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City wants changes in Eagle Mine permit

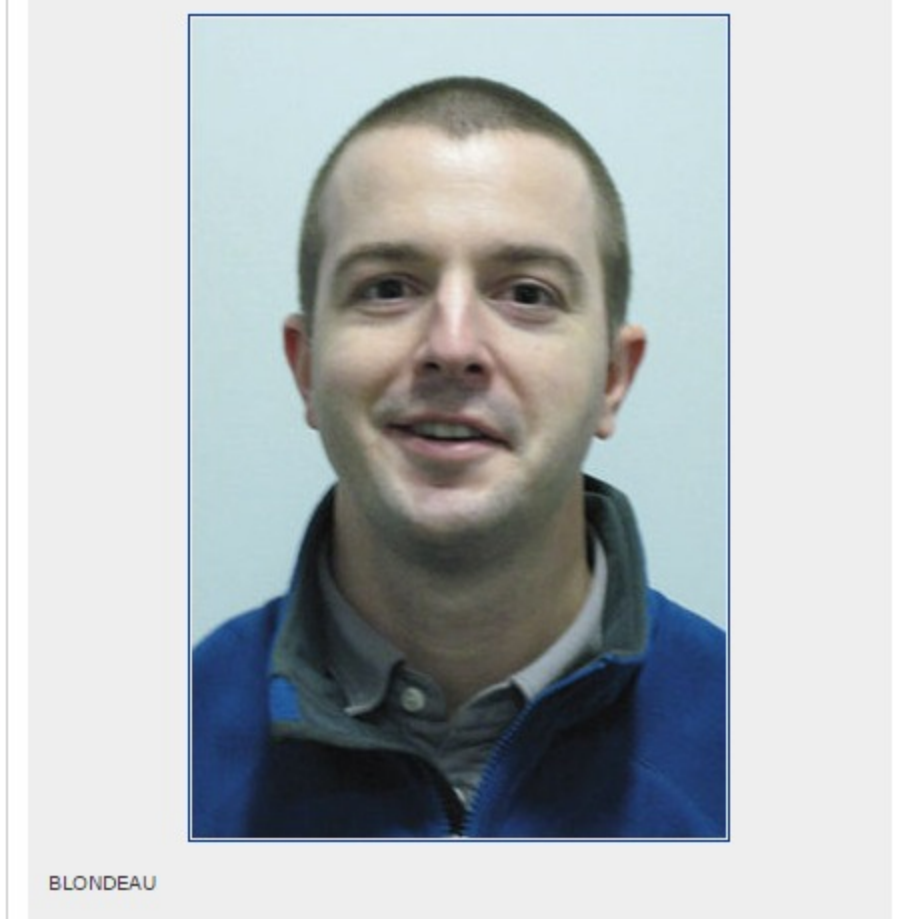
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KYLE WHITNEY - Journal Staff Writer (iskwhitney@miningjournal.net) , The Mining Journal

MARQUETTE - The city of Marquette is asking Michigan regulators to require Rio Tinto - currently working through the specifics of a deal to sell the Eagle Mine in northern Marquette County - to amend its mining permit with the state.

A letter submitted this week to the Michigan Department of Environmental Quality on behalf of the city requests the department require mine permit amendments to guarantee the "reasonable protection of the environment, natural resources, or public health and safety."

The letter, drafted by Ishpeming attorney Brian Sheridan, cites a Michigan law stating the DEQ may require a mine operator to correct permit violations if the department determines the violation is causing "an imminent and substantial endangerment."

Article Photos



BLONDEAU

The city claims Rio Tinto's plan to haul ore along streets in north Marquette would constitute such a violation.

Rio Tinto and the DEQ, the letter states, discussed the impact of hauling on county roads with Marquette County officials and representatives from the Marquette County Road Commission, but not with city officials.

"Since (Rio Tinto) was required to identify its entire haul route in the permit application process, it should have been required to review the impact of its proposed operations on all portions of that haul route, not just the county road portions," the letter reads.

Rio Tinto's current plan stipulates that once Eagle, a nickel and copper mine located on the Yellow Dog Plains, begins operation in late 2014, the haul route will course through the city of Marquette.

Daily, company trucks will make 50 round trips, hauling ore along a route that feeds into the city along Marquette County Road 550. From there, trucks would travel down Sugarloaf Avenue and onto Wright Street, before heading into Marquette Township and U.S. 41 on the way to the Humboldt Mill.

The city's letter highlights concern over the prospect of mining trucks traveling across the campus of Northern Michigan University, past hundreds of stormwater drains, through residential and recreation areas and along school bus routes.

The document states the additional truck traffic, according to engineering estimates, will require about \$4.5 million worth of city road work.

In its current permit documentation, the letter says, Rio Tinto claimed there would be no potential impact on natural resources beyond the immediate scope of the Eagle Mine operations.

To this point, the letter cites a state law identifying the "affected area" of a mine as including an area beyond the immediate scope of the mine where natural resources are determined through an environmental impact assessment as being potentially affected.

The company's environmental impact assessment should have included impacts on the northern portion of the city, according to the letter, which asks the DEQ to "find that (Rio Tinto) is violating the mining permit due to the fact that the impact on infrastructure within the city limits of Marquette is not zero, as (Rio Tinto) has stated."

Rio Tinto spokesman Dan Blondeau said some of the claims made in the city's letter are inaccurate.

When securing its mining permit, he said, Rio Tinto was asked to identify its haul route. But he said the company was not required to evaluate the environmental impact of trucking operations on any of the possible routes.

As far as the permit is concerned, he said, the "affected area" includes only the mine and the mill.

"The transportation was not included in it," he said. "No."

Blondeau said in order to address community concerns over the environmental impact of the route, the Superior Watershed Partnership will be monitoring the transportation corridor.

Toronto-based Lundin Mining agreed earlier this month to purchase the Eagle Mine for \$325 million. The sale is expected to conclude in mid to late July and the Canadian company will continue a handful of local Rio Tinto initiatives, including the SWP program, which will include environmental monitoring of the transportation route, in addition to the mine and mill sites.

The city's letter specifically asks the DEQ to prevent the mine permit from being transferred from Rio Tinto to Lundin, until corrective actions are taken or a consent agreement is reached.

Blondeau said that is a non-issue. The Eagle Mine is a stand-alone legal entity and the mining operations are permitted to Eagle, which Rio Tinto currently owns. When the pending deal is completed, full ownership of the mine will shift to Lundin, but the permits will remain with Eagle. No transfer will be necessary, according to Blondeau.

He also said the city's concerns have been discussed briefly in the past.

"We've had a number of meetings with them and with the other parties that are using the routes," Blondeau said. "For several years now, we've been meeting and talking with them and we hope that those meetings continue."

Transmittal of the city's communication with the DEQ was approved on a 6-1 vote at Monday's Marquette City Commission meeting, where Commissioner Fred Stonehouse said he was hoping to see Rio Tinto complete an environmental impact assessment related to the city.

At a minimum, he said, that would allow Marquette to prepare for any negative consequences of the increased trucking.

"I don't see it as some kind of a last-ditch effort to stop the trucks," Stonehouse said. "It's really trying to figure out what do we do, scientifically, to deal with what is going to be a very central problem."

Commissioner Don Ryan, who cast the lone dissenting vote against transmitting the document to the state, said he worried it could harm the city politically.

Recent intergovernmental transportation discussions have shown some promise, he said.

"I'm not going to support this, because I don't believe it's in the best long-term interest of the city of Marquette," he said. "I believe the issues we're dealing with can be resolved through a cooperative effort with a number of entities, government entities. I don't believe this action promotes that kind of cooperation."

"At best, it's ineffective," Ryan continued. "At worst, it could be counterproductive."

The letter concludes with a request the DEQ "require measures to be undertaken by (Rio Tinto) to 'reduce or mitigate the potential impacts' of 'mining activities' in the 'affected area,' including 'residential dwellings, places of business... or other buildings used for human occupancy all or part of the year', and 'existing and proposed infrastructure and utilities' and 'noise.'"

Blondeau said it is "too early to tell" what the DEQ's response to the city may be. But Rio Tinto, he said, is open to discussing company trucking and the impact on city roads.

"I hope what comes out of it is that we sit down and have a more thorough discussion with the city and the other parties using the road," he said.

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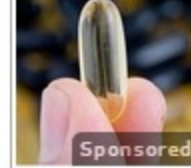






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