a living nightmare. Our investment would be totally lost.

It's very likely that Aquila Resources cares very little for the homeowners whose dreams would be destroyed by their plans. They've located their proposed mine close to at least a hundred homes like ours. And because they are not a local company, they have no stake at all in what happens to us or what the mine does to our land, our water and our future.

So let's talk about what this mine could potentially mean for the future of Michigan, and the state that shares the Menominee River, the state of Wisconsin. Open pit sulfide mining poses a significant danger to public health and the environment through water, air and noise pollution.

Acid rain: Sulphuric acid is produced when sulfides in ore are newly exposed to air and water. The acid will continue to leach from the rock as long as it is exposed. That's a process that can last for hundreds, even thousands of years. Water carried off the mine site through drainage and rainwater can carry with it toxic heavy metals, which pollute the groundwater and river, poisoning the water and killing aquatic life.

Processing chemical pollution: Aquila Resources plans to process the gold ore on site through cyanide leaching. It's a process so dangerous that it's been banned in several countries and states, including Wisconsin. Yes, the state that shares the valuable resource of the Menominee River does not allow the use of cyanide because the risk of poisoning is so great. Cyanide poisoning can occur through inhalation, ingestion, and skin or eye contact. Fish and wildlife can be killed in concentrations of parts per billion. A human will die when exposed to a dose the size of a grain of rice.

Air pollution: An open pit mine produces potentially unhealthy particulates in the air, sulfuric gases, dust, and odors that can make breathing difficult, aggravate asthma, potentially causing lung cancer, and shortening lifespans.

Water levels: Aquila Resources will be using a great deal of water from the Menominee River. An industrial drawdown of this river, which is a foot shallow in many places, is likely to not only affect the level of the river, but the groundwater table as well. This will impact wells for miles around, the shoreline, and water access.

Noise pollution: Since most people have never experienced large-scale industrial noise and vibration on the schedule proposed by Aquila, 24 hours a day, 7 days a week, 365 days a year, it's difficult to adequately portray the critically disruptive effects on human health, affecting sleep, concentration and mental health.

The Menominee River is a valuable resource, and the long-term viability of the river is of much greater economic impact to the people of Michigan and Wisconsin than any short-lived mining venture that would profit only a few.

The Menominee River is a bass fishing destination and spawning grounds for one of the largest lake sturgeon populations in the Lake Michigan basin. Millions have been spent protecting this valuable recreational asset. Millions more comes into the economy of both states through tourism dollars.

The Menominee River is a part of the creation story for the Menominee Tribe of Indians, and the tribe has come out strongly against the mine for both cultural and environmental reasons. The tribe has promised lawsuits to protect those rights, rights upheld by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and recognized by the United States government.

Pollution of the Menominee River would adversely affect people throughout the Midwest, not just Michigan. In the permit papers submitted by Aquila Resources - the Menominee River is described as "not a significant waterway", and "not part of the Lake Superior basin". What they fail to mention is that it 'is' part of the Lake Michigan basin. The Menominee River flows into the bay of Green Bay, which is directly connected to Lake Michigan. Lake Michigan is the second largest Great Lake, and provides fresh drinking water to tens of millions of people. Pollution of the Menominee River could have have dire consequences. While clean water is shaping up to of pressing concern worldwide in the coming years, Michigan would be short-sightedly endangering a primary source in the Great Lakes.

In a recent interview, MDEQ State Mining Specialist Joe Maki was quoted as saying — "If you're opposed to it or even for it, it doesn't come into our decision. It has to be technical comments that you prove to us that we overlooked something, or prove to us that if this mine were to go forward, these environmental things will occur."

No one intends to have environmental disasters and mining accidents. It's called unintended consequences -- which can happen for any number of reasons - human error, lack of oversight, natural disasters, greed, incompetence...on and on.

The mine is located less than half a mile from the Chalk Hill/White Rapids hydroelectric dams, built in 1927. Michigan has received a grade of D for dam management, and according to the American Society of Civil Engineers, 90 percent of Michigan's 2581 dams will reach or exceed their design life by 2020. No funding is currently available in Michigan to help dam owners repair, rehabilitate, or remove aging dams.

Flooding in the Upper Peninsula of Michigan, not far from the proposed mine, happened just recently, on October 18, 2016. That flooding forced the closure of two major roadways because of washouts and sinkholes. With the location of the mine so close to the banks of the river (150 feet), and not far from these aging dams, it doesn't even take a lot of imagination to foresee how flooding could erode the banks of the river, and compromise the proposed three foot wall that would protect the river from the open pit mine, thus polluting the river and groundwater. And that's just one example of how unforeseen risks, risks not spelled out or adequately addressed in the mining permit papers, could cause environmental consequences.

The Michigan DEQ is already facing a lawsuit for it's lack of oversight and vigilance in protecting public health for the disaster that's known as the Flint Water crisis, in which thousands of people were exposed to lead in their drinking water. "According to a class-action lawsuit, the state Department of Environmental Quality was not treating the Flint River water with an anti-corrosive agent, in violation of federal law. The river water was found to be 19 times more corrosive than water from Detroit, which was from Lake Huron, according to a study by Virginia Tech." CNN

A lawsuit will try to prove that the DEQ doesn't have the public good in mind, even though it's mandated by Michigan law to protect "environmental quality". In the meantime, ask the people of Flint whose drinking water was poisoned under DEQ watch. Can you blame the people living near the proposed open pit mine for doubting that the environment is a primary concern for the DEQ when issuing mining permits? And it's not just Michigan that should fear another failure by the DEQ. This time Wisconsin is affected too- and perhaps the whole Midwest.

This mining permit needs federal oversight, to protect all of the people affected, in a multi-state area. It could easily be argued that Michigan's mining regulations and enforcement efforts primarily protect mining companies, not public health and the environment. According to a review of the Sulfide Mining Regulations in the Great Lakes region -- by the National Wildlife Federation Great Lakes Regional Resource Center in March of 2012,

Michigan regulations, review process, enforcement, program resources and reporting were judged to be fair or poor. Singled out especially, a permitting process in which "very little opportunity(is) given for local governments and tribes
affected by a proposed operation to have their concerns addressed in the permitting process."

That definitely seems to be the case here. For while the Michigan DEQ has held hearings and asked for comment, there has been no weight given to the fact that the majority of those who have commented are against the mine. A public referendum on the proposal would likely fail. But public outcry seems to have had little or no effect.

Foth Company of Green Bay, the engineering company advising Aquila Resources on the design aspects and permitting process for the mine, likes to point to the Flambeau Mine in Wisconsin as an example of how a mine can be an environmentally good neighbor. But the Flambeau mine was ten times smaller than the projected Back Forty mine, and ore was processed off site. And the comparison suffers more when you consider that the mine company oversold the promised economic impact, and undersold the undesirable impact to the environment. The "success" of the Flambeau Mine is not a unanimous judgement.

I hope that you will look more closely at this application, and consider what the future will hold if those unintended consequences do occur. The EPA is already dealing with environmental disasters all over the country left behind when mining companies did not closely monitor their environmental impact, and left without paying the tab for the enormous cost of cleanup.

It's not only the Upper Peninsula that will suffer the consequences of poor management of the resources. The people of Wisconsin will also suffer, the Menominee Tribe, and potentially people throughout the Midwest. And it's not just our generation that would be impacted. Because of the nature of pollution caused by mining, the environmental and public health impact could last for centuries and beyond.

Haven't we learned our lesson yet? The potential gain from mining - a short-term profit to a handful of people - is not worth the risk of catastrophic consequences to the region and its people for generations to come. Please be mindful of our legacy to the future.

For these reasons and more, this mine application needs far more careful oversight and intervention from federal agencies.

Thank you.

Ex. 6 - Personal Privacy