TAMMY BALDWIN
WISCONSIN

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION, LABOR, AND PENSIONS

United States Senate

WASHINGTON, DC 20510

August 18, 2017

Robert Kaplan
Acting Regional Administrator
U.S. Environmental Protection Agency – Region Five
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604-3590

Lt. Col. Dennis Sugrue
Commander
U.S. Army Corps of Engineers – Detroit District
477 Michigan Avenue
Detroit, MI 48226

Dear Administrator Kaplan and Lieutenant Colonel Sugrue:

I am writing to express concerns with the Canadian company Aquila Resources, Inc's proposed Back Forty mine project. This open-pit sulfide mine is proposed to be built on the Michigan banks of the Menominee River, just up river from Marinette, Wisconsin and the world-class sport fishing waters of Green Bay. Moreover, the Menominee River area is a sacred place of cultural significance for the Menominee Indian Tribe of Wisconsin. The states of Wisconsin and Michigan share jurisdiction over this river and many Wisconsinites, local communities and the Menominee Indian Tribe have serious concerns with the project, however Michigan is exclusively making the mining and pollution decisions. The fate of Wisconsin waters and communities should not be left to another state to decide.

Because of the great potential for irreparable harm of bi-state water resources and public health in Wisconsin, I urge the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (ACOE) to assume permitting authority from the state of Michigan. I ask that you conduct full project reviews under the Clean Water Act and National Environmental Policy Act, engage in robust nation-to-nation consultation with the Menominee Nation and other tribes, and provide the opportunity for full and meaningful public review and comment on the proposal from both Michigan and Wisconsin residents, communities, and state governments.

A wide range of Wisconsin and regional stakeholders have raised serious concerns with this project, its potential impacts, and the existing permitting process. Both the counties closest to the proposed mine site—Marinette County, Wisconsin, which borders the Menominee River, and Menominee County, Michigan, which would be home to the mine—have passed resolutions of opposition to the mine. The resolutions cite objections based on the likelihood of mine runoff degrading local groundwater and surface water, and the related harm to human health, and the health of aquatic species including imperiled lake sturgeon. Further, the resolutions raise concerns that pollution from the mine could lead to decreases in property values and negative impacts to the natural resources of the area, upon which both local quality of life and the economy depend. In addition, Wisconsin's Brown County, Door County and Menominee County boards have also passed resolutions of opposition, signifying serious

regional concerns about the likelihood of negative impacts on the water quality of Green Bay and Lake Michigan. Finally, a bipartisan group of Wisconsin state legislators representing the area have introduced a resolution of opposition to the mine.

In this corner of Wisconsin, water resources define the landscape and the way of life. From hosting international sport fishing competitions to the prominent tourism industry to the natural beauty that makes it such a special place to live, the health of the Green Bay and its tributaries is extremely important to local communities. Because of this, stakeholders around Marinette, WI and Menominee, MI have worked hard for many years to clean up legacy industrial contamination in the lower Menominee River. This work—made possible by more than $26.5 million in cleanup and restoration funded by polluters, the state government, and the federal government through the Great Lakes Restoration Initiative—is yielding results. With much of the contamination cleaned up, habitat restoration projects are underway and important threatened local species like the lake sturgeon are making a comeback. Many local stakeholders have raised their strong concerns to me that after years of hard work in cleaning up the water, this proposed mine threatens that progress. The voices of these local stakeholders ought to be given full federal-level consideration before final permit decisions on this project are made.

For the Menominee Nation, there is a deep-rooted connection to this land and water. Their sacred place of origin is located at the mouth of the Menominee River. The Tribe has asserted that burial mounds, places of worship, village sites and raised agricultural gardens may be threatened by the development of the proposed mine. While I understand EPA is working toward consultation with the Tribe, I am deeply concerned that in delegating permitting to Michigan, the federal government has not engaged in meaningful, and otherwise required, consultation with the Menominee Nation and other tribes. Concerns about impact on the Menominee Tribe were also emphasized in the resolutions of opposition passed by local governments.

The proposed Back Forty mine presents substantial risks to the local area, to the regional watershed, to cultural resources, and to Lake Michigan—a bi-state and bi-national resource. Given the potential impacts to Wisconsin, the project review should be conducted at the federal level in a manner that ensures Wisconsin stakeholders and tribal stakeholders have full consultation. Our federal agencies are uniquely able to provide that full consultation in a way that the Michigan Department of Environmental Quality cannot. I urge you to act promptly to assume permitting authority over this project.

Sincerely,

Tammy Baldwin
United States Senator