

US EPA ARCHIVE DOCUMENT

copy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 15 2008

REPLY TO THE ATTENTION OF:
WU-16J

CERTIFIED MAIL 7001 0320 0006 0186 8565
RETURN RECEIPT REQUESTED

Brian D. Conway
State Historic Preservation Office
P.O. Box 30740
Lansing, Michigan 48909-8240

Re: National Historic Preservation Act (NHPA) Inquiry: Kennecott Eagle Mine, T50N, R29W, Section 12, United States Environmental Protection Agency Underground Injection Control Permit Application #MI-103-5W20-0002

Dear Mr. Conway:

The U. S. Environmental Protection Agency (EPA) is reviewing a permit application and all related material in order to issue a draft Underground Injection Control permit decision for the underground discharge of treated industrial wastewater. The application is part of a proposed mine to be located northwest of Marquette, Michigan. As part of this process, we are conducting an NHPA review and therefore I am enclosing a completed State Historic Preservation Office (SHPO) Application for Section 106 Review. The Keweenaw Bay Indian Community's (KBIC) Tribal Historic Preservation Officer has provided us with a report that identifies traditional cultural properties in the area of the proposed mine, although this land is not within KBIC's reservation. EPA has begun consultation with KBIC and other tribes on this issue. The purpose of this letter is to initiate consultation with your office. We appreciate the role your office plays in the Section 106 process and look forward to working with you as we carry out our responsibilities under the National Historic Preservation Act. If you have any questions, please feel free to call me at (312) 886-6556 or send email to roy.stephen@epa.gov.

Sincerely yours,

John P. Taylor
Rebecca L. Harvey, Chief

for Underground Injection Control Branch

Enclosures

**STATE HISTORIC PRESERVATION OFFICE
Application for Section 106 Review**

SHPO Use Only				
<input type="checkbox"/> IN	Received Date	___ / ___ / ___	Log In Date	___ / ___ / ___
<input type="checkbox"/> OUT	Response Date	___ / ___ / ___	Log Out Date	___ / ___ / ___
	Sent Date	___ / ___ / ___		

Submit one copy for each project for which review is requested. This application is required. Please type. Applications must be complete for review to begin. Incomplete applications will be sent back to the applicant without comment. Send only the information and attachments requested on this application. Materials submitted for review cannot be returned. Due to limited resources we are unable to accept this application electronically.

I. GENERAL INFORMATION

- THIS IS A NEW SUBMITTAL THIS IS MORE INFORMATION RELATING TO ER#
- Funding Notice
 - Survey
 - MOA or PA
 - Other: Federal permit application review

- a. Project Name: Kennecott Eagle Mine
- b. Project Address (if available):
- c. Municipal Unit: Michigamme Twp. County: Marquette
- d. Federal Agency and Contact (If you do not know the federal agency involved in your project please contact the party requiring you to apply for Section 106 review, not the SHPO, for this information.): US EPA, Steve Roy, (312) 886-6556, roy.stephen@epa.gov and Ross Micham, (312) 886-4237, micham.ross@epa.gov
- e. State Agency and Contact (if applicable): Steve Wilson, MDEQ, Tom Wellman, MDNR
- f. Consultant or Applicant Contact Information (if applicable): NA

II. GROUND DISTURBING ACTIVITY (INCLUDING EXCAVATION, GRADING, TREE REMOVALS, UTILITY INSTALLATION, ETC.)

DOES THIS PROJECT INVOLVE GROUND-DISTURBING ACTIVITY? YES NO (If no, proceed to section III.)

Exact project location must be submitted on a USGS Quad map (portions, photocopies of portions, and electronic USGS maps are acceptable as long as the location is clearly marked).

- a. USGS Quad Map Name: Bulldog Lake (northeast most corner)
- b. Township: 50N Range: 29W Section: 12
- c. Description of width, length and depth of proposed ground disturbing activity: see enclosed maps (Fig. 6-2 and 3-12).
- d. Previous land use and disturbances: logging, mineral exploratory drilling
- e. Current land use and conditions: state forest land
- f. Does the landowner know of any archaeological resources found on the property? YES
Please describe: Eagle Rock has an identified archaeological site (20MQ251) and the rock itself has been identified by Keweenaw Bay Indian Community as a traditional cultural property. See enclosed map (Fig. 3-12) for the limits of an archaeological survey submitted by the company.

III. PROJECT WORK DESCRIPTION AND AREA OF POTENTIAL EFFECTS (APE)

Note: Every project has an APE.

- a. Provide a detailed written description of the project (plans, specifications, Environmental Impact Statements (EIS), Environmental Assessments (EA), etc. **cannot** be substituted for the written description): The proposed Kennecott Eagle Mine will extract nickel and copper from a deposit located in the Yellow Dog Plains portion of Marquette County approximately 25 miles northwest of the city of Marquette. Kennecott Eagle Minerals Company has in the past provided information about the site of this project. The facility that is the subject of

the US EPA Underground Injection Control permitting action is a proposed Treated Water Infiltration System (TWIS). The TWIS will be a very large drainfield (1020' by 150') which will be used to dispose of the treated water from the wastewater treatment plant that is proposed to be built to treat water pumped from the proposed Kennecott Eagle mine. It has been determined that the project constitutes a federal undertaking.

- b. Provide a localized map indicating the location of the project; road names must be included and legible.
- c. On the above-mentioned map, identify the APE.
- d. Provide a written description of the APE (physical, visual, auditory, and sociocultural), the steps taken to identify the APE, and the justification for the boundaries chosen. This is to be determined in consultation with the SHPO. For purposes of discussion, we propose to include the footprint of the mine which includes the two fenced-in areas shown on the accompanying map (Fig. 2-3, Surface Facility Plan): the main facility right of center on the map and the smaller proposed non-contact area near the mine site on the left side of the map.

IV. IDENTIFICATION OF HISTORIC PROPERTIES

- a. List and date **all** properties 50 years of age or older located in the APE. If the property is located within a National Register eligible, listed or local district it is only necessary to identify the district: Eagle Rock has been identified as a property of religious or cultural significance (traditional cultural property) and may be eligible for listing in the National Register
 - b. Describe the steps taken to identify whether or not any **historic** properties exist in the APE and include the level of effort made to carry out such steps: We have consulted with Keweenaw Bay Indian Community and received a report entitled "Assessment of Migi zii wa sin (Eagle Rock)" (copy enclosed) and copies of other relevant documents sent to the Michigan DEQ as part of comments on draft MDEQ permits. We have also consulted with Grand Portage Band of Lake Superior Chippewa, Lac Vieux Desert Band of Chippewa and will consult with the Sault Ste. Marie Tribe of Chippewa. Additional documentation may be provided.
 - c. Based on the information contained in "b", please choose one:
 - Historic Properties Present in the APE
 - No Historic Properties Present in the APE
 - d. Describe the condition, previous disturbance to, and history of any historic properties located in the APE: The area is state land used for public recreation. It has also been subject to logging and mineral exploration drilling. Keweenaw Bay Indian Community has presented documentation of former and present use of the site for tribal cultural purposes.
-

V. PHOTOGRAPHS

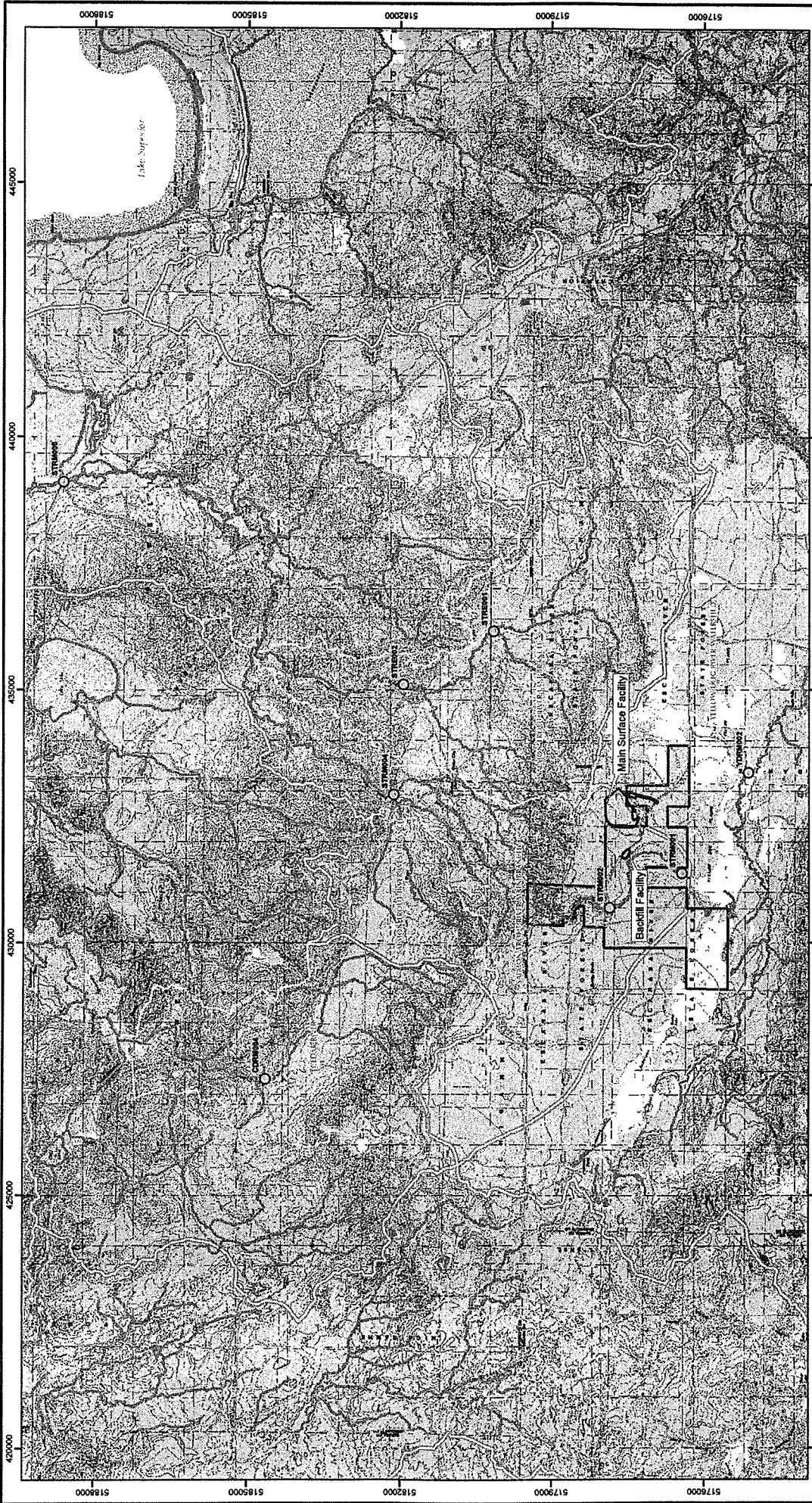
Note: All photographs must be keyed to a localized map.

- a. Provide photographs of the site itself.
 - b. Provide photographs of all properties 50 years of age or older located in the APE (faxed or photocopied photographs are not acceptable).
-

VI. DETERMINATION OF EFFECT

- No historic properties affected based on [36 CFR § 800.4(d)(1)], please provide the basis for this determination.
- No Adverse Effect [36 CFR § 800.5(b)] on historic properties, explain why the criteria of adverse effect, 36 CFR Part 800.5(a)(1), were found not applicable.
- Adverse Effect [36 CFR § 800.5(d)(2)] on historic properties, explain why the criteria of adverse effect, [36 CFR Part 800.5(a)(1)], were found applicable.

***Please print and mail completed form and required information to:
State Historic Preservation Office, Environmental Review Office, Michigan Historical Center, 702
W. Kalamazoo Street, P.O. Box 30740, Lansing, MI 48909-8240***



NOTES

1. Surface Property Boundary as of November 18, 2005, supplied by Kennecott via Golder Associates Inc., August, 2005.
2. USGS georeferenced Digital Raster Graphics (DRG) quadrangles supplied by Kennecott via Golder Associates Inc., August, 2005.
3. Watershed and Subwatershed boundaries supplied by Kennecott via Golder Associates Inc., August, 2005.
4. Horizontal datum based on NAD 83 UTM Zone 18.
5. Site Location - Project Site within Sectors 11 & 12, T50N, R29W, Town of Michigamme, Marquette County, Michigan.

LEGEND

- Eagle Ore Body
- Location of Surface Facilities
- Kennecott Surface Ownership
- Watersheds
- Subwatersheds
- River

Surface Water Monitoring Location and Number

REVISION	DATE	BY	DESCRIPTION

Checked by: JOS1 **DATE:** FEB '06
Approved by: SV01 **DATE:** FEB '06
Approved by: **DATE:**

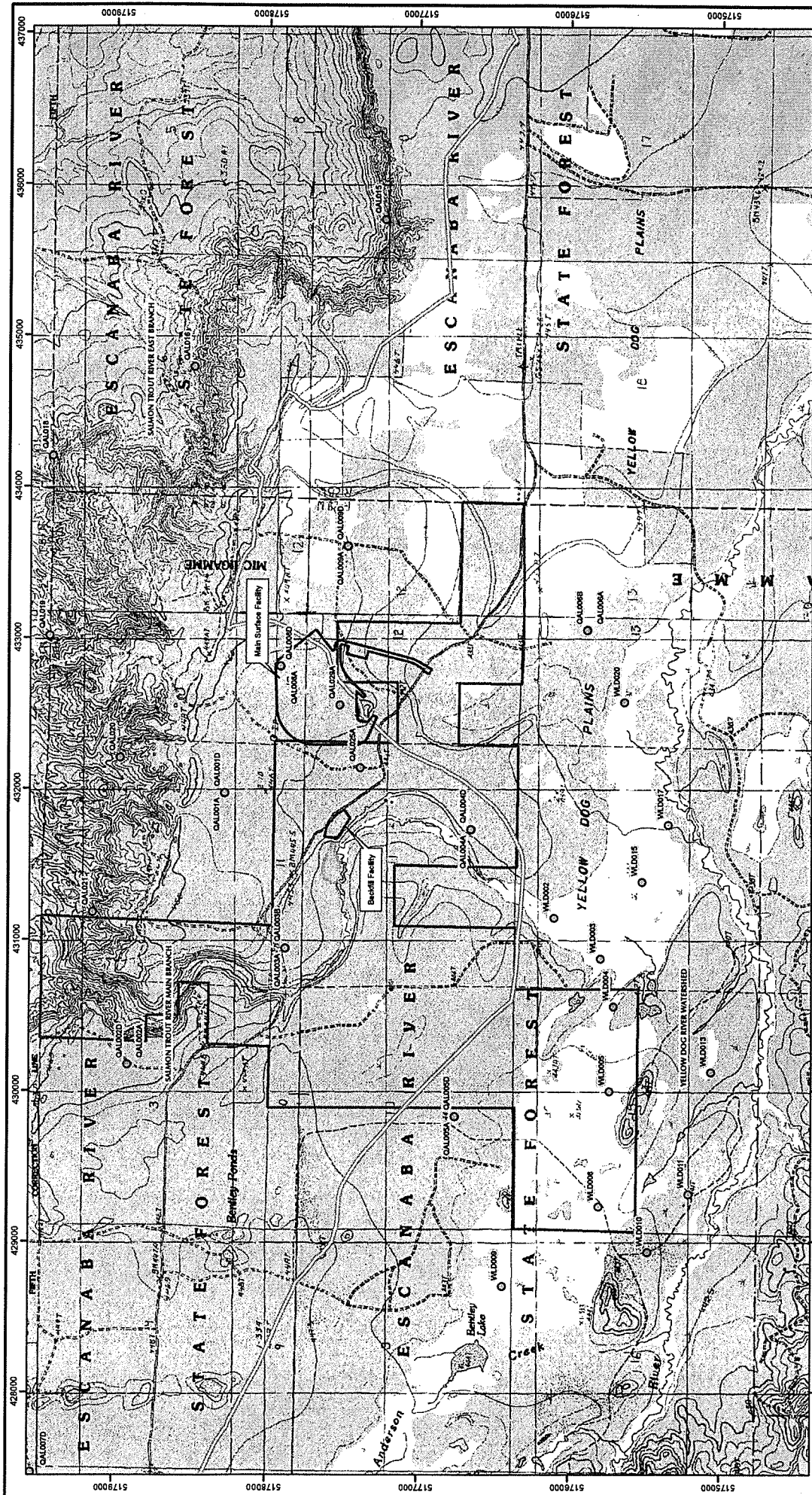
Scale: 1" = 1000' **Scale:** 1" = 1000' **Scale:** 1" = 1000'

Prepared by: Foth & Van Dyke **By:** DAT **Date:** 04/01/06

Kennecott
Eagle Minerals

FIGURE 6-2
REGIONAL SURFACE WATER
MONITORING STATIONS

Foth & Van Dyke



NOTES

- Surface Property Boundary as of November 16, 2005 supplied by Kennecott via Golder Associates Inc., August, 2005.
- USGS georeferenced Digital Raster Graphics (DRG) quadrangles supplied by Kennecott via Golder Associates Inc., August, 2005.
- Watershed and Subwatershed boundaries supplied by Eagle Ore Body.
- Horizontal datums associated with UTM 18Q, August, 2005.
- Site Location - Project Site within Sections 11 & 12, T50N, R28W, Town of Michigamme, Marquette County, Michigan.

LEGEND

- Eagle Ore Body
- Location of Surface Facilities
- Kennecott Surface Ownership
- Watersheds
- Subwatersheds
- Groundwater Monitoring Location and Number

Scale: 1:50,000
Date: FEB. 06

Revised by: Foth & Van Dyke
Description:

REVISED DATE	BY	DESCRIPTION

Checked by: JOS1
Date: FEB. 06

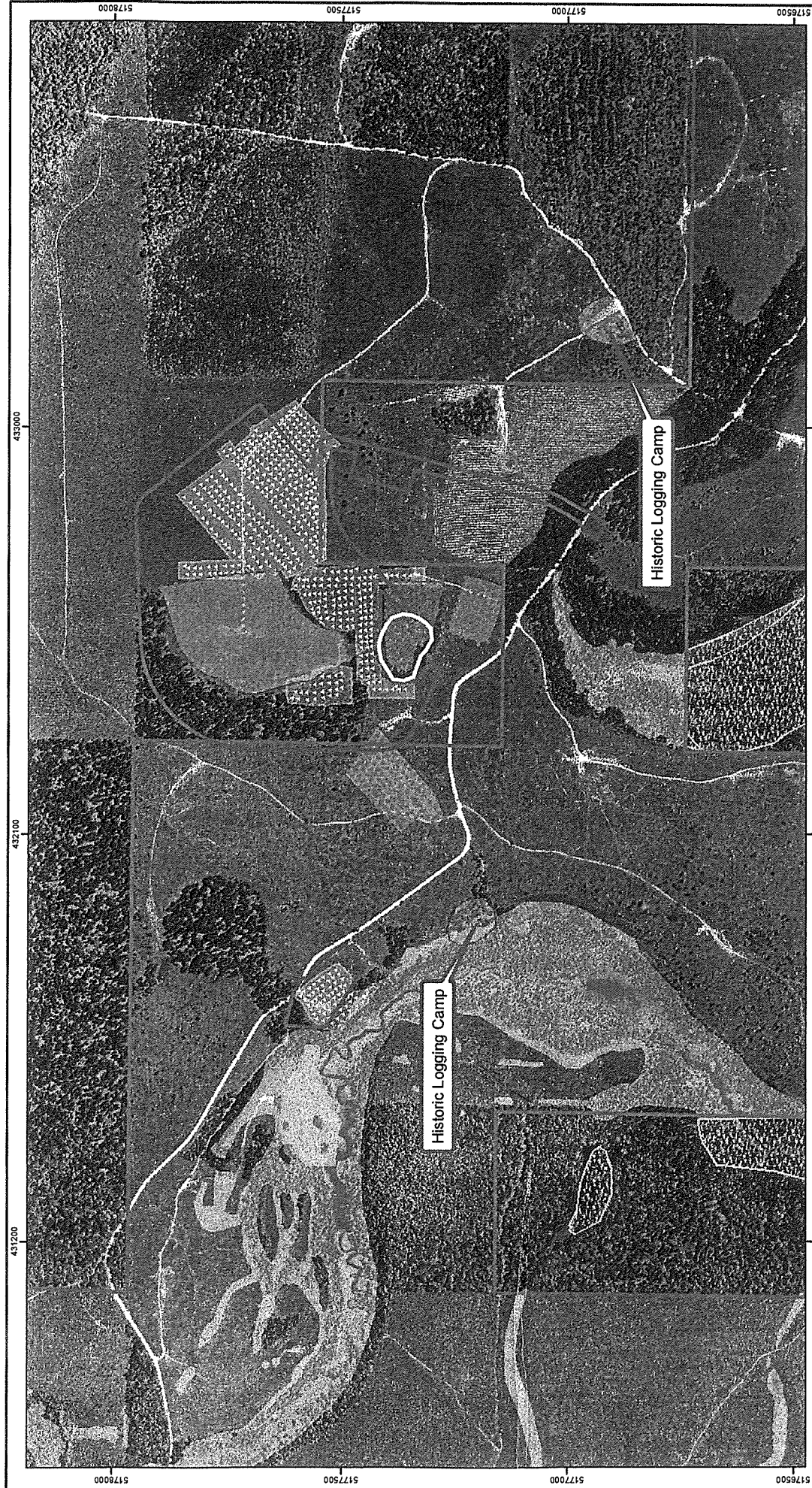
Approved by: SVDI
Date: FEB. 06

Prepared by: Foth & Van Dyke
Date: FEB. 06

By: DAT
Date: 04/01/06

Kennecott
 Eagle Minerals

FIGURE 6-3
 REGIONAL GROUNDWATER ELEVATION
 MONITORING LOCATIONS



NOTES

1. Surface Property Boundary, Ore Body, Wetland boundary (Wetland and Coastal Resource), 2004 Archeological Survey and Orthophotography supplied by Kennecott via Golder Associates Inc., August, 2005.
2. 2005 Archeological Survey supplied by Kennecott via Golder Associates Inc., October, 2005.
3. Horizontal datum based on NAD 83/94.
4. US Fish and Wildlife Service Wetlands downloaded from USFWS website.
5. Site Location - Project Site within Sections 11 & 12, T50N, R29W, Town of Michiganama, Marquette County, Michigan.

W:\rock\p\m\arc\archaeological_3-12_1117.mxd February 8, 2006

LEGEND

- Eagle Ore Body
- Location of Surface Facilities
- WCR Wetland Boundary
- Wetlands adapted from US Fish and Wildlife Service Wetlands Inventory Map
- Outcrop
- 2004 Archeological Survey and Test Sites
- 2005 Archeological Survey and Test Sites

N

Foth & Van Dyle

Foth & Van Dyle	
REVISED	DATE
CHECKED BY:	JOS1
DATE:	FEB. 06
APPROVED BY:	SVD1
DATE:	FEB. 06

Foth & Van Dyle

ARCHAEOLOGICAL SURVEY AREAS

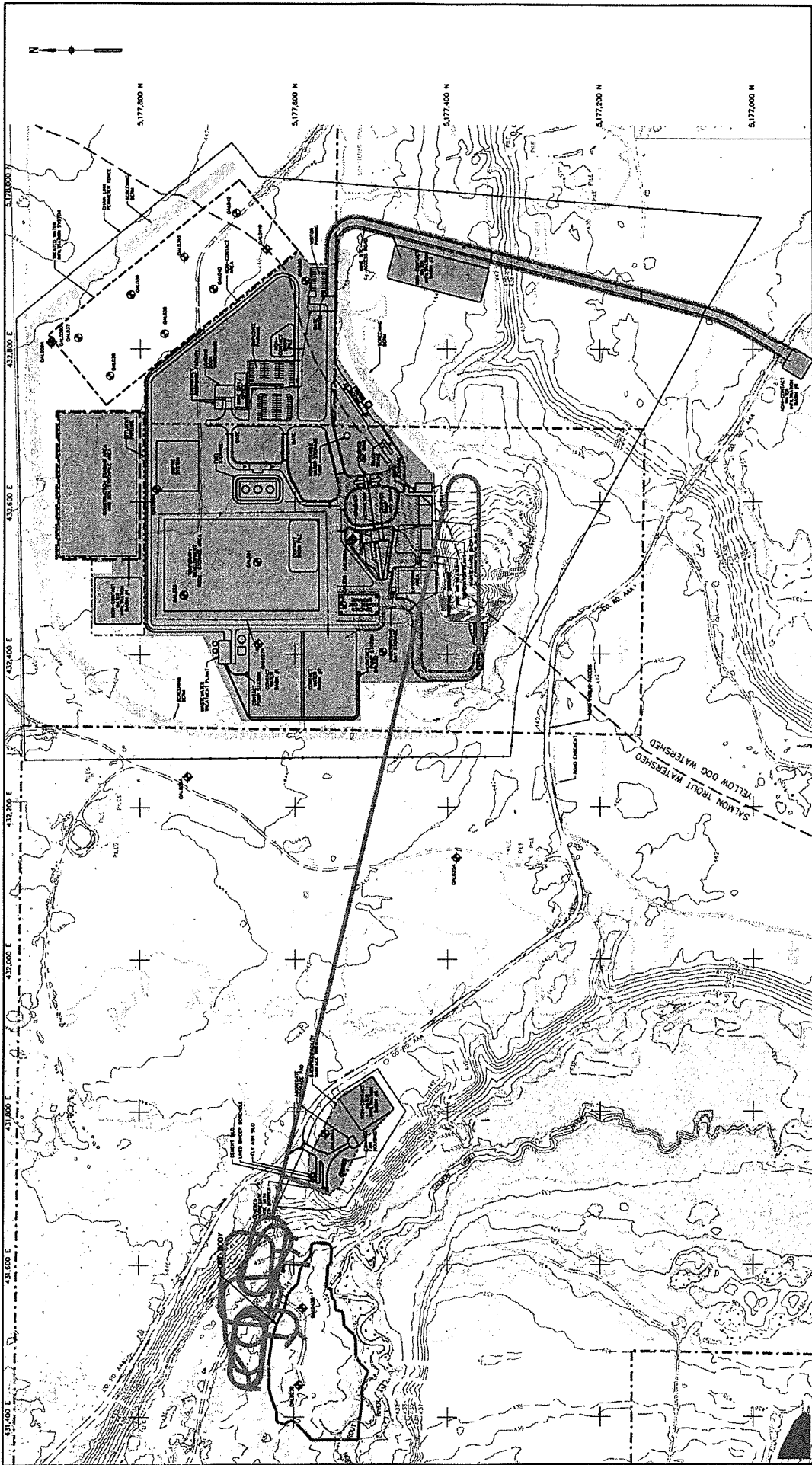
FIGURE 3-12

Kennecott
Eagle Minerals

Scale: $\frac{1}{100,000}$ 0 100 200 Meters

Date: FEBRUARY, 2006

Prepared by: Foth & Van Dyle By: DAT 04W018



Kennecott Engle Minerals 	
FIGURE 2-3 SURFACE FACILITY PLAN	
CHECKED BY: JOS DATE: FEB. 06	DATE: FEB. 06
APPROVED BY: SVI DATE:	DATE: FEB. 06
PREPARED BY: Foth & Van Dyke DATE:	DATE:

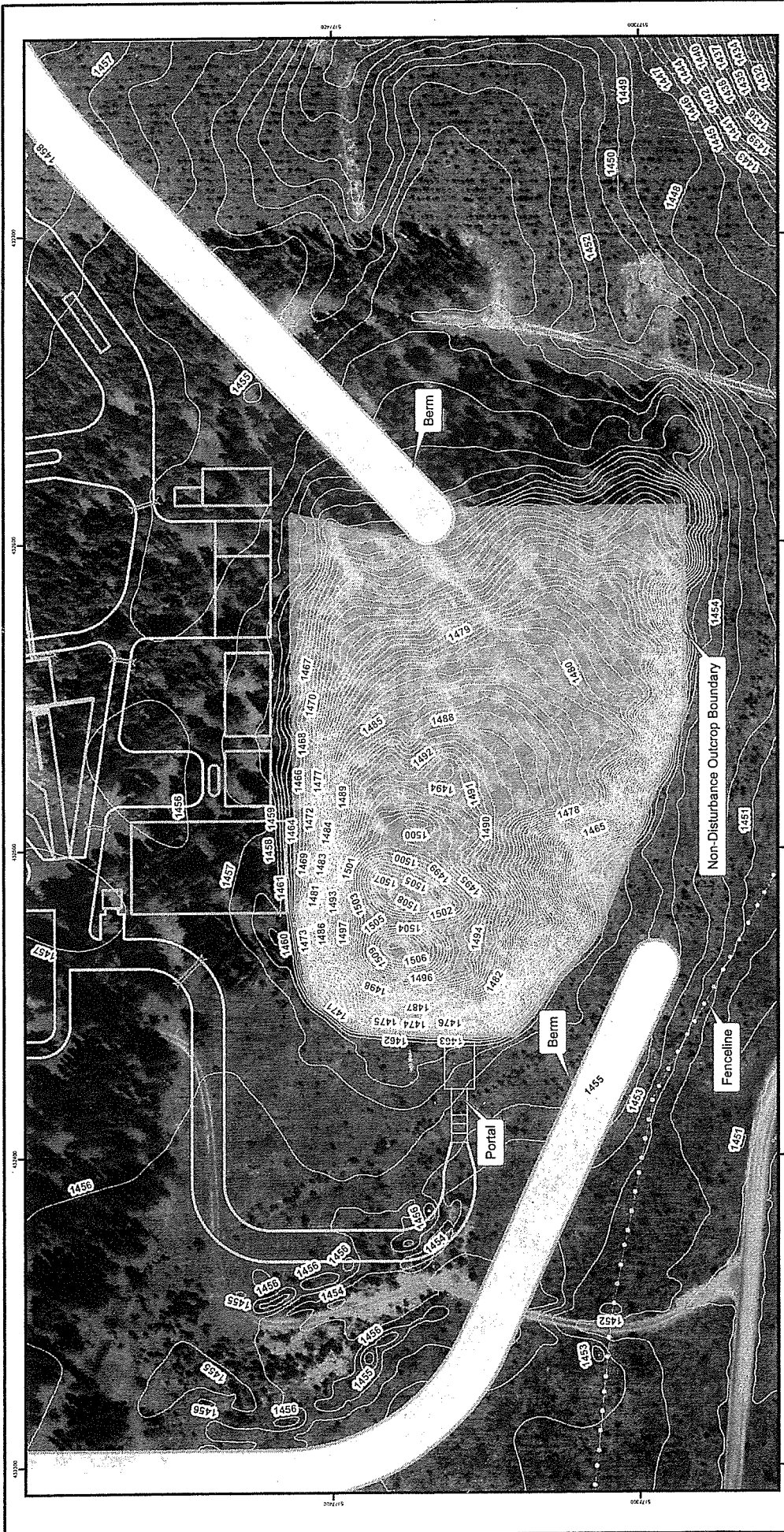
REVISED	DATE	BY	DESCRIPTION

- LEGEND**
- EXISTING CONTOUR
 - IMPROVED ROAD
 - TREE
 - NOT MAPPED WETLAND BOUNDARY PROVIDED BY AUGUST, 2004
 - PROPOSED WETLAND BOUNDARY (EXCEPT WHERE NOTED BY THIS PLAN)
 - WATERSHED BOUNDARY
 - TREATED WATER
 - PARAMETER WETLAND NOTATION
 - PROHIBITED FENCE
 - MONITORING WELL
 - ORE BODY
 - APPROXIMATE MINE RECLINE AND ACCESS ROAD
 - PROPOSED NON-CONTACT AREA
 - MAIN OPERATIONS AREA
 - EXCESS SOIL BERM
 - ADAPTED FROM US FISH AND WILDLIFE SERVICE WETLANDS INVENTORY MAP
 - INTERMITTENT UNAD OPERATIONS AREA

NOTES:

1. INFORMATION AND DATA WERE OBTAINED FROM MONTROSE ENGINEERING, INC.
2. THIS PLAN DATA AREA ADAPTED FROM MONTROSE ENGINEERING, INC.
3. SURFACE FACILITY BOUNDARY AS OF NOVEMBER 18, 2004
4. CONTOUR INTERVAL BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988
5. ORE BODY, PROPOSED CONTACT AREA, WETLAND BOUNDARY EXCEPT WHERE NOTED BY THIS PLAN, PROVIDED BY FOTH & VANDYKE, INC. (FV), AUGUST 2004

I:\S\2006\EN\A\Surf\surffacilityPlan.dgn
 2/17/2006



NOTES

1. Date of photography June 2, 2004, supplied by Aero-matic Engineering, Sheboygan, Wisconsin.
2. Mine plan data adapted from Monolith Engineering, Inc., Tempe, Arizona.
3. Surface property boundary as of November 18, 2004 supplied by Kennecott via Golder & Associates Inc., August, 2005.
4. Contour interval based on NAVD 1988. Horizontal datum based on NAD 83/94.
5. One body, wetland boundary (Wetland and Coastal Resources) and topography Horizontal coordinates based on UTM Zone 16.
6. US Fish & Wildlife Service, Inc. August, 2005.
7. Site Location - Project Site within Sections 11 & 12, T50N, R20W, Michigan; Township, Marquette County, Michigan.

LEGEND

- Non-Disturbance Outcrop Boundary
- Facility
- 11f Comburs

Foht Infrastructure & Environment, LLC

REVISED	DATE	BY	DESCRIPTION

CHECKED BY: ARM
 APPROVED BY: SWO1
 APPROVED BY:

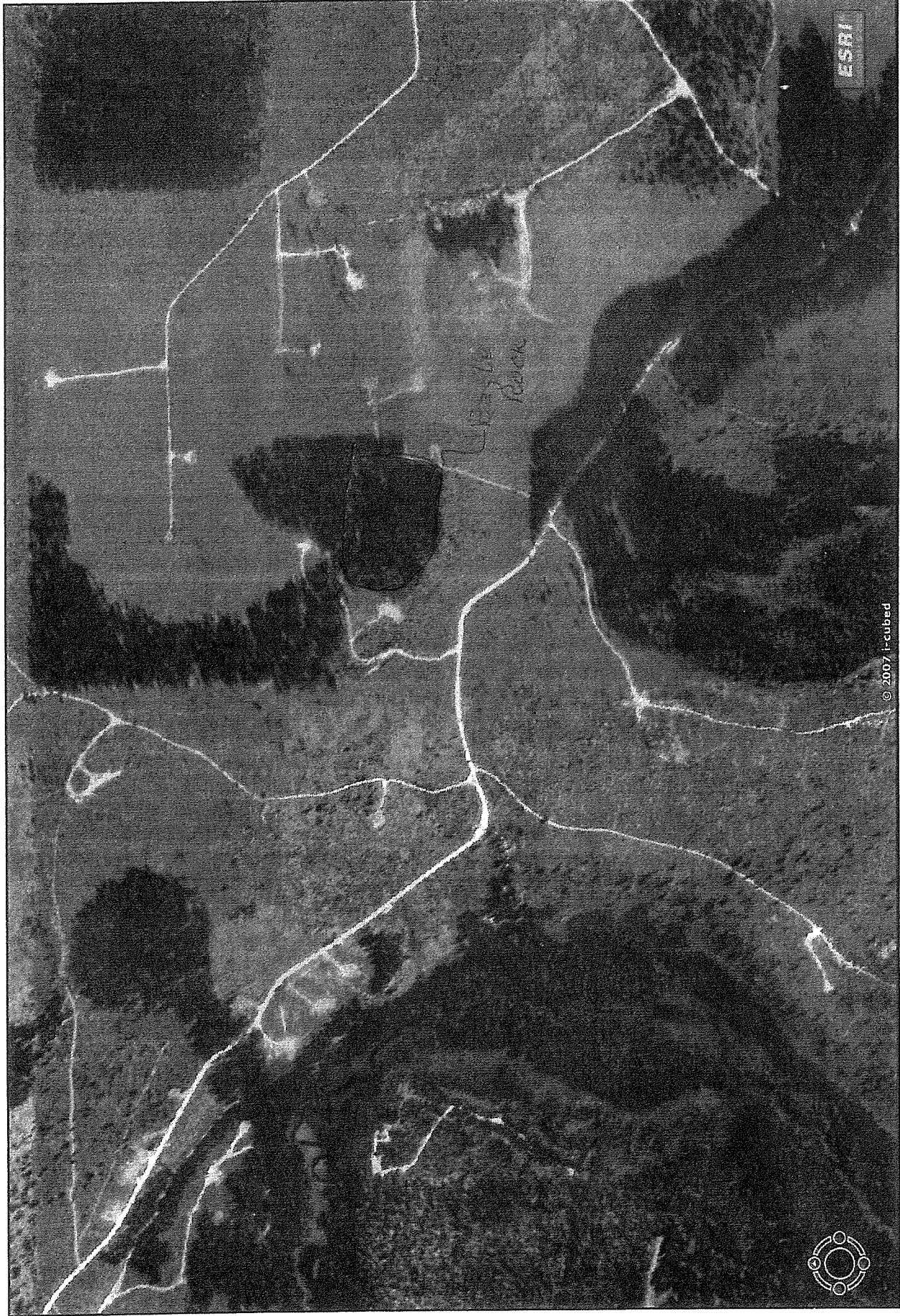
DATE: JAN '08
 DATE: JAN '08
 DATE:

Scale: 1" = 50'
 Date: JANUARY, 2008
 Project No: 04W018

Kennecott
 Eagle Minerals

FIGURE 1
 NON-DISTURBANCE OUTCROP BOUNDARY MAP

Kennecott1



KEWEENAW BAY INDIAN COMMUNITY

2008 TRIBAL COUNCIL

WARREN C. SWARTZ, JR, President
SUSAN J. LAFERNIER, Vice-President
TONI J. MINTON, Secretary
WILLIAM E. EMERY, Asst. Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

DOREEN G. BLAKER
JERRY LEE CURTIS
FRED DAKOTA
LARRY J. DENOMIE III
MICHAEL F. LAFERNIER, SR.
ELIZABETH "CHIZ" MATTHEWS
ELIZABETH D. MAYO

February 7, 2008

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

Re: Keweenaw Bay Indian Community Cultural Resources Assessment of the proposed Kennecott Eagle Mine, Marquette County, Michigan

Dear Mr. Micham,

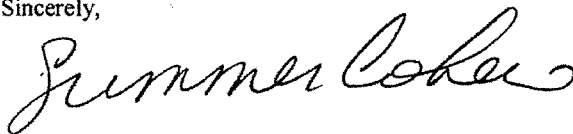
Per your request for documentation related to the identified cultural resources located within and around the proposed Kennecott Eagle Mine, Marquette County, Michigan, please find enclosed "Assessment of Migi zii wa sin (Eagle Rock)".

As you know, the Michigan Department of Environmental Quality (MDEQ) recently issued three permits (a mining permit, an air use permit, and a permit to discharge wastewater to groundwater), and the Michigan Department of Natural Resources (MDNR) proposed to approve a land lease agreement and mine reclamation plan to allow Kennecott Eagle Minerals Company ("Kennecott") to construct and operate a nonferrous metallic mineral mine in northwest Marquette County, Michigan. The proposed mine is in the immediate vicinity of the ancestral home of the Community, a sovereign Native American community, and will significantly impact lands owned by and subject to treaty rights of the Community.

In addition, there is much concern over the fate of the Yellow Dog Plains and especially the place called Migi zii wa sin (Eagle Rock) by the people of the Keweenaw Bay Indian Community. Mining permit applicants are obligated to include analysis of mining impacts on places of worship and on cultural, historic and archaeological resources. Oral tradition and tribal elders know of the spirit of this area from the great migration and from Ojibwa traditional and religious culture.

If you have any questions regarding the enclosed report, don't hesitate to contact me.

Sincerely,



Summer Cohen, Officer
KBIC Tribal Historic Preservation Office
Phone: 906-353-6272
Email: scohen@kbic-nsn.gov

Enclosure: "Assessment of Migi zii wa sin (Eagle Rock)"

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS

KEWEENAW BAY INDIAN COMMUNITY

2007 TRIBAL COUNCIL

SUSAN J. LAFERNIER, President
WARREN C. SWARTZ, JR., Vice-President
TONI J. MINTON, Secretary
GARY F. LOONSFOT, SR., Asst. Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
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DOREEN G. BLAKER
JERRY LEE CURTIS
LARRY J. DENOMIE III
WILLIAM E. EMERY
MICHAEL F. LAFERNIER, SR.
ELIZABETH "CHIZ" MATTHEWS
ELIZABETH D. MAYO

Assessment of Migi zii wa sin (Eagle Rock)

In November 2005, the KBIC Tribal Historic Preservation Office received the unique status as an official Tribal Historic Preservation Office (THPO) from the National Park Service under Section 101 (d) (2) of the National Historic Preservation Act. This distinction, as an official Tribal Historic Preservation Office, enables the Keweenaw Bay Indian Community to take over the responsibilities the Michigan State Historic Preservation Office had on the Keweenaw Bay Indian Community Reservation land in regard to the protection of cultural resources.

There are many areas of cultural preservation the department is responsible for and one of them is Section 106 of the National Historic Preservation Act compliance issues with Federal, State and Tribal entities on the L'Anse Reservation and in ceded Territory. A construction project or any other "ground disturbing activity" that is funded with federal money or is in need of a federal permit must comply with Section 106 of the NHPA. Usually an archaeological survey is requested to see if there are any historic properties such as archaeological sites, mounds, burial grounds, or historic homesteads that will be affected by the proposed project activities. The THPO has ongoing Section 106 compliance issues with the Federal Highway Administration/Michigan Department of Transportation, Federal Communications Commission, Army Corp of Engineers, Federal Energy Resource Commission, Indian Health Service, and Bureau of Indian Affairs. Under the provisions of the National Historic Preservation Act of 1966, (16 U.S.C. 470) historic preservation activities center on the identification and preservation of significant cultural features located within the exterior boundaries of the L'Anse Reservation.

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS

The KBIC THPO also reviews projects subject to National Historic Preservation Act Section 106 Review that fall within Ojibwa historic homelands and the ceded territory. Annually, the KBIC THPO reviews approximately thirteen hundred projects from various agencies.

The requirements of Michigan's Nonferrous Metallic Mineral Mining Act R 425.202 Environmental Impact Assessment, i.e., identification and description, analysis of potential impacts, mitigation, analysis of potential cumulative impacts, and analysis of prudent and feasible alternative, specifically apply to "cultural, historical and archaeological resources", including those that may be eligible or are listed on the National Register of Historic Places.

This assessment is designed to provide guidance to governmental agencies with the basic information necessary to determine whether the proposed project has the likelihood of affecting buildings, structures, objects, sites, and districts that are eligible for or listed in the National Register of Historic Places. The identified properties in this report fall under one or more of the following categories, American history, architecture, archaeology, engineering, culture or support the eligibility of other sites. This assessment will not include those areas that have a low potential to contain historic properties while focusing more attention on areas likely to contain these resources.

Purpose and Objectives of the Assessment

Prior to the year 2000, the National Historic Preservation Act (NHPA) did not protect properties that were not officially listed on the National Register of Historic Places (National Register). In 2000, the NHPA was amended to recognize and protect properties which met the criteria for eligibility and listing on the National Register, without having to actually be listed on the National Register. The reason for this addition to NHPA was to help protect sites which were eligible, but were not meant to be public attractions. This amendment to NHPA was important to Native Americans in order to protect sites such as sacred religious sites currently being used by a Native American Tribe, a culturally sensitive landmark that held ties to a tribes view of Creation, and burial mounds that need to be protected from souvenir collectors. Because sites such as these do not have to be listed to be protected under the NHPA, the National Register is not 100%

reliable in identifying historic sites protected under the NHPA. In order to insure that these sites are identified prior to project activity, governmental agencies should make an effort to contact all tribes with historic ties to that area.

The purpose of this assessment is to identify archaeological, historical and cultural sites that (i) may be eligible for listing on the National Register for Historic Places, including sites having significance to the Keweenaw Bay Indian Community and its members, and (ii) should, therefore, have been included in Kennecott Eagle Mining Company's (Kennecott) Environmental Impact Assessment for the Eagle Rock Project.

The objectives of this assessment are to protect and preserve those sites which are eligible for protection under NHPA according to Federal Guidelines, and to determine what actions should be taken in order to ensure that integrity of any such identified sites are not compromised by the activities of the proposed project.

Research Methods

KBIC THPO operates under the guidelines of the National Historic Preservation Act and is dedicated to protecting cultural and sacred sites located both on the reservation and within historic homelands of the Anishinaabe people. Because Keweenaw Bay is not the original place where the Ojibwa people originated, the KBIC THPO researches those areas along the way of the "Great Migration" (from the eastern Atlantic seaboard to Michigan, Wisconsin and Minnesota). The KBIC THPO also looks closely at territory ceded to the United State, under the Treaty of 1842 between the federal government and the Chippewa (Treaty with the Chippewa), which itself could be considered eligible for the National Register in that treaties written by the Federal Government have documented that these areas are the current home territories of the local bands of Chippewa who were signatory to those treaties.

The KBIC THPO regularly researches cultural uses of the land by the Ojibwa people. Oral documentation is used to identify sites and obtain information regarding the background of the identified area. The KBIC THPO also uses documentation of historical records and from on-site

field surveys. With regards to the Kennecott proposed mine site, the KBIC THPO researched historical documents, participated in field survey, and met with Native Americans to discuss cultural uses of the area.

Project Location

The proposed mine is located in the Yellow Dog Plans, Michigan and within the territory ceded to the United States of America by predecessors of the Keweenaw Bay Indian Community under the Treaty with the Chippewa.

Archaeological Resources Identified

Kennecott Eagle Mining Company Environmental Impact Assessment (EIA): The KBIC THPO has reviewed the EIA submitted to the Michigan Department of Environmental Quality by Kennecott as a requirement under the Mining Permit Application process. The EIA included a brief discussion of Cultural, Historical and Archeological Resources-Section 3.16, attempting to meet requirements of R 425.202(2) (ee). Archaeologists from BHE Environmental, Inc. (BHE) of Cincinnati Ohio performed a Phase I Archeological Survey of approximately 73 acres of land. An easily accessible portion of a 199-acre study area was subject to a cursory visual inspection for surficial evidence of historical, archeological and cultural properties. BHE's Phase I survey states that it involved a variety of archaeological and archival methods, including a literature review pertaining to the region; an inventory of all previously identified cultural resources within one mile of the project area, and a field reconnaissance of the project area. Field assessments are stated as occurring in June 2004 and July 2005.

BHE concluded that their survey determined that no cultural properties potentially eligible or eligible to be listed on the National Register existed within the proposed construction footprint of the project. The visual inspection of the easily accessible portions of a 199-acre study area did delineate three unrecorded areas of cultural activity; one prehistoric site (20MQ229 & 20MQ230) and a pair of logging camps of indeterminate age and association. BHE determined that none of the sites documented would be affected by the project activities.

20MQ251: In an investigation by the KBIC THPO in the summer of 2006, a well known cultural site located at the top of Eagle Rock that had been previously identified by several local members of the Keweenaw Bay Indian Community, was investigated by Jim Paquette, a well respected amateur archeologist, accompanied by Summer Cohen, Tribal Historic Preservation Officer, and Cynthia Pryor, a local resident of the Yellow Dog Plains. This location was documented and reported to the State Historic Preservation Office (SHPO) on December 10, 2006, and was assigned the archaeological site reference number 20MQ251 by the SHPO. Eligibility for listing on the National Register was not determined as is the case with most sites identified and reported to the SHPO. See attachment A.

Silver Lake Basin Sites: A few miles south of Eagle Rock lies the Silver Lake Basin which was flooded in the early 1900's by a local mining company for the purpose of producing hydroelectric power which also inundated a small natural occurring lake in northern Marquette County. Recently, a flood occurred at this site and a dam was breached by the water overflow. By the next morning the water levels in Silver Lake Basin had dropped 15 feet; by the time the flood subsided the entire contents of the basin had spilled leaving only the naturally occurring lakes. Due to this drawdown of water, and previous events that caused the water levels to be lowered, 50 archaeological sites have been documented and reported to SHPO by James Paquette. See attachment B. It is believed that the sites at Silver Lake are Late Pleistocene/Early Holocene in age, and that the area surrounding Silver Lake including the Yellow Dog Plains and the Eagle Rock area would have been intensively utilized by these early Native American hunter/gatherers. Silver Lake is considered as being the most densely utilized non-quarry areas in North America during Late Pleistocene/Early Holocene times. The Silver Lake sites consist of concentrations of debitage, fire-cracked rock, hammerstones, bifaces, unifaces, scrapers, cores, graters, and projectile points. It is believed that this collection provides valuable scientific information regarding what appears to be the earliest occupation of Michigan's Upper Peninsula. The Silver Lake Basin remains one of the densest concentrations of early sites, located away from primary quarry areas, in the State of Michigan, if not the Upper Midwest. The dispersed locations of these sites within the Silver Lake Basin suggest that a reoccurring, and possibly complex record of late Paleo-Indian/Early Archaic occupation of the basin exists, (Buckmaster, Carr; 2004).

KBIC THPO On-site-Pedestrian Survey Description: In June of 2007, KBIC THPO conducted a “surface walkover of the Eagle Rock and surrounding area for identification of cultural features”. As a result a report was completed, the “Preliminary Surface Cultural Resource Assessment” (PSCRA) which identified the following:

1. Extensive clear-cut areas and the disturbed ground surfaces from the previous commercial logging activities;
2. Wide-spread surface ground destruction from the recent KEM Project;
3. Two shallow semi-circular depressions at UTM coordinates (NAD27) 16 432616E 5177381N:
4. A find spot of a quartz flake at UTM coordinates (NAD 27) 16 431707E 5177332N:
5. Another quartz flake or cobble core located at UTM coordinates (NAD 27) 16 431723E 5177325N:
6. Remnants of an a man-made trail worn into the face of a slope at UTM coordinates (NAD 27) 16 431648E 5117729N and (NAD 27) 16 431759E 5177204N;
7. A large man-made rock pile and several depressions in the side of a slope nearby at (NAD 27) 16 431667E 5177282N.
8. The Eagle Rock site was noted as 20MQ251

Since the purpose of the Eagle Rock PSCRA was to locate and document the presence of potential cultural features and artifacts located within the defined study area, no attempt was made, at that time, to evaluate the degree of cultural significance of any of the suspected features and/or artifacts found during the surface survey. However, the information gathered as a result of conducting this walkover investigation of the Eagle Rock area does provide additional documentation and evidence that significant cultural resources—in addition to the Eagle Rock site (20MQ251)--currently exist within the boundaries of the study area.

In June, 2007, Kennecott requested a joint investigation of the site with KBIC THPO and June 29, 2007 was agreed upon for that purpose. On June 28, 2007, Kennecott cancelled the joint on site investigation and did not renew its request.

Historical Resources

Through the Ojibwa oral tradition and research by Fred Rydholm and published in his book, *Superior Heartland: A Backwoods History*, Vol. I, the AAA Road has been identified as a potential historic resource. The Triple AAA Road, which was constructed in 1856 by the Civilian Conservation Corps, is the first State Highway built in the Upper Peninsula by the State of Michigan. Not only was it a highway, but due to a mistake in surveying, rather than following the fifth correction line, the surveyors accidentally mistook an Indian Trail for the route and therefore, the road was built on the trail. Remnants of the trail still remain, as noted by preliminary investigations of the KBIC THPO and reported in the PSCRA, trail segment along the salmon trout river, just yards from the AAA road.

Cultural Resources

The NHPA defines a Traditional Cultural Property (TCP) as a historic property whose significance derives from the role the property plays in a community's historically rooted beliefs, customs and practices. TCP's become eligible for inclusion in the National Register because of their association with the cultural practices and/or beliefs of a living community. They are eligible for listing on the National Register because of the historical time of the practice and the importance in the continuing cultural identity of the community (National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties). To Native Americans cultural survival and cultural revitalization are contemporary social issues. For some traditional practices—for example, those that involve public demonstrations such as dance rituals—documentation is not too difficult to obtain in order to establish how long an activity has been practiced with a traditional cultural property. Others practices are not so easily established due to the nature of the practice in Native American society, they are not publicly announced and are only known through word of mouth in such cases. The only documentation for these cultural sites are statements from tribal members who can verify the existence of the cultural sites associated with these practices.

Interviews with Edward Benton-Banai and reference to “The Mishomis Book: The Voice of the Ojibway”, authored by Mr. Benton-Banai, and “The Mide wiwin or “Grand Medicine Society” of the Ojibwa Seventh Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1885-1886”, by Walter James Hoffman in 1891, history tells us that the Ojibwa followed a route from the eastern Atlantic seaboard along the Great lakes and through the Upper Peninsula. At each stopping place, the Mide wiwin society would build their Mide Lodge and hold their sacred ceremonies. There is a place on the L’Anse Reservation where the Mide Lodge was built. This is important because from this site, oral tradition tells us that in the distance to the east, can be seen the silhouette of both an otter and a turtle, these are distant mountain tops. Between these mountains further to the east stand two high spots which are significant to the Ojibwa people. Migi zii wa sin is one of these places.

Tribal members of the Keweenaw Bay Indian Community have reported several medicinal plants which are harvested or harvestable on the Yellow Dog Plains and at Eagle Rock. Among the most common would be the blueberries (miinan). Tribal members have also stated that they have hunted for deer (waawaashkeshi), partridge (beni) and fish (giigoonh) in the Yellow Dog Plains. Still others, have reported using the area known as Migi zii wa sin as a place for traditional ceremonial activities. Keweenaw Bay Indian Community Conservation Officers have verified the above fact and have stated that they have observed tribal members in the Yellow Dog Plains area participating in ceremonial practices and exercising their hunting, fishing and gathering Treaty Rights.

In general Ojibwa people look at the world differently than the Europeans. Not every thing in the European world view is considered to be an animate object, whereas in the Ojibwa world view, many of those European inanimate objects are viewed to be animated, or to have a spirit; trees, animals, the earth, mountains. Migi zii wa sin is one of those places that is viewed by the Ojibwa as animate, having a spirit, not just the surface, the entire area.

Harland Downwind, Eddie Benton and Dorothy Sam, Medi priests and priestess, respectively, are all educators and leaders in Ojibwa Traditional and religious culture and have widespread influence throughout the United States and Canada. They have all been sources of information

on Ojibwa cultural and spiritual beliefs for many years and for many bands of Ojibwa people and other tribes. All of these individuals, along with several others, have made the journey to Migi zii wa sin (Eagle Rock) in order to make a determination as to its significance. Each person examined the area and listened to local people who had used the site and through memory of oral tradition have made determinations regarding the sites cultural use and how it should be cared for. Each has stated that this is indeed a sacred place and must not be damaged or destroyed by the Kennecott mining project nor should Native Americans be barred from having direct and continuous access to Migi zii wa sin. See Attachment C.

Migi zii wa sin (Eagle Rock) is not only ground zero for Kennecott Eagle Mine facility, but will be subject to the drilling and blasting of the portal of the proposed mine, which will be located directly below this rock outcrop, which will assuredly cause damage, if not destruction, of the Migi zii wa sin. Moreover, the mining proposal plans that this area will be completely fenced off from public access, thereby preventing Native Americans from accessing this sacred site. Accordingly, the people of the Keweenaw Bay Indian Community and from other Ojibwa communities such as the Lac Vieux Desert Band, the Sault Ste. Marie Band of Ojibwa are extremely concerned that the sacred site, Migi zii wa sin, will be damaged or destroyed by the mining activity and that they will be prevented from having access to this place of great cultural significance to them.

In documenting information related to the cultural significance of sites located in the Yellow Dog Plains, information related to cultural activities has not been actively documented because there simply was no reason for those who use this area for cultural and treaty purposes to reveal the existence or the significance to anyone, of sites potentially eligible for listing on the National Register, until Kennecott announced its mining plans which would have considerable adverse consequence to this area of cultural significance to the Ojibwa people .

However, the evidence presented by this assessment establishes that without a doubt there has been Native American activity within the vicinity at Migizii wasin (Eagle Rock). Further evidence, not documented but well know to the KBIC THPO, are current campsites, fire pits, ceremonial offerings tied to trees, and several trails leading up and down the entire area of

Migizii wasin (Eagle Rock). The place identified as site 20MQ251 (pit feature), is the only readily identifiable evidence of historic or archaic activity at the site. Ojibwa traditional leaders have identified this pit as a cache in which objects were stored during activities which took place at this site long ago but are no longer used today during ceremonies.

In regards to cultural significance of this site, again, this site holds deep sacred ties to the Ojibwa in that it is currently used today and also holds a connection to the Mide religion, specifically the lodge which once stood at Keweenaw Bay (Eddie Benton-Benai). This property does indeed have an integral relationship to traditional cultural practices and beliefs of the Ojibwa people, this cannot be ignored.

Although the area has been logged off several times, still, the integrity of the site remains, we know this because the Ojibwa who hold ties to this site still hold beliefs and carry out ceremonial activities at the site. Although physical change of the property has taken place over time, in the logging of the site, those who hold ties to the site still recognize its identity as a sacred site because the surroundings have changed very little. However, Migi zii wa sin (Eagle Rock) would definitely be damaged or destroyed if it were to become the center of a 24-hour mining operation and prohibited from religious use by the people of the Keweenaw Bay Indian Community if it was to be fenced off for 42 years as currently proposed by Kennecott.

Application of National Register Criteria for Traditional Cultural Property

KBIC THPO has applied the National Register Criteria for Evaluation to the site referred to as Migi zii wa sin (Eagle Rock). There are four categories of criteria that a site can come within to be considered eligible for listing on the National Register. In applying the criteria to Mig izii wa sin, the site qualifies as eligible under one of the four criterion. Migi zii wa sin carries an association with events that have made a significant contribution to the broad patterns of the history of the Ojibwa people. Through oral tradition, we know that this site has made a significant contribution to the broad pattern of Ojibwa history in the establishment of the Mide lodge on the reservation at Keweenaw Bay. Through oral tradition, it is also well known that the Great Migration was a result of a prophet who foretold the destruction of the Anishinaabe Nation

if the people stayed on the Eastern Seashore. Furthermore it is well known that the Great Migration of the Anishinaabe is tied to the establishment of the Mide at different locations, including the Upper Peninsula of Michigan at Keweenaw Bay. Today, people of the Keweenaw Bay Indian Community travel to this sacred site to participate in ceremonial activities related to the establishment of this site.

It cannot be argued that Migi zii wa sin, as sacred site, should be excluded from consideration for eligibility to the National Register because of its religious purposes. As recognized by National Register Bulletin 38, the fact that this site is used for religious purposes by the Ojibwa and is described in terms that are classified as religious by non native people, are actually expressions of traditional cultural beliefs and are intrinsic to the continuation of traditional cultural practices by Native Americans. Moreover, if this site were excluded from consideration for that purpose, this would result in discrimination against the Ojibwa people by effectively denying the legitimacy of their history and culture.

Conclusion

From all information considered it is apparent that this area has been used by Native People from prehistoric time to the present. According to McClurken and Nesper, Cultural and Economic Importance of Natural Resources Near the White Pine Mine to The Lake Superior Ojibwa, "all parts of the ceded territory and even beyond were used by the Ojibwa in their traditional lifestyle. They used hundreds of natural resources readily available from the land in daily living, and these customs have been passed on from generation to generation. Today, the Ojibwa still utilize natural resources from the land, but due to changing times and economy, available resources are becoming scarce." Once these resources are no longer available, and no longer used, the Ojibwa in this area will cease to exist as a people but will become descendents of the Ojibwa; "their cultures will become bookshelf memory and nothing more", (Earl Otchingwanigan, KBIC Tribal Elder). When applying the National Register Criteria to the Migi zii wa sin (Eagle Rock, it is evident that this sacred place to the Ojibwa is indeed eligible to be listed on the National Register of Historic Places. As the criteria in documenting eligibility of sites to the National Register, when referring to a Traditional Cultural Property such as Migi zii

wa sin (Eagle Rock), significance derives from the role the property plays in a community's historically rooted beliefs, customs and practices. To the Ojibwa people Migi zii wa sin (Eagle Rock) is not just an outcropping on the Yellow Dog plains, but a sacred place holding a spirit within.

Proposed Action

The mine should not be constructed or operated on the land which includes Migi zii wa sin and access to Migi zii wa sin must not be restricted.

Tribal Historical Preservation Office

By *Summer Cohen*
Tribal Preservation Officer

References

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Statements

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- Downwind, Harlan (2006), *Mide Priest: Cultural use at Eagle Rock, Yellow Dog Plains* (Statement).
- Dudley, Rob (2006), *Cultural use at Eagle Rock, Yellow Dog Plains 1970's* (Statement).

Lussier, Beverly (2007), *Keweenaw Bay Indian Community Tribal Member, Elder: Cultural use at Eagle Rock, Yellow Dog Plains* (Statement).

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Sam, Dorothy (2006), *Mide Priestess: Cultural use at Eagle Rock, Yellow Dog Plains* (Statement).

Tilson, Tim J. (2007), *Keweenaw Bay Indian Community Tribal Member, Tribal Conservation Officer: traditional uses at Eagle Rock, Yellow Dog Plains* (Statement).

Attachment A

State Site 20MQ251
Michigan Archaeological Site Form

MICHIGAN ARCHAEOLOGICAL SITE FORM

SITE NAME: Eagle Rock

OTHER NAMES OR NUMBERS: refer to "Work Area A (The Bedrock Outcrop)" from BHE Environmental, Inc Phase I Survey report PN 1595.002 for additional information on 2004-2005 archaeological survey work in this area (see reference to this document in the following site description section).

SITE DESCRIPTION: To be consistent with previous archaeological investigations, the general site description of this specific area is quoted from page 23 of the **September 2005 PHASE I ARCHAEOLOGICAL SURVEY OF CA. 73 ACRES FOR KENNECOTT MINERALS COMPANY, EAGLE PROJECT, MARQUETTE COUNTY, MICHIGAN (Prepared by BHE Environmental Inc., 11733 Chesterdale Road, Cincinnati, Ohio)**. As such, the Eagle Rock site is described as an "area situated atop an elevated knob overlooking the Salmon Trout River terraces and floodplain. This landform, which rises off of the surrounding terrace approximately 20 ft, contains an area of exposed bedrock along the southern and western fringe of the small plateau."

COUNTY: Marquette County

TOWNSHIP NAME: Michigamme

TWP/RANGE/SECTION: T.50N.-R.29W.

QTR-SECTION: SW ¼ of the NW ¼ of Section 12

UTM COORDINATES WITH DATUM YEAR: (NAD 27)

November 24, 2006 GPS wpt that marks the location of the pit feature that is described in this report **16 432474E 5177157N

**Also, see Figure 7 for information on additional site GPS coordinates.

DIRECTIONS FROM CLOSEST STATE OR COUNTY ROAD INTERSECTION:

CLOSEST BODY OF WATER: Salmon Trout River

SITE SIZE (length x width or diameter with unit of measurement): approximately 5 acres

FIELD EVIDENCE (surface scatter, stratification, features, exposed by construction, etc): visits to the site area by James R. Paquette on September 1 and November 24, 2006 documented the presence of an obvious cultural pit feature on the site (see Figures 1-5), plus an associated scatter of historic metal fragments both near and within the feature (see Figure 6). The pit appears to be quite old based on its current condition/appearance. It appears to have been originally square in plan-view and measures approximately 136 cm (north wall to south wall) x 133 cm (west wall to east wall), although the partially collapsed condition of the walls makes it difficult to accurately measure the original dimensions of the pit. Its present

depth is approximately 65 cm, but it is currently filled with a matting of leaves and forest debris (see figures 4 & 5).

In addition to the pit feature, non-destructive electronic subsurface testing/scanning in nearby areas atop the elevated Eagle Rock knob by Paquette on September 1, 2006 located several readings/indications of the subsurface presence of ferrous & non-ferrous metal objects/artifacts throughout the site area. No attempt was made to recover and identify the buried objects due to this being State of Michigan property.

FIELDWORK (institution, principal investigator, year, site visit/survey type/excavation):
See referenced BHE Environmental, Inc report.

In addition, on August 16, 2006, James R. Paquette visited the Eagle Rock site area with Summer Cohen/Keweenaw Bay Indian Community Tribal Historic Preservation Officer & NAGPRA, Cynthia Pryor/Executive Director of the Yellow Dog Watershed Preserve, Rico Torreano/Negaunee and Ben Vanni/Negaunee. A primary purpose of this visit to the area was to bring to Paquette's attention the suspected presence of cultural materials at the Eagle Rock site that had remained unidentified during previous archaeological investigations in the area. During the August 16 site visit, Cohen and Pryor showed Paquette the location of an obvious cultural pit feature that was located in a natural cut in the bedrock in the western area of the site (see Figures 2 & 3).

The Eagle Rock site area was subsequently re-visited by Paquette on September 1, 2006 and November 24, 2006 for the purpose of further investigating and evaluating the pit feature and the immediate surrounding site area for potential archaeological site registration with the State of Michigan. During Paquette's visits to the site area, photos and measurements were taken of the feature, as well as a GPS wpt for Michigan site form documentation.

SITE INTEGRITY OR CONDITION: the pit feature needs to be further professionally investigated to evaluate its overall condition and state of preservation. Also, further investigation is needed to determine the context (and identity) of the subsurface ferrous and non-ferrous metal objects that were noted during the non-destructive subsurface scanning by Paquette on September 1, 2006.

COLLECTIONS (private or institutional): None; no artifacts were recovered.

COMPONENTS (list period and site function for each): the pit feature appears to represent an historic component at the site based primarily on the presence of the metal fragments that are apparently associated with the feature. Preliminary indications are that this cultural feature and the associated heavily oxidized tin/iron fragments may represent the remains of a former storage or cache pit at the site. However, further evaluation of this feature is needed to better determine its original purpose.

In addition, future recovery and analysis of the buried ferrous and non-ferrous metal objects noted during the non-destructive electronic subsurface testing by Paquette is needed to determine the associated cultural component(s).

DATES (list radiocarbon dates with lab numbers and associations):

HUMAN REMAINS PRESENT? NO YES _____

OWNERSHIP (LIST NAME OF PERSON OR AGENCY):

STATE GOVT AGENCY: State of Michigan

NATIONAL REGISTER SIGNIFICANCE:

 X More information needed for evaluation

Person making this evaluation/date:

James R. Paquette/December 9, 2006

WHAT MORE INFORMATION IS NEEDED, OR WHY IS SITE ELIGIBLE OR INELIGIBLE? Based on the presence of the above described cultural pit feature on the site, plus the presence of scattered subsurface ferrous and non-ferrous metal objects also being located on the site, additional archaeological work is required to better evaluate the Eagle Rock archaeological site for its eligibility for the National Register of Historic Places/JRP.

COMMENT: The cultural pit feature described and documented in this report would be very obvious to anyone visiting the Eagle Rock site, and its exclusion from the September 5, 2005 BHE Phase I Archaeological Survey Report (Work Area A) is surprising. This oversight in itself warrants a professional archaeological "reevaluation" of the Eagle Rock site area for NRHP eligibility by the State of Michigan /JRP.

THIS RECORD BY:

NAME: James R. Paquette 1022 Cedar Street, Negaunee Michigan 49866

DATE: December 9, 2006



Figure 1



Figure 2

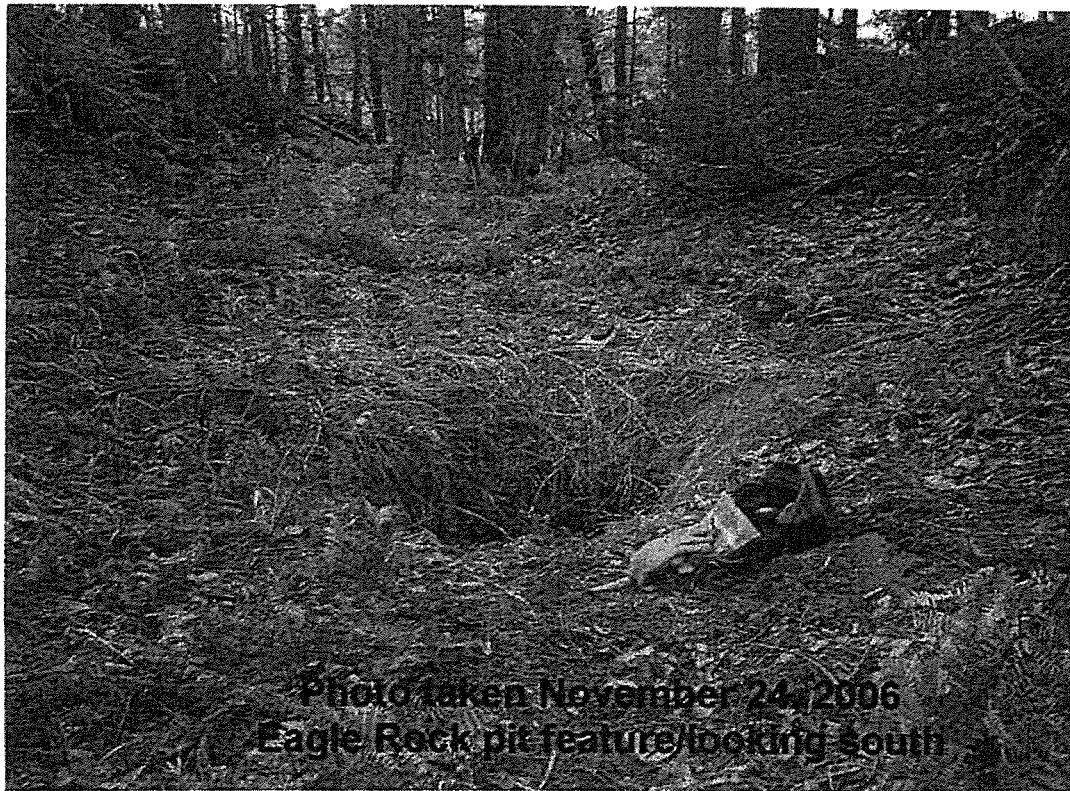


Figure 3



Figure 4



Figure 5



Figure 6

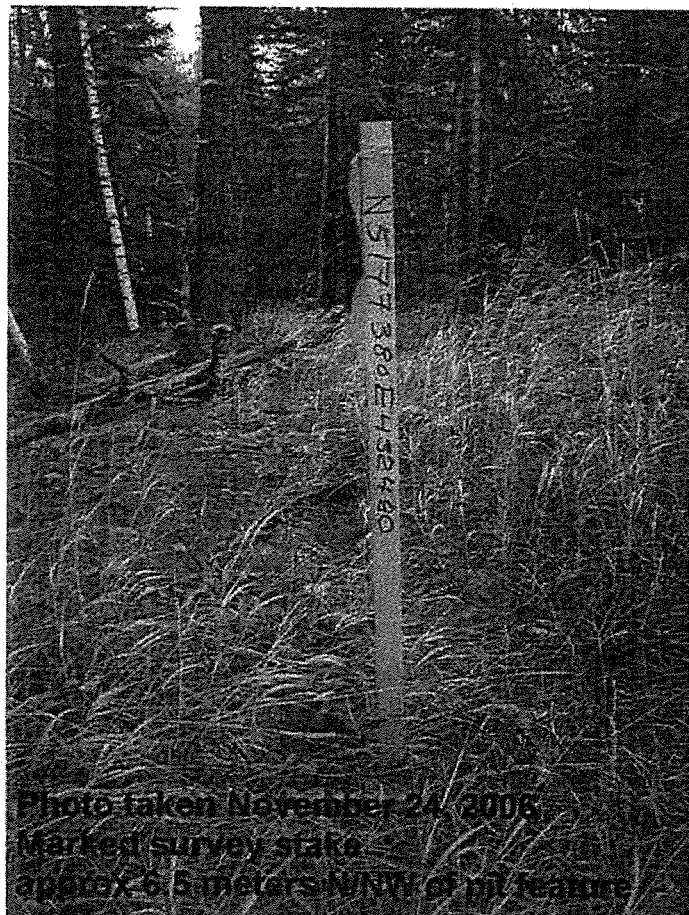


Figure 7

Attachment B

**Recorded Archaeological Sites on the Silver Lake
Basin
(Marquette County, Michigan)**

**Recorded Archaeological Sites on the Silver Lake Basin
(Marquette County, Michigan)**

Site Name	Site Number	Recorder
1.) Silver Lake Water's Findspot	20MQ35	Paquette 1986
2.) Silver Lake Dam	20MQ40	Paquette 1987
3.) Silver Lake North Bay	20MQ41	Paquette 1987
4.) Silver Lake #3	20MQ68	Paquette 1989
5.) Silver Lake #4	20MQ69	Paquette 1989
6.) Silver Lake #5	20MQ70	Paquette 1989
7.) Silver Lake #6	20MQ71	Paquette 1989
8.) Silver Lake #7	20MQ72	Paquette 1989
9.) Silver Lake #8	20MQ73	Paquette 1989
10.) Silver Lake #9	20MQ74	Paquette 1989
11.) Silver Lake Marta	20MQ87	Birkholz 1993
12.) Silver Lake West Bar	20MQ86	Birkholz/Paquette 1993
13.) Silver Lake Allison	20MQ190	Paquette 2003
14.) Silver Lake Rock Point	20MQ191	Paquette 2003
15.) Silver Lake North Shore	20MQ193	Paquette 2003
16.) Silver Lake #10	20MQ194	Paquette 2003
17.) Silver Lake Silver Lead Creek 1	20MQ195	Paquette 2003
18.) Silver Lake Coles Creek	20MQ196	Paquette 2003
19.) Silver Lake Arrowhead	20MQ197	Paquette 2003
20.) Silver Lake South Shore 1	20MQ198	Paquette 2003

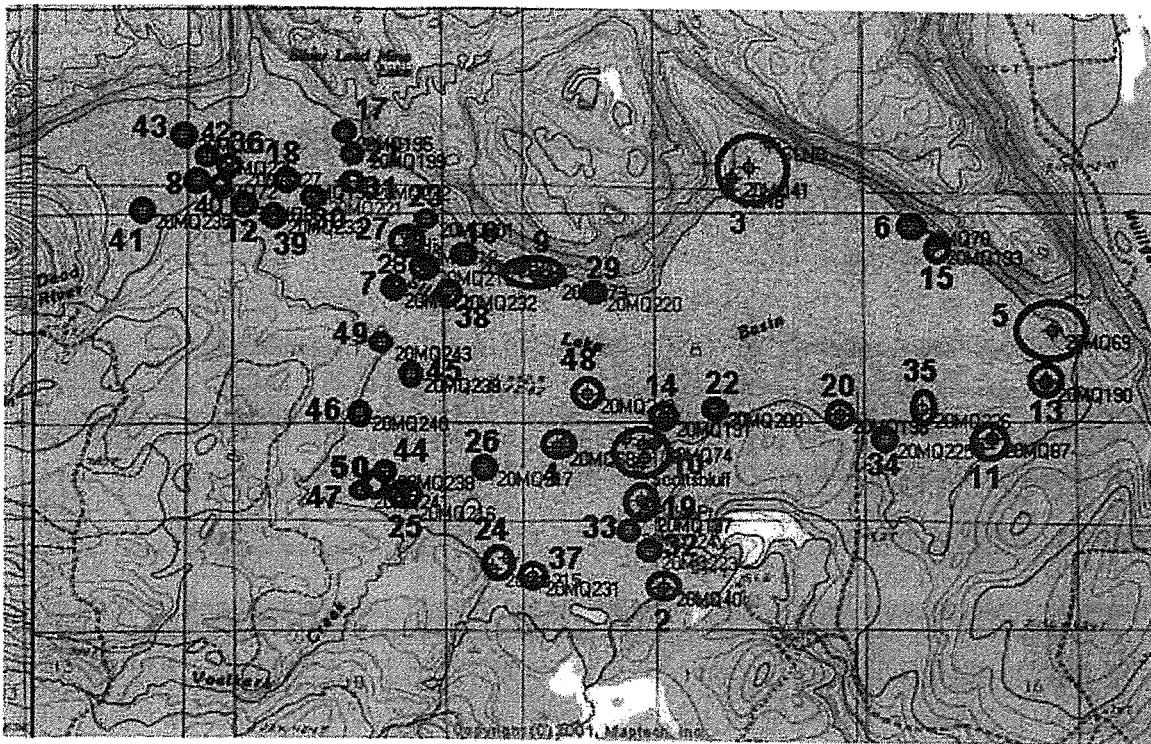
Attachment C

Statements Regarding Cultural Use on Yellow Dog Plains and at Migi zii wa sin

21.) Silver Lake Silver Lead Creek 2	20MQ199	Paquette 2003
22.) Silver Lake South Shore 2	20MQ200	Paquette 2003
23.) Silver Lake Sand Point	20MQ201	Paquette 2003
24.) Silver Lake Sand Terrace	20MQ215	Paquette 2004
25.) Silver Lake Voelkers Creek	20MQ216	Paquette 2004
26.) Silver Lake South Point	20MQ217	Paquette 2004
27.) Silver Lake Sand Point 2	20MQ218	Paquette 2004
28.) Silver Lake Sand Point 3	20MQ219	Paquette 2004
29.) Silver Lake Big Rock	20MQ220	Paquette 2004
30.) Silver Lake Dead River 2	20MQ221	Paquette 2004
31.) Silver Lake Dead River 1	20MQ222	Paquette 2004
32.) Silver Lake Dam North	20MQ223	Paquette 2004
33.) Silver Lake Outlet	20MQ224	Paquette 2004
34.) Silver Lake South Shore 3	20MQ225	Paquette 2004
35.) Silver Lake Peninsula	20MQ226	Paquette 2004
36.) Silver Lake West End	20MQ227	Paquette 2004
37.) Silver Lake Sand Terrace 2	20MQ231	Paquette 2005
38.) Silver Lake River Bank	0MQ232	Paquette 2005
39.) Silver Lake Dead River 3	20MQ233	Paquette 2005
40.) Silver Lake Dead River 4	20MQ234	Paquette 2005
41.) Silver Lake Dead River 5	20MQ235	Paquette 2005
42.) Silver Lake West End 2	20MQ236	Paquette 2005
43.) Silver Lake West End 3	20MQ237	Paquette 2005

44.) Silver Lake Dead River Pond 1	20MQ238	Paquette 2005
45.) Silver Lake Dead River Pond 2	20MQ239	Paquette 2005
46.) Silver Lake Dillon 2	20MQ240	Paquette 2005
47.) Silver Lake Gravel Knoll	20MQ241	Paquette 2005
48.) Silver Lake Overlook	20MQ242	Paquette 2005
49.) Silver Lake Dillon 1	20MQ243	Paquette 2005
50.) Silver Lake Megan	20MQ250	Paquette 2006

Figure 1: Map showing locations of documented Silver Lake Basin Archaeological Sites



**Note: the location of above listed site #1 (20MQ35) is not shown on this map;
the locations for sites #2 thru #50 are all shown on map.**

February 10, 2007/JRPaquette

May 5, 2006

Susan LaFernier, President
Keweenaw Bay Indian Community
107 Beartown Road
Baraga, MI 49908

Dear Susan:

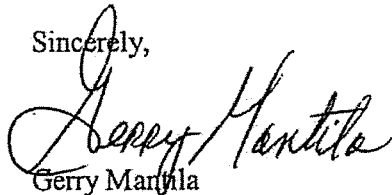
The Keweenaw Bay Indian Community Cultural Committee would like to take this opportunity to express our concern for Eagle Rock and for the continuation of traditional ceremonies and fasts associated with the location.

The Ojibwa name for Eagle Rock is *Migi zii wa sin*. On May 4, 2006 members of the Cultural Committee along with other Community members took part in an Ojibwa traditional sunrise ceremony and fast.

Members of our Cultural Committee are very concerned about the prospect of being denied access to this area if Kennecott Mining Company is given a mining permit for this location. Our people have used *Migi zii wa sin* for hundreds of years and would be devastated if we no longer have access to this sacred site.

We urge you to contact our Tribal Historic Preservation Office regarding this sacred site to start the process of protecting *Migi zii wa sin* from destruction and allowing us to continue having access to this site to practice our sacred ceremonies and fasts.

Sincerely,



Gerry Martila
Chairwoman
KBIC Cultural Committee

CC: Summer Cohen, THPO Office

April 27, 2006

Susan LaFermier, President
Keweenaw Bay Indian Community
107 Beartown Road
Baraga, MI 49908

Dear President LaFermier:

This letter is to thank you for the honor I had to visit Eagle Rock at the Yellow Dog Plains on April 20, 2006.

This is a very sacred place to be used for traditional ceremonies it was intended for.

I pray that you can keep fulfilling the purpose it was put there for.

Sincerely,



Dorothy Sam
Mide Priestess
Ojibwa Cultural Spiritual Advisor
Mille Lacs Lake Band of Ojibwa Reservation
Box 262
Onamia, MN 56359

CC: Geraldine Mantila, KBIC Cultural Committee
Summer Cohen, Tribal Historic Preservation Office

April 20, 2006

Susan LaFerner, President
Keweenaw Bay Indian Community
107 Beartown Road
Baraga, MI 49908

Dear President LaFerner:

I was asked by the Keweenaw Bay Indian Community to look at an area called Eagle Rock.

In my opinion and observations from a Native spiritual perspective, this is and has been a significant area for the Ojibwa people. Signs point to ceremonial ground used for fasting, our Mide religious ceremonies and renewal fasts. The rock is very spiritual and the strength of our ancestors is still present and full of spiritual life.

We hope to conduct fasts and various other native ceremonies.

This land needs to be protected for our future generations.

Sincerely,



Harlan Downwind
Mide Priest
Ojibwa Cultural Spiritual Advisor
Red Lake Band of Ojibwa Reservation
618 North 9th Street
Brainerd, MN 56401

CC: Geraldine Mantila, KBIC Cultural Committee
Summer Cohen, Tribal Historic Preservation Office

Tim Tilson
15873 Center Road
L'Anse, Michigan 49946

December 6, 2007

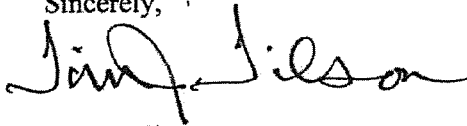
Keweenaw Bay Indian Community
Tribal Historic Preservation Office
16429 Beartown Road
Baraga, Michigan 49908

To Whom It May Concern:

I am a Tribal member of the Keweenaw Bay Indian Community. I have fished the Salmon Trout River on several occasions off of the North Road and my cousins and uncle use to commercial fish out of Big Bay they would bring their rifles or shotguns with them. They shot deer and partridge when they drove from L'Anse to Big Bay along the AAA Road.

I am also a Conservation Officer; I used to work for Great Lakes Indian Fish and Wildlife Commission, and recently took a conservation officer position with the Keweenaw Bay Indian Community Tribal Police Department. As an Officer, I patrol lands within the ceded territory. I have registered deer harvested by Tribal hunters from the yellow dog plains. I have also observed Tribal members at Eagle Rock participating in Ceremonial Activities.

Sincerely,

A handwritten signature in black ink that reads "Tim J. Tilson". The signature is written in a cursive style with a large, stylized "T" and "J".

Tim J. Tilson

Beverly Lussier
Zeba Road
L'Anse, MI 49946

December 5, 2007

Keweenaw Bay Indian Community
16429 Beartown Road
Baraga, MI 49908

To Whom It May Concern:

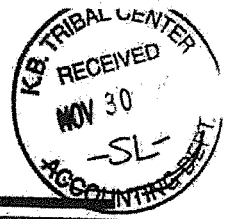
I am an Ojibwa Elder, enrolled at the Keweenaw Bay Indian Community and living on the reservation. I have grown up on the reservation and have been here for many years. I am aware of the proposed mine to be located on the Yellow Dog Plains, ground zero being a high spot just off what is called the triple AAA road. I have traveled, following the foot path of my ancestors along the AAA road to a place commonly referred to as Eagle Rock or Migizi wasin. The reason I travel to this area is to pick blueberries and at the highest point of Eagle Rock, for traditional ceremonies. ***Eagle Rock is a sacred site, and should not be disturbed in such a way.***

It is my hope that my grand children's children and their children will one day be able to travel to this place for the same reasons that I and my children now do.

Miigwech,



Beverly Lussier



Dr. Eleanor (Elli) Andrews
ARCHAEOLOGY-ETHNOLOGY-HISTORY-EDUCATION

27 November 2007

Susan La Fernier, President
Keweenaw Bay Indian Tribal Community
16429 Beartown Road
Baraga MI 49908

Dear Ms. La Fernier:

Please consider this letter documentation of my knowledge of the Eagle Rock site and its importance to the tribe as a Traditional Cultural Property as defined by the U.S. government federal regulations.

I was employed by the Keweenaw Bay Indian Tribal Community from 1974-76 as the director of the Ojibwa language program. This entailed interviewing and working closely with elders who were the last remaining speakers of the language on the reservation at that time. I have an M.A. in Anthropology and an Ed.D. in Education, and worked to develop the language research and curriculum development for that project. My son Rob Dudley was hired as a media specialist by the tribe and helped develop a print shop, photo and television lab, and worked with me in filming and recording the elders as well as other assignments given him by the tribe.

Rob was friends with a neighbor of his in L'Anse, Beaver Pelcher, and they rode in a jeep out to the Eagle Rock site which Beaver was familiar with at that time. It is my understanding that Mr. Pelcher had some knowledge of the use of the area by tribal members as a place for vision quests and other ceremonial activities. Rob went with Mr. Pelcher to the site on at least two occasions and on one occasion they performed a tribal ceremony. I was taken to the site by my son and was impressed by it and saw some of the offerings of tobacco and herbs that had been left there by others. There were some depressions in the area which may have been prehistoric copper mining sites, but I did no archaeological investigations at that time. It is my understanding that subsequently this has been verified by other academic persons.

6229 E. Sugar Grove Rd.
Fountain MI 49410
Ph: 231-462-3855
e-mail: manidok@hotmail.com

11-27-07

Letter to Ms. La Fernier

The presence of prehistoric copper mining at the site is also a matter of ethnological concern, as copper was considered sacred by the Chippewa tribal people living in the area at the time the first white persons entered the Upper Peninsula area. There is ample historic documentation of that fact, much of it having to do with a large copper rock that was found just south of Baraga. When that copper was removed by non-Indians there was considerable concern, and there have been subsequent attempts to retrieve it by the tribe over the years. I believe that the legal documents relating to that incident would verify the fact that copper was and is considered a sacred element by the tribal people.

The area in which the copper rock was found is in the tribal area of the Keweenaw Bay Indian Tribal Community, and there is ample legal verification of that fact as well.

Since there is clear evidence that the Eagle Rock site was not only used for religious and cultural activities over the years, and has been used for those purposes within the time frame required for Traditional Cultural Properties regulations, that fact stands. The additional evidence that the presence of prehistoric copper mining by ancestors of the present tribal members of the Keweenaw Bay Indian Tribal Community is documented, and the fact that copper itself is considered a sacred element according to tribal traditions is a second piece of evidence to support the need for protection of the site as a Traditional Cultural Property.

It is my sincere hope that such an impressive and important site will not be damaged. If there are any further questions, please contact me.

Yours truly,



Dr. Eleanor L. Andrews

cc: Geraldine Mantilla, Chair
KBITC Cultural Committee

Summer Cohen
Tribal Historic Preservation Officer

11-27-07

158 Tenth St.
Britton MI 49229
Ph: 517-605-4202

Susan La Fernier, President
Keweenaw Bay Indian Tribal Community
16429 Beartown Rd.
Baraga MI 49908

Dear Ms. La Fernier:

It has come to my attention that the Eagle Rock area is currently under some danger of being destroyed by proposed mining operations. I am quite concerned about this as in the past I was at that site and consider it a sacred area. I worked for the tribe in 1974 to 1976 and lived in the tribal housing area in L'Anse. A friend of mine, Beaver Pelcher, was a neighbor who showed me Eagle Rock and with whom I performed a religious ceremony there. This is what I remember:

Beaver and I were driving up Three Rivers Road in my jeep. At the base of the mountain there was a stream that you had to drive around to the left side of the road that went to the top of the mountain (power lines, I think). Just before the top of the mountain on the right side of the road, at the base of the outcropping bluff, there was an old path. You could tell because the trees were smaller than the rest of the trees in the area. We followed it to the outcropping. After climbing to the top of the outcropping, Beaver and I both looked at each other at the same time. "You feel that?" "Yea!" "You?" "Yea!" Beaver and I felt that this is a special place. I believe that later he checked it out with some of the elders and was told about it.

We walked around and found some old open pits at the base of the outcropping that was being worked for the quartz that was visible. We removed some of the moss from the quartz and saw more of it at or near arm level. When I was at the Cliff mine in Mohawk in 1972, I found the same type of pits at the top of the bluff about 500' back from the edge of the bluff. Later I learned it was an early type of copper mining.

Beaver and I went back a few days later and performed a ceremony at Eagle Rock to the four directions according to the things he had learned. We offered tobacco and sat for a long time feeling that this was a very special and important place. It is hard for me to describe that feeling. We felt that others should be taken to this place.

After that I took my mom to Eagle Rock, and she saw our tobacco offering, but there were others there by then as well. So I guess there might have been others who went there. She recognized the old mining pits and the quartz.

Jamie
RECEIVED
DEC 04 2007

K.B.I.C. President's Office

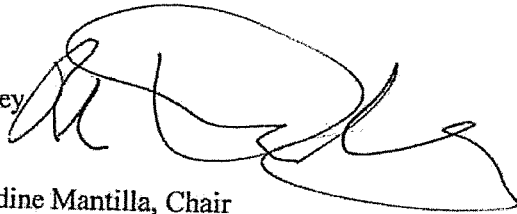
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After that, Beaver and I talked about the place a few more times and how we should go back there. But I was running out of money and my jeep (that could get to the place) had broken down. I had taught people in the tribe to do the things I was doing there and provide support as needed to interested tribal members. We developed a video studio, a recording studio, dark room for photography, and a print shop with the ultimate goal of tribal members taking over the jobs created. We were just there to help out for a while. My mom moved back downstate and so did I, but we have stayed in touch with people at Baraga over the years.

If you need any further information, please contact me.

Sincerely,

Rob Dudley

A handwritten signature in black ink, appearing to read 'Rob Dudley', written over a large, light-colored scribble or smudge.

cc: Geraldine Mantilla, Chair
KBITC Cultural Committee

Summer Cohen
Tribal Historic Preservation Officer

Attachment D

Letters regarding Cultural uses of the proposed mine
site by local Tribal communities



November 14, 2007

**Cultural Division
Repatriation
Program**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

Phone

906.635.6050

Ext 26140

Fax

906.632.7059

Robert D. Tolpa
Acting Director, Water Division
United States Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Dear Mr. Tolpa,

It is the contention of the Sault Ste. Marie Tribe of Chippewa Indians (SSMTCI) that the U.S. Environmental Protection Agency (EPA) has not appropriately consulted with the SSMTCI or any other Native American Nations with Historic presence relative to the Kennecott Eagle Minerals Mining Project; Marquette County, MI.

The Sault Tribe and all other Ojibwe/Chippewa Nations have a deeply rooted cultural and historic association with the area of the proposed project that cannot be disputed. Consultation and cooperation with federal agencies forms a vital part of our efforts to protect sacred, historic and cultural places, especially on federal lands and other public lands. We look to the federal government and its agencies to fulfill their legislated and constitutional responsibilities to the tribes, more than ever in regard to the protection and preservation of our cultural resources. However we are deeply saddened by the low level of effort that was displayed by the EPA to assist and cooperate with us on this undertaking during the initial stages.

A telephone call or letter notifying us of this undertaking would have assured us that our concerns with regards to the environment and potential adverse affect to the area in question of the project were being addressed. We were never part of the decision-making process with this project.

It is highly likely that a burial site(s) and other Traditional Cultural Properties exist within the area in question. The remains of our Ancestors and the places where they are buried hold a special place in our hearts. The maintenance of our relationship with our Ancestors is a principal part of our cultural beliefs and practices. This entails ceremonial, spiritual and physical protocols that would not be maintained before, during or after this project.

We are also concerned about the fact that certain protocols regarding consultation were possibly not followed per the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.

We are in complete opposition to any proposed project that would compromise and/or adversely affect the environment, our Mother the Earth. We would respectfully request in writing the future intentions of the EPA regarding this project or any other.

Sincerely,



Cecil E. Pavlat Sr.
Cultural Repatriation Specialist
Sault Ste. Marie Tribe of Chippewa Indians

cc: Summer Cohen, KBIC