



MENOMINEE INDIAN TRIBE OF WISCONSIN CHAIRMAN'S OFFICE

P.O. Box 910
Keshena, WI 54135-0910

November 4, 2015

****Sent Via Electronic Mail & USPS****

Joe Maki
District Geologist
Upper Peninsula District Office
Michigan Department of Environmental Quality
1504 West Washington Street
Marquette, MI 49855

Re: Comments on SEIA Meeting

Dear Mr. Maki,

Thank you for holding the Scoping Environmental Impact Assessment meeting that the Menominee Indian Tribe of Wisconsin (MITW) recently participated at the Michigan Department of Environmental Quality (MDEQ), on October 15, 2015. The MITW will expect that the MDEQ will be consulting directly with us on all future matters related to the Back Forty project. Our Staff have compiled initial comments (see attached) as a result of the meeting and in conjunction with the agreed upon timeline.

If you have additional questions please contact me at 715-799-5114 or gbesaw@mitw.org. You may also contact Doug Cox with Environment Services Department at 715-799-4937 or David "Nahwahquaw" Grignon, Historic Preservation Director at (715)799-5258.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Besaw".

Gary Besaw, Chairman
Menominee Indian Tribe of Wisconsin

Cc: file

David "Nahwahquaw" Grignon, Menominee Historic Preservation
Douglas Cox, Menominee Environmental Services Department

Attachments:

A: MITW Comments SEIA
B: MITW Comments Cultural Resources SEIA

Comments and Issues from Scoping Environmental Impact Assessment Meeting held on October 15, 2015

Below you will find preliminary comments submitted by the Menominee Indian Tribe of Wisconsin, in regard to the information provided at the Scoping Environmental Impact Assessment Meeting hosted by Michigan Department of Environmental Quality (MDEQ) on October 15, 2015 in Marquette, MI. The Tribe recognizes that the impacts from a mine approximately 40 miles from its own water shed are potentially minimal, yet the scale and scope of mining activities in our State, as well as neighboring states and in our historic Menominee homelands are of great concern. We will continue to stay involved in expressing concern over mining activities, especially in those projects that are impacting our historic lands and upon lands that will surely impact our fellow Tribal Nations.

It is evident that the process for communicating with Tribal Nations is improving, but the Tribe would like assurance that there will be direct Government to Government exchanges in the future. We would expect the Menominee Nation to be included in all correspondence related to the mine, including but not limited to; meeting notifications, information availability, environmental reports and scoping materials. An appropriate Tribal consultation process should be identified that demonstrates MDEQ is meeting its obligations to all potentially impacted Governments, which includes Tribes.

Below you will find our general comments regarding issues that must be examined from here forward and during development of the pre EIA/EIS data collection. This list is very preliminary and the Tribe will be involved in continued examination of potential impacts and issues in more specific detail as the application and environmental review processes takes place.

- Will there be a Federal process that will involve Federal Regulatory Agency participation or permits?
- Michigan Department of Environmental Quality must development a clear process that outlines how it will include Tribal Governmental consultation within the permit review and development. To limit the scope of consultation to only Michigan Tribal Governments is falling short of the responsibility to carry the authorities for Environmental Protection within programs that have been delegated to Michigan by the U.S. Environmental Protection Agency and other Federal Agencies.
- MDEQ must publish a schedule that clearly identifies how the review and scoping will be timed. The schedule should include the EIA/EIS development and related consultation periods, public input timing including scoping meetings and document drafts availability.
- Please identify all other related permits that will apply to the mine development and operations along with the public input opportunities related to each specific permit.

- Provide identification of state or federally listed species within the project area of potential impact and roads that will be required for construction or transportation of materials to and from site.
- Provide identification of all streams and wetlands that may be impacted by sampling and road construction or maintenance.
- Provide identification of all streams and wetlands that may be impacted by contact or non-contact runoff from construction and operation and associated haul roads.
- Description of haul road design, e.g. width, base material, load capacity and how those parameters compare to the current roads.
- Provide detail of all water handling, storage, treatment and disposal.
- Identification of type and quantity of blasting material.
- Describe detail of control for ore and ore dust spillage.
- Provide detail of potential discharges related to any indoor leaching facilities, including cyanide use and waste generated.
- Description of site clearing and disposal of timber and spoils.
- Provide details of methods for dust control within the project area.
- A clear description of water quality impacts and how the project plans on meeting the requirements of water quality standards that include designated uses for aquatic resources, fish and wildlife that includes lake sturgeon.
- The Tribe will expect to see a demonstration of how cultural resources are going to be protected, including; lake sturgeon.

**Menominee Indian Tribe of Wisconsin
Comments and Issues relating to Cultural Resources
Scoping Environment Impact Assessment
Meeting held on October 15, 2015**

- We need copies of all reports relative to cultural resources
The Tribe may have received a Phase I Survey Report written by CCRG. We were then told the project was “off” and have received nothing since then.
- Assuming these sites that have been recorded and evaluated as the SEIA presentation purports, what is the significance of the reported sites? Are they eligible for the National Register of Historic Places?
- Is there likely to be any federal involvement at some point. If so, will this trigger a compliance requirement for Section 106 of the National Historic Preservation Act of 1966 as amended?
- What are the specific boundaries of the sites identified? Can we secure a detailed map at a scale that will provide for an assessment of potential adverse effects to known cultural resources?
- Have any secondary impacts been identified? If so, what are they and how will they be mitigated?
- What effects will the mine operations have on the Sturgeon fishery in the Menominee River? The spiritual and cultural significance of the sturgeon fishery are well documented in Menominee oral traditions, as are many other traditions about the Sixty Islands locality on the Menominee River.
- Many Menominee Tribal members still conduct ceremonies at sites and locations on both sides of the Menominee River that are consistent with the term “Traditional Cultural Properties.” Continuing activities are primarily tobacco offerings and other ceremonies including prayers and songs. Will the Tribal members continue to have access for ceremonial purposes?
- Can we secure all reports as well as comments from the Michigan SHPO?