



April 24th, 2020

Stephanie Swart
Michigan Department of Environment, Great Lakes, and Energy
P.O. Box 30458
Michigan 48909-7958

Brianna Kupsky
Wisconsin Department of Natural Resources
2984 Shawano Avenue, Green Bay, Wisconsin 54313

VIA ELECTRONIC SUBMISSION

Dear Ms. Swart and Ms. Kupsky,

We the undersigned submit our comments as we value the resurgence of water quality of the Menominee River proposed [delisting report](https://www.michigan.gov/documents/egle/wrd-aoc-lower-menominee-delisting_683289_7.pdf). (https://www.michigan.gov/documents/egle/wrd-aoc-lower-menominee-delisting_683289_7.pdf).

There was nothing about monitoring the current river chemistry through water sampling. Aquila Resources is proposing a mine next to the Menominee River not far from the Shakey Lakes County Park near Stephenson MI. If the company receives water permits from EGLE for its proposed mine, we need to have the baseline chemistry of current river conditions in the harbor area as well as where the river water enters upper Green Bay.

With the possible onset of mining on the banks of the Menominee River, the company would allegedly release treated water which may not be chemically compatible with the pH of the Menominee River nor healthy for aquatic and benthic life. In addition, there is the danger of diluted acid mine drainage from the sulfide-bearing ore. It could be accidentally released should the river flood the proposed open pit mine which would be only 140 feet from the river edge and within its flood plain. Upon closure the company plans to use waste sulfide-bearing rock to fill the pit which could again be a source of perpetual acid mine drainage into the river. The plan is to store its tailings in what is known as an upstream tailings dam facility. The dam's material would again be sulfide-bearing in a type of structure known to have failed catastrophically throughout the world, most notably twice in Brazil and once in British Columbia in recent years.

Aquila Resources is a mining company in name only. It has no mining experience. Its consultants repeatedly submitted flawed data in its permit applications which was repeatedly pointed out to the EGLE Office of Oil, Gas and Mining and the Water Resources Division by the Mining Action Group of the Upper Peninsula Environmental Coalition in its detailed, formal comments. It appears it will be financially marginal as seen in its current financial statements. It could mean the citizens of Wisconsin and Michigan would be left to pay for a future clean up should the company go into bankruptcy if it were to be approved by EGLE.



The record of mining enforcement by the Office of Oil, Gas and Mining of EGLE is below minimal at best with no independent verification of mining company activities and minimal or no data collection by the agency. At a recent hearing held by the EGLE Air Quality Division, the Department's personnel admitted they totally rely on the data for its analysis and modelling supplied by Lundin Mining Co. from its Eagle Mine. Monitoring through sampling in the lower reach of the river could offset some of the Department's regulatory deficiencies.

The DNRs of Wisconsin and Michigan have spent a large amount of time and financial resources to restore sturgeon to their historic mating grounds. These fish and their aquatic ecosystem could be adversely affected by perpetual acid mine drainage due to the huge amounts of sulfide-based ore, tailings and waste rock that would be excavated, stored on site, used as fill. With a wet temperate climate and increased precipitation predicted due to climate warming, this location could be our next Area of Concern should EGLE grant the final permits.

We request that prior to delisting, water sampling of the harbor and where it flows into upper Green Bay should be carried out for at least two years to provide baseline data of the river's chemistry.

In a December, 2019 news [report\(https://www.navalnews.com/naval-news/2019/12/fincantieri-marquette-marine-receives-contract-to-construct-4-ships-for-saudi-arabia/\)](https://www.navalnews.com/naval-news/2019/12/fincantieri-marquette-marine-receives-contract-to-construct-4-ships-for-saudi-arabia/) stated Fincantieri Marinette Marine received a contract to build four warships for the US Navy. It was not mentioned in your delisting report as a possible future source of contamination. If it was asked, we would probably receive assurances from government officials that all regulations in force would be followed by the company whether or not the company would itself make such a claim or adhere to those regulations. In fabricating a ship, the concern is the many chemicals possibly used by Fincantieri Marinette Marine as part of the building process could be accidentally dumped in the harbor or through negligence.

Could the State of Wisconsin monitor for potential pollution by the company be incorporated in the report?

The delisting report mentions \$18 million was spent for remediation. Were there further expenditures? We have heard \$41 million and \$200 million as figures for the clean up.

Please include a breakdown of the costs of the different parts of the clean up as well as the total cost for both states in your delisting report?

Finally, the delisting should be delayed by 2 years to monitor the health of the Menominee River to protect the people of Michigan and Wisconsin as well as the treaty rights of the Menominee Tribe of Wisconsin.

Thank you

Horst Schmidt
President
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