Bad River Band Concerns with Mining Legislation Continue
Proposed Changes in Mining Regulations Pose Risks to Public Health, Resources

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ODANAH, WI – Today Tribal leaders of the Bad River Band of Lake Superior continued to express their concerns that a proposed mine in the Penokee Range poses serious risks to people’s health and drinking water and is a threat to the rivers, lakes, wetlands, and other natural resources in the Bad River watershed.

“With a nearly identical companion bills as last session, it is clear that the leadership of the Wisconsin legislature still doesn’t understand that the Penokee Hills cannot be mined without adversely affecting our clean drinking water and our way of life,” said Mike Wiggins Jr, Chairman of the Bad River Band. “AB 1 and SB 1 was obviously written by and for an out-of-state mining company and will be rushed through the legislative process without formal meetings with Tribal leaders, adequate public hearings, or meeting the ten principles we set forth in September 2011 for future changes to Wisconsin’s mining laws. As a people and as a sovereign nation, the Bad River Band strongly opposes AB 1 and SB 1 and we ask the Wisconsin Legislature to reject this legislation once and for all.”

“If enacted as introduced, AB 1 and SB 1 will significantly weaken environmental protections applicable to iron mining,” said Glenn Stoddard, an attorney who serves on the legal team representing the Bad River Band on mining issues. Stoddard outlined some of the major problems with the legislation. Changing the law:

- violates Wisconsin’s Public Trust Doctrine which protects our rights with shared water,
- infringes on federally recognized Chippewa treaty rights,
- reduces meaningful public and scientific input before a permit is issued by the DNR,
- eliminates citizen suits as a means of enforcing a permit after it has been issued by the DNR,
- and creates a more complex and less efficient process for review of a potential iron mine, because Wisconsin will not be able to effectively coordinate its review with federal agencies.

Penokee Range: Geography, Topography and Importance
The Penokee Range, extending through 25 miles of Ashland and Iron counties, is significant to the clean water, environment and culture of the Bad River Band and other northern Wisconsin residents. The surface and groundwater originating from the Penokee Range is in the recharge zone of the Copper Falls Aquifer, on which many residents rely for clean drinking water.

Seventy-one miles of rivers and intermittent streams flow through the proposed mining area, emptying into Lake Superior. These waterways are a part of an internationally important migratory corridor; birds and other wildlife depend on area wetlands for survival.

The Kakagon Bad River Sloughs—16,000 acres of wild rice, grasses, sedges, trees, streams, and open water located along the southern shore of Lake Superior—depend on the surface and ground water that originates in
the Penokee Range to sustain the largest and healthiest full-functioning estuarine system remaining in the upper Great Lakes. These wetlands have a cultural significance for the Bad River Band and support the largest natural wild rice bed in the Great Lakes in which members of the Bad River Band have harvested wild rice for generations.

**Legislation Serves Out-of-State Mining Interests to Extract Iron Ore from the Penokee Range**

“It seems the primary purpose of the proposed mining legislation is to convince Gogebic Taconite to develop an open pit iron ore mine in the heart of the Penokee Range,” said Bad River Tribal Council Member Frank Connors Jr. “But despite promises from politicians and mining companies, this mountaintop removal cannot be done without polluting our water. This is our land. This is where we live. We can’t just pack up and move.”

The majority of the Range is owned by RGGS Land and Minerals, Ltd. of Houston, Texas, and LaPointe Mining Co. in Minnesota. Together these companies control a 22-mile, 22,000-acre stretch of the Penokee Range from southwest of Hurley to about six miles west of Mellen. The Cline Group, out of Florida, secured an option to obtain the mineral rights held for this property, and created a subsidiary called Gogebic Taconite to propose a 4 1/2 mile long open pit iron ore mine, what the company says is the first phase of an eventual 22-mile strip of open pit mining.

For Gogebic Taconite to get to the iron, a vast amount of overlying rock must be removed, some of which contains heavy metals and sulfides. In the Penokee Range, a recent report from Lawrence University researchers estimate a mine 4 miles east-west and 1000-foot deep would generate at least 434 million cubic yards of waste (over three times the volume of Lake Monona). The overlying rock contains sulfide (sulfur-bearing) minerals (primarily pyrite), which when exposed to air and water create sulfuric acid harming people, fish and plants. The report builds on the considerable work done by geologists in the past, which is documented in the literature at: http://www.lic.wisc.edu/glfwc/penokee/literature.

10 Principles for Any Changes to Wisconsin’s Mining Regulations

The Bad River Band opposes the proposed changes to the state’s mining regulations in AB 1 and SB 1. For this or any changes in Wisconsin’s mining regulations, we can agree to ten basic principles for changes that would protect the environment and cultural resources for future generations:

1. Exclude any project proposal that has the potential to cause acid mine drainage.
2. The burden of preparing and submitting a complete application should be entirely on the permit applicant.
3. Provide adequate time for the DNR, the public, federal agencies, and affected Indian tribes to fully review and participate in the process.
4. Maintain existing wetland protection standards and the federal/state partnership in the environmental review process.
5. Correct, don’t weaken, the DNR’s federal Clean Water Act implementation.
6. Allow contested case hearings with full participation by citizens, including Indian tribes.
7. Mining legislation must not preempt local control.
8. Allow citizen suits to make sure permit provisions and legal restrictions on new mines will be enforced.
9. Require consultation with Indian tribes by the DNR as part of the permitting process.
10. Participation in contested case hearings should be paid for by the permit applicant or state.

With over 7,000 members, the Bad River Band of Lake Superior Tribe of Chippewa Indians is located on an over 124,000-acre reservation in an area within Ashland and Iron Counties on the south shore of Lake Superior (known by the tribe as Gichi Gami). The Ojibwe people have a long and rich heritage throughout the Great Lakes region and at Odanah on Lake Superior prior to European traders, missionaries and settlers. Treaties signed by eleven Ojibwe Tribes ceded territory in the region, including what is currently the upper one third of the State of Wisconsin. Learn more about the Bad River Band of Lake Superior Tribe of Chippewa Indians on their website, badriver-nsn.gov.

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