

DEQ: Mine permit approval proper

Decision defended

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MARQUETTE — In the wake of a legal challenge launched this week by four groups opposed to the Kennecott Minerals Company nickel and copper Eagle Project, Michigan Department of Environmental Quality officials said they are confident the agency decision to approve the principal permits for the mine was correct.

On Dec. 14, the DEQ announced its permit approvals for the Kennecott mine, which would be situated on the Yellow Dog Plains in Marquette County.

On Friday, the National Wildlife Federation, Keweenaw Bay Indian Community, Huron Mountain Club and Yellow Dog Watershed Preserve announced they had filed a contested case petition and a lawsuit against the DEQ.

The groups said the filing is the first step in a challenge to try to halt the mine. More legal action is expected within days.

“They obviously have a right to challenge any decision the department makes,” said DEQ spokesman Robert McCann in Lansing. “We’re confident we made the right decision, given the information we were given.”

A state administrative rules judge will hear the case petitions and the lawsuit — which pertains to the DEQ’s granting an air quality permit to Kennecott — was filed in Ingham County Circuit Court in Lansing.

McCann said no schedule had been set for when the lawsuit and petition will be heard.

"The opponents of the mine have presented MDEQ with over 1,000 pages of unequivocal evidence that Kennecott's proposed sulfide mine does not meet the state's legal requirements and would result in profound pollution, impairment, and destruction of air, water and other natural resources," said Michelle Halley, an attorney for the National Wildlife Federation in Marquette. "The MDEQ has issued permits that are based upon defective, inadequate and incomplete applications and are therefore illegal."

McCann said a mining team of experts for the state did review the lengthy information submitted by opponents and found some of it helpful.

"Some of their information was used to beef up the environmental protections," McCann said. "The reality is that this review process is one of the most rigorous that's ever been done probably in any state in the nation for a project like this."

A press release from mine opponents said the contested case objection and lawsuit focuses on Michigan's new nonferrous metallic mining law and the DEQ's failure to enforce the law and the prescribed standards and rules.

As a regulatory agency, McCann said the DEQ finds "troubling" the assertions the DEQ did not do its job to enforce the law.

While opponents said legal action to challenge the mine's safety and environmental impact has long been an option for them, Halley said a "telling announcement" this week by Kennecott's parent company Rio Tinto that the company is now focused on six additional prospects in the area of the Eagle Project "fortified the resolve of the opposition."

"We had long suspected that this was merely the first in a series of new mines, but hiding that information until after the MDEQ approval was announced is certainly contrary to the 'good neighbor' image Kennecott has sought to portray," Halley said. "Whether or not they

knew, the MDEQ and the governor have egg on their faces.”

Kennecott spokeswoman Deb Muchmore said the mining company has previously made the public aware it is exploring other sites in the Upper Peninsula.

“This notion of having additional interest in the U.P. is not really anything new,” Muchmore said. “These are just exploration prospects and I think many people are aware of that.”

If the prospects were to become mines, Muchmore said they would extend the life of mine development.

“We think that’s a good thing because it means additional investment and economic activity,” Muchmore said.

Halley said with the prospect of multiple sulfide mines looming, the state must be compelled to fully apply the legal standards to the first permit, and has failed to do so.

Muchmore said: “The company’s plans are to move forward with the project, consistent with what’s in the law.”

Tom Petersen, a retired ore processing specialist and president of the 380-member Citizens for Responsible Mining in Ishpeming, said his group has independently reviewed the Kennecott project and has given it approval.

Petersen said the Citizens are not advocates for local mining companies, but are rather advocates for the community, environment and economy.

“Basically, we’re very happy with what’s gone on between Kennecott and the DEQ,” Petersen said. “We believe they (DEQ) have done an excellent job in responding to the public comments.”

Petersen said there is a lot of support for the Eagle Project in local communities, especially western Marquette County, and that those in favor don't often speak publicly.

From the review the citizens group has done, Petersen said they think the potential environmental dangers of the mine have been exaggerated by opposition groups.

"The upsetting thing is these groups have created a lot of fear and it's unwarranted," Petersen said.

Before the Kennecott mine can move forward, the company needs additional approvals from the Michigan Department of Natural Resources — set to be decided Jan. 10 — and a permit from the U.S. Environmental Protection Agency.