

US EPA ARCHIVE DOCUMENT

LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

Ketegitigaaning Ojibwe Nation Tribal Historic Preservation

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April 30, 2008

RECEIVED

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UIC BRANCH
EPA REGION 5

Mr. Ross Micham
UIC Branch (WU-16)
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Micham:

On 11/19/2007 Ketegitigaaning Ojibwe Nation THPO sent a letter to EPA requesting to be a consulting party in the Kennecott Mining Issue. On April 9, 2008 our THPO Officer giiwégiizhigookway Martin, and Summer Cohen KBIC THPO participated in an initial consultation conference call with your office.

I am writing this letter to formally submit those comments that were discussed on that conference call in order for you to formalize and include these into your objections regarding Kennecott Mining Project.

In 2003 LVD assumed the same responsibilities as the SHPO and became the 43rd THPO as so designated by the NPS. Since that time I have had not one formal consultation from the EPA on ANY projects. Letters of notification are not consultations: I would not be having this input today unless I wouldn't have specifically on my own contacted the EPA on this sensitive, important issue.

Concerns regarding Section 106 Consultation Process:

ACCOUNTABLE CONSULTATION PROCESS- The term 'accountable consultation process' means a process of government-to-government dialogue between the agency and Indian tribes to ensure meaningful and timely input by tribal officials. The process shall ensure, at a minimum, the following:

(A) That tribal officials have ample opportunity to provide input and recommendations to the agencies where projects could have tribal implications.

(B) That tribal input and recommendations need to be fully considered by the agency before policies that have tribal implications are formulated, amended, implemented, or rescinded.

(C) Tribal officials shall be provided with written notification of the projects that could potentially affect our people, their lands, their lives, and their religious culture and beliefs.

TRIBAL IMPLICATIONS- The term 'policies that have tribal implications' means any measure by the agency that has or is likely to have a direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, such as regulations, legislative comments or proposed legislation, and other policy statements or actions, guidance, clarification, standards, or sets of principles.

Tribal Historic Preservation Officer Background and Opposition Points

✚ Up until 1988 when LVD received federal Recognition as our own Nation, our people were associated with the Keweenaw Bay Indian Community and our people lived their and had lands ceded to them from the Federal Government according to the treaties when our lands were ceded. In those treaties we retained the sovereign inherent rights to hunt fish and gather.

✚ LVD retains the right to practice cultural activities such as hunting, fishing, and gathering, in this area. These rights are recognized through Treaties which written and agreed to by the Federal Government. It is a concern that the proposed mine would greatly affect the ability of the LVD Tribal Community to practice those treaty reserved

✚ The proposed project site is a sacred place and was visited or passed through by Anishinaabe since before Europeans came here. Logically, when Native people died, there was no state registered cemetery to be buried at; most commonly our ancestors were buried within the vicinity of the place where they passed away. The proposed project area was definitely disturbed on the surface, but not to the extent that is proposed by Kennecott. LVD is concerned that due to the level of archaeological survey work that was performed here that the possibility of disturbing burials is likely.

✚ According to Anishinaabe oral tradition and recorded by Federal Government officials, it is known that this area falls within what we know as the route of the great migration, which is summarized in the assessment document, submitted to the EPA by the KBIC THPO. This could very well be one of the last places known today that has not been disturbed or greatly altered of such high significance in Anishinaabe culture. The proposed mining activity would not only cut Tribal members off from visiting this sacred site, but in the future, there is no doubt that the area would retain any sense of what it once was and meant to the Anishinaabe.

✚ Eagle Rock itself was and still is a ceremonial site; it is considered a place to of great power to those who visit it. This is undoubtedly a spirit place. Each Tribal community has one. This is a place where our people go to make offerings and would have been a stopping place for that same purpose in the past. According to oral tradition passed down from our elders, activities did take place in that area.

✚ Mining is an offensive act to our people and to the Earth. The earth, according to tradition, is considered our Mother. Because of Government and Politics, we as Tribal people are forced to make decisions we do not want to make. We should not have to compromise the balance of nature. Unfortunately, we are forced to do that in this case. Ideally, we would like to see no mining especially the type of mining proposed here.

Tribal Comments: Environmental Section

On behalf of the Lac Vieux Desert Band of Lake Superior Chippewa (LVD) I write to once again express our concerns over the proposed mine for the Salmon Trout River area known as the Kennecott Eagle Project.

We do not believe the issuing of a permit for this project at this time will provide benefits exceeding or equaling the damages normally associated with mining particularly sulfide mining.

As expressed in an earlier comment, LVD does not have professional staff with in-dept knowledge of the intricate workings of a mine and relies on others with the expertise to review and provide comment on this type of mining and the potentials including those that can and usually do harm the environment both natural and human. LVD does however understand the broader relationships, the balances that exist in the natural environment. It is these relationships, balances that we rely on to continue our cultural and traditional practices, which provide sustenance for those in need, and growth for the many that struggle to maintain a reasonable livelihood. This understanding has been passed on from our ancestors as evidenced in the language of the Treaty of 1842 that preserves the rights of the Chippewa to hunt, fish, and gather resources from ceded lands. The Kennecott Eagle Project lies within the boundaries of the Treaty of 1842 and would occupy public lands therefore the Kennecott Eagle Project is a concern of LVD and other 1842 Treaty signatory Bands of Lake Superior Chippewa.

It seems the footprint of the operation will carve out 120 acres of forest, the proposed mine is nearly below a trout stream that flows to Lake Superior, a large mound system for treating wastewater (so to speak) is up gradient of the stream, and the entire operation is within the Lake Superior watershed and the ceded Territory of the 1842 Treaty. If subsidence never occurred (historic Ironwood mines), collapses never heard of (recent mine loss of lives in the US), environmental contamination was never an issue (on-going issue at Flambeau mine) and long-term economic growth was common (distressed mining towns throughout the western Upper Peninsula) then this letter would not have been written. However, the Kennecott Eagle Project with no guarantees that the mineshafts won't collapse, the wastewater won't affect fish, fowl, wildlife, and plants; the air quality both visible and not visible won't be a problem at any given moment and the next generation will not suffer is not, at this time, an activity deserving of support.

Given the history of mines globally and nearby, we do not believe our people, our neighbors, our environment will benefit from or be adequately protected from the effects of the proposed Kennecott Eagle Project.

Our ancestors walked these places, lived here, and died here. They also had a very spiritual way of life, because they were connected to the Land. They believed that the things in our sacred circle could not be separated. They were all intertwined. The birds, animals, rocks cosmic phenomena, etc. were all on the same level of importance, no one or anything were more or least important. We hope that you will take these comments seriously as they would have a negative impact upon the earth and our people.

Sincerely,

A handwritten signature in black ink, reading "Giiwegiizhigookway Martin". The signature is written in a cursive, flowing style.

Giiwegiizhigookway Martin
Tribal Historic Preservation Officer
Ketegitigaaning Ojibwe Nation
Lac Vieux Desert Band of
Lake Superior Chippewa

Cc: James Williams, Jr. Tribal Chairman
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